

# City Council

**Monday 22 April 2013**

## **PRESENT:**

The Lord Mayor, Councillor Wright, in the Chair.

The Deputy Lord Mayor, Councillor Singh, Vice Chair.

Councillor Mrs Nelder, Vice Chair for part of the meeting.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Murphy, 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 and Williams.

Apologies for absence: Councillors Browne, Monahan and Wiggins.

The meeting started at 2 pm and adjourned at 7.30 pm.

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Councillor Mrs Nelder, Vice Chair for part of the meeting.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Murphy, 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, Wiggins and Williams.

Apologies for absence: Councillors Browne, Mrs Dolan, Drean and Monahan.

The meeting reconvened at 5 pm and finished at 6.55 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.*

94.

## **VICE-CHAIR**

The Lord Mayor reported that the Deputy Lord Mayor would join the council later in the meeting as he was a member of the presenting team for the MJ Awards for the Democratic Services category which was taking place via a video conferencing link.

Agreed that Councillor Mrs Nelder is appointed as vice-chair in the absence of the Deputy Lord Mayor.

95. **MINUTES**

Agreed that the minutes of the meeting of council held on 25 February 2013 are confirmed as a correct record.

96. **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 –

| <b>Name</b>          | <b>Item</b>   | <b>Interest</b> | <b>Reason</b>   |
|----------------------|---|-----------------|---|
| Councillor Mrs Beer  | Minute 109 – Construction Industry Blacklisting                         | Personal        | Member of the General, Municipal, Boilermakers and Allied Trade Union (GMB)                                 |
| Councillor Churchill | Minute 109: Construction Industry Blacklisting                          | Personal        | Employer in the construction industry   |
| Councillor McDonald  | Minute 100: Urban Enterprise - New Enterprise Units at Millfields Trust | Personal        | Lifetime vice president of the trust  |
| Councillor Penberthy | Minute 100: Urban Enterprise - New Enterprise Units at Millfields Trust | Personal        | Council appointee as a director on Millfields Trust and the trust's appointed chair of the Inspired Charity |
| Councillor Tuffin    | Minute 100: Urban Enterprise- New Enterprise Units at Millfields Trust  | Personal        | Council appointee as a director on Millfields Trust   |

With regard to minute 107 (Under-Occupancy Bedroom Tax), the Assistant Director for Democracy and Governance advised councillors that the general dispensation for councillors would apply where councillors were in receipt of benefit.

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

The report of the Director for Corporate Services was submitted on current vacancies on committees and the council noted that various bodies had ceased.

Agreed that the following appointments are made –

|     | <b>Committee / Outside Body</b>         | <b>Membership</b>  | <b>Appointments</b>                          |
|-----|---|--|--|
| (a) | Plymouth Fairness Commission (new body) | Two councillors:<br>Cabinet Member for Cooperatives and Community Development and one councillor from the opposition party | Councillor Penberthy<br>Councillor Dr Salter |
| (b) | Municipal Charities of Plymouth         | Four representatives:<br>one vacancy from resignation of Mr Fred Brimacombe  | Pauline Bunkin                               |

## 98. **ANNOUNCEMENTS**

The Lord Mayor advised the council that Councillor Mrs Nelder was recently shortlisted for a Local Government Information Unit Councillor Award in recognition of her 25 years' service as a councillor with Plymouth City Council. On behalf of the council, he congratulated her on the achievement of the shortlisting and her outstanding 25 years' service with the council.

Councillor Evans (Council Leader) referred to –

- (a) the Devon and Somerset Fire and Rescue Service Fire Plan: the council was advised of the contents of a letter that he had written to the chair of the service confirming that the council was opposing the plans relating to Plymouth on the basis that the proposals did not acknowledge or address the issues raised by councillors. The letter was available to councillors on request and could be viewed on the council's website;
- (b) Mayflower 2020: councillors were advised that Plymouth was seeking to be the official host city in the UK for the Mayflower 2020 celebrations and that he had written to the Prime Minister and the Leader of the Labour Party asking them to support the plans, including attendance by the President of the United States.

The Plymouth Chamber of Commerce was leading a delegation from the city (including the Deputy Leader) to Massachusetts in May 2013 to strengthen the relationship with colleagues there and discuss working together towards Mayflower 2020;

- (c) Regional pay: the council was reminded that last year, this council unanimously opposed the introduction of regional pay by the NHS in Plymouth and he was pleased to advise councillors that the report by South West Pay, Terms and Conditions Consortium did not include any proposals to implement regional pay.

The council would continue to seek reassurances that proposals on regional pay were not introduced again and to be vigilant about any further proposals that threatened employees, the economy or public services;

- (d) the City of Culture Bid: the city was encouraged to show its support in the final weeks before the submission of the bid for UK City of Culture 2017. Whilst the bid had already achieved significant support, further support was sought. Details of the twitter and facebook names and a link to the Department for Culture, Media and Sport's facebook page were on the council's website at [www.plymouth.gov.uk/cityofculture](http://www.plymouth.gov.uk/cityofculture)

Submissions could also be made to the Herald and consultation events would be held leading up to the shortlisting in June. The dates and details would be publicised in advance.

## 99. QUESTIONS BY THE PUBLIC

Seven questions had been received from members of the public in relation to matters which in the opinion of the Lord Mayor, were relevant to the business of the meeting, in accordance with paragraph 10 of the Constitution.

Mr Aldred (Q8), Mr Taylor- Wickenden (Q10), Dr Alldridge (Q11) and Mr Willcox (Q12) attended the meeting and the Cabinet Members responded as set out below.

In the absence of the questioners for Q9, Q13 and Q14 below, written responses would be sent to Mr Moore, Mr Davey and Mr Fidler as set out below.

| <b>Question No</b>  | <b>Question By</b> | <b>Cabinet Member</b>  | <b>Subject</b>          |
|---|--------------------|--|-------------------------|
| Q8/12-13  | Mr R Aldred        | Councillors Lowry (Cabinet Member for Finance) and Penberthy (Cabinet Member for Cooperatives and Community Development) | Cuts in Housing Benefit |
| This labour council have said that they are opposed to the spare room subsidy or bedroom tax, and I would like to know what steps they will be taking to ensure that housing associations do not evict those who are unable to afford the 14-25 per cent cut in Housing Benefit?  |                    |  |                         |
| <b>Response:</b><br><br>The council has taken a very proactive stance on mitigating the negative impact of the coalition Governments welfare reform changes. It is actively working to limit this, and examples of partnership initiatives to prevent evictions that result from loss of benefit due to under-occupation are: |                    |  |                         |

- ☐ **Identifying individual households affected and targeting support:**  
The council's Revenues and Benefits Department have identified every household that will receive reduced levels of Housing Benefit, and have shared this information with housing associations. At a recent partnership meeting, housing association partners assured the local authority that they are proactively contacting each and every affected tenant to offer support. In addition visiting officers from the local authority and the Department for Works and Pensions will combine to offer specialist affordability/employment related support to households in social housing who are experiencing high levels of loss (due to the combined impact of being subject to the benefit cap)
- ☐ **Pre-court eviction prevention panel:** A new initiative about to be piloted with tenants of Devon and Cornwall Homes (DCH) with support provided by Shelter. The aim of the panel is to ensure that tenants engage with support after they have been issued with a notice seeking possession. The next step would normally be court proceedings, but support to develop a personal action plan (delivered alongside a realistic view about future housing options) proactively seeks to prevent eviction. Support will include development of an arrears repayment plan; money management skills; help to address debt issues; income maximisation work and other support required on an individual basis.
- ☐ **Support to access Discretionary Housing Payments:** Our partnership forum is specifically working with housing associations to develop access to this limited funding pot for tenants who simply cannot afford the additional amount and would otherwise fall into rent arrears. Priorities will include affected social tenants where: properties have been substantially adapted around tenant's disability needs; where a medical condition, behavioural issues or disability mean that it is unsuitable for members of a household to share a room where they would otherwise be expected to; foster carers between placements of children; tenants who are pregnant and for whom the under-occupation issue is therefore short term.
- ☐ **Ensuring that tenancies are affordable, and that tenants can manage their money:** The Housing Options Service have commissioned an additional service from the main Advice Plymouth contract, with the aim of proactively offering a welfare rights/housing affordability check and money management advice to every customer that attends the Housing Options Service asking for advice. In addition Big Lottery funding in the city will enable new young tenants of social housing to receive financial capability advice and support. Both of these services seek to ensure that new tenants in social housing are better prepared for their tenancies, and are able to manage their money (and rent payments) much better, avoiding the potential for eviction action to be taken.

- ☐ **Giving priority within the social housing register for affected tenants who wish to downsize:** Current social housing tenants have been awarded additional priority within the Devon Home Choice housing register since September 2012. Their ability to apply for a smaller property from within band 'B' significantly increases their chances of bidding successfully for a more affordable property.
- ☐ **Increase accessibility of private rented sector:** For tenants in receipt of full housing benefit, a move to an appropriately sized private rented property may be the quickest way to secure an affordable property of a decent standard in an area of their choice. Tenants are often reluctant to move from social housing to houses with the permitted number of bedrooms in the private rented sector, even when this would be more affordable to them. However, the expansion of Easy Let Scheme (that matches private rented properties with appropriate properties) enables Housing Options staff to offer this as a realistic option.
- ☐ **Work within Housing Associations to encourage tenants to exchange properties:** Housing associations report that applications for mutual exchanges have noticeably increased this year, and they continue to encourage their tenants to access the Home-swapper scheme. Recently the Devon Home Choice on-line system has been updated to take a more proactive approach to enabling people to easily access information about mutual exchange properties that are being advertised.
- **Housing Delivery:** In addition to this proactive approach to prevent evictions, Plymouth City Council is responsible for working with housing associations to secure funding and provide land assets to build new affordable housing and has offered ten new housing sites recently which are planned to deliver 616 new homes of which 43 per cent are new affordable homes. The council also works proactively with the Plymouth Housing Development Partnership of housing association partners and developers to enable the delivery of new development opportunities and to influence the tenure and mix of new homes so that there are increased opportunities for downsizing (i.e. including a higher proportion of smaller one and two bed units). Our regeneration activities further improve the number and mix of new homes, helping to rebalance housing markets in some of our priority neighbourhoods.

The council will determine our policy on the 'bedroom tax' later this afternoon. I hope that you are able to stay and listen to the debate and observe the decision being made.

| <b>Question No</b>   | <b>Question By</b> | <b>Cabinet Member</b>                            | <b>Subject</b>               |
|--|--------------------|--|------------------------------|
| Q9/12-13   | Mr D Moore         | Councillor Lowry<br>(Cabinet Member for Finance) | Cuts to Council Tax Benefits |
| What are the council's total financial reserves and could you use some of these to offset cuts to Council Tax Benefits?  |                    |  |                              |
| <p><b>Response:</b></p> <p>Total reserve balances are forecast at £31.3m at the end of March 2013, of which £20m are earmarked against future known expenditure and will at some point be spent. This leaves a modest working reserve of 5 per cent or £11m and would be used up within four years if we were to make up the government's cut in Council Tax Benefit to individuals, thereby leaving the council potentially bankrupt.</p> <p>As a council, we have been very aware of the impact of the cuts to funding for Council Tax Benefits and have made our views clear to the government. So whilst we as a council would like to fully fund the reductions, we are faced with the fact that we are unable to do so.</p> <p>As you will understand, this council will need to make tough choices as we face the reality of ensuring we balance the needs of the people of Plymouth and maintain essential services whilst accepting the reality of central government cuts to our core funding. Over the four year period to 2015/16 Plymouth City Council will see anticipated funding reductions of over 35 per cent.</p> <p>However, the Council Tax Support Scheme we have introduced aims to minimise the impact on individuals as far as possible, and to help further support the most vulnerable residents, we have created an Exceptional Hardship Fund.</p> |                    |  |                              |

| <b>Question No</b>  | <b>Question By</b>    | <b>Cabinet Member</b>                            | <b>Subject</b>              |
|---|-----------------------|--|-----------------------------|
| Q10 /12-13  | Mr S Taylor-Wickenden | Councillor Lowry<br>(Cabinet Member for Finance) | Cuts to Council Tax Benefit |
| How do you think we can afford to make up for the 25 per cent Council Tax Benefit cut and pay for the 14-25 per cent 'bedroom tax' or spare room subsidy when my benefit has only gone up by 1 per cent, a dismal 54p?  |                       |  |                             |
| <p><b>Response:</b></p> <p>Plymouth has worked hard to minimise the impact of the governments' cuts to funding and has implemented a Council Tax Support Scheme which aims to achieve this and have introduced an Exceptional Hardship Fund to support the most vulnerable residents. We are currently preparing to lobby the government in relation the 'bedroom tax' over which the council has no direct discretion.</p> |                       |  |                             |

We are working with our social landlords to find ways to support tenants and a Discretionary Housing Fund has been set aside to help residents move to suitable accommodation. However we recognise that this funding will only help around 17 per cent of those affected.

Knowing your household budget is going to be really important and staff and agencies are working together to help residents work out what they can afford and options available to them.

| <b>Question No</b>  | <b>Question By</b> | <b>Cabinet Member</b>   | <b>Subject</b>                  |
|---|--------------------|---|---------------------------------|
| Q11 /12-13  | Dr L Alldridge     | Councillor Lowry (Cabinet Member for Finance),<br>Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) and Councillor Williams (Cabinet Member for Children and Young People) | Impact of cuts on Child Poverty |
| How will these cuts affect child poverty in Plymouth? How will you keep your promise to reduce child poverty in the town?   |                    |   |                                 |
| <p><b>Response:</b></p> <p><b>How will these cuts affect child poverty in Plymouth?</b></p> <p><u>The National Context</u></p> <p>Attempts to tackle child poverty across the country are taking place within an environment of public spending cuts, the level of which has only been seen once since the World War II period.</p> <p>Families with children are shouldering a disproportionate burden as a result of the government's austerity cuts.</p> <p>As a result of the changes being introduced between January 2011 and April 2014, households with children are set to lose more than pensioner households and working-age households without children.</p> <p>This disparity is largely driven by a package of benefit and tax credit reforms which are disproportionately affecting our poorest households (e.g. non-working lone parents), households with three or more children, households with children under five years and households living in private rented accommodation.</p> |                    |   |                                 |



Our poorest families face a future of disproportionately lower incomes, increased pressure to take work or increase their hours, continuing stigmatisation of dependency, and families being blamed for their poverty rather than the nature and structures of society being examined.

#### The Local Context

Plymouth has high levels of deprivation with a number of neighbourhoods among some of the most deprived in the country. Plymouth is just above the bottom 20 per cent of local authorities for levels of deprivation and is most deprived in the domains of income and employment scale.

One in five Plymouth children are living in poverty with one Local Super Output Area alone having 57.6 per cent of children in poverty. Plymouth families earning less than £251 per week are classed as living in poverty. This equates to 11,560 children, of which 10,190 are aged under 16.

Overall, changes to the benefits and tax credits system is estimated to impact 20 per cent of the city's population, disproportionately affecting some of our most vulnerable families.

Austerity cuts at a national level are also impacting local government. We are being forced to take financial sums out of our spend while endeavouring to ensure that this doesn't affect our most vulnerable households.

While at a local level we are working hard to reduce our child poverty levels, it appears that current government policy is making this difficult for us to achieve.

#### **How will you keep your promise to reduce child poverty in the town?**

Child Poverty in Plymouth is being taken seriously.

Plymouth City Council expects to publish its three year Child Poverty Strategy and Action Plan at the end of May 2013. This strategy will present how Plymouth aims to tackle the causes and impact of child poverty, while also acknowledging the limits and challenges presented by the current economic and social environment. The breadth of work already being undertaken to tackle child poverty across the city is also reflected in the strategy.

This work has been overseen by a Child Poverty Cross Party Working Group which also oversaw development of the Child Poverty Needs Assessment. All documents can be accessed at via the dedicated child poverty page on the Plymouth City Council website.

| <b>Question No</b>   | <b>Question By</b> | <b>Cabinet Member</b>                         | <b>Subject</b>          |
|--|--------------------|---|-------------------------|
| Q12 /12-13   | Mr C Willcox       | Councillor Lowry (Cabinet Member for Finance) | Council tax enforcement |
| <p>Can the council assure tenants that they will not be issuing liability orders for non- payment of council tax if they genuinely cannot afford to pay for the 25 per cent cut in Council Tax Benefit and will they be hiring bailiffs to evict people if they accrue debts?</p>  |                    |   |                         |
| <p><b>Response:</b><br/> We worked hard to limit the impact of the Council Tax Benefit cuts and, following public consultation, implemented a new Council Tax Support Scheme from 1 April 2013. We wrote to everyone who is affected before the changes were implemented.</p> <p>Our overriding aim is to work with customers to help them pay. Various payment options are available and payment plans can be agreed with us. However, if the instalments or payment plan that is agreed with the council is not maintained then appropriate further recovery action will be taken. This could include issuing a liability order for non-payment of council tax. This will allow us to arrange an attachment to benefits rather than referring to our bailiff where possible.</p> <p>Our 'Money Advice.....' booklet includes details of the recent changes and offers help and advice for people on low incomes.</p> |                    |   |                         |

| <b>Question No</b>  | <b>Question By</b> | <b>Cabinet Member</b>   | <b>Subject</b>  |
|---|--------------------|---|---|
| Q13 /12-13  | Mr R Davey         | Councillor Lowry (Cabinet Member for Finance) and Penberthy (Cabinet Member for Cooperatives and Community Development) | Impact of welfare reforms on rent arrears and repossessions |
| <p>In Torfaen, trial-version welfare reforms (including the 'bedroom tax' and direct payment of housing benefit) increased rent arrears sevenfold. What impact do you expect these reforms to have on the spread and severity of rent arrears in Plymouth, and on the cost to housing associations of pursuing arrears and repossessions?</p> |                    |   |   |

**Response:**

The council is aware that the demonstration projects have seen rent arrears increase as a consequence of both 'bedroom tax' and Universal Credit. For that reason the council believes that it is possible that this will happen in Plymouth. We are unable to forecast the level of any potential rise. Instead the council is concentrating on trying to mitigate the changes and to support registered social landlords to minimise the impact.

Examples of partnership initiatives to prevent evictions that result from loss of benefit due to under-occupation are:

☐ **Identifying individual households affected and targeting support:**

The council's Revenues and Benefits Department have identified every household that will receive reduced levels of Housing Benefit, and have shared this information with housing associations. At a recent partnership meeting, housing association partner's assured the local authority that they are proactively contacting each and every affected tenant to offer support. In addition visiting officers from the local authority and the Department for Works and Pensions will combine to offer specialist affordability/employment related support to households in social housing who are experiencing high levels of loss (due to the combined impact of being subject to the benefit cap)

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The council will determine our policy on the 'bedroom tax' later this afternoon. I hope that you are able to stay and listen to the debate and observe the decision being made.

| <b>Question No</b> | <b>Question By</b> | <b>Cabinet Member</b>                            | <b>Subject</b>              |
|--------------------|--------------------|--|-----------------------------|
| Q14 /12-13         | Mr G Fidler        | Councillor Lowry<br>(Cabinet Member for Finance) | Cuts to Council Tax Benefit |

Due to the cuts to the Council Tax Benefit, how much extra council tax will people affected in Plymouth have to pay? Please provide examples.

**Response:**

The new Council Tax Reduction Scheme will reduce the amount of support people of working age receive to help pay their council tax bill. From April that amount of support has been reduced to a maximum of 75 per cent. This means all working age claimants who qualify for Council Tax Support will have to pay at least 25 per cent of the yearly council tax charge.

The majority of Plymouth council tax payers are in Band A and Band B properties and these are the indicative amounts of council tax a household will be expected to pay, based on two adults in the household or a single person, with a single person discount from April 2013.

Band A full annual charge is £1005.24. Paying at least 25 per cent of this annual charge will mean a minimum annual charge of £251.31, resulting in a minimum weekly payment of £4.83 based on 2 adults in the household. If a single person discount of 25 per cent applies this will reduce the minimum weekly payment to £3.62.

Band B full annual charge is £1172.79. Paying at least 25 per cent of this annual charge will mean a minimum annual charge of £293.20, resulting in a minimum weekly payment of £5.64 based on two adults in the household. If a single person discount of 25 per cent applies this will reduce the minimum weekly payment to £4.23.

Further restrictions have been brought in for those working age customers who are in a Band F property or above. The maximum amount of Council Tax Support will be 75 per cent of the annual charge for a Band E property, this is £1382.20. As a minimum, customers in a Band F property or above will have to pay the difference between the £1382.20 and their full annual charge.

The table below indicates the amount of council tax a household will be expected to pay based on two adults in the household and a single person (SPD) from April 2013.

|                     | <b>Council Tax for 2013-2014</b> |  |                                       |                                     |  |
|---------------------|----------------------------------|--|---------------------------------------|-------------------------------------|--|
| <b>Band</b>         | <b>Full Annual Charge<br/>£</b>  | <b>75% Annual maximum Support<br/>£</b>                  | <b>25% Annual charge to pay<br/>£</b> | <b>Minimum weekly payment<br/>£</b> | <b>Minimum weekly payment with 25% SPD<br/>£</b> |
| <b>Band A + DPR</b> | 838.26                           | 628.26   | 209.56                                | 4.03                                | 3.02   |
| <b>A</b>            | 1005.24                          | 753.93   | 251.31                                | 4.83                                | 3.62   |
| <b>B</b>            | 1172.79                          | 879.60   | 293.20                                | 5.64                                | 4.23   |
| <b>C</b>            | 1340.32                          | 1005.24  | 335.08                                | 6.44                                | 4.83   |
| <b>D</b>            | 1507.86                          | 1130.90  | 376.96                                | 7.25                                | 5.44   |
| <b>E</b>            | 1842.93                          | 1382.20  | 460.73                                | 8.86                                | 6.65   |
|                     |                                  | <b>Restrict to Band E - annual maximum support<br/>£</b> |                                       |                                     |  |
| <b>F</b>            | 2178.02                          | 1382.20  | 795.82                                | 15.30                               | 11.48  |
| <b>G</b>            | 2513.10                          | 1382.20  | 1130.90                               | 21.75                               | 16.31  |
| <b>H</b>            | 3015.72                          | 1382.20  | 1633.52                               | 31.41                               | 23.56  |

## RECOMMENDATIONS FROM CABINET

### 100. Urban Enterprise - New Enterprise Units at Millfields Trust

Councillor Evans (Council Leader) presented the Cabinet recommendations for approval and Councillor Peter Smith (Deputy Leader) seconded the proposals (Cabinet minute 155 referred).

Agreed –

- (1) subject to a favourable outcome to both the European Regional Development Fund and Growing Places Fund applications, that the council acts as guarantor for Millfields Trust for repayment of the balance of the Trust's loan from the Local Enterprise Partnership outstanding to a maximum of £2.1m in accordance with an agreed Heads of Terms between Plymouth City Council and the Millfields Trust which mitigates the potential financial impact upon the council;
- (2) to delegate approval of the Heads of Terms to the Director for Place.

(Councillors McDonald, Penberthy and Tuffin declared personal interests in the above item.)

101. **Development Plan - Adoption of Development Guidelines Supplementary Planning Document First Review**

Councillor Vincent (Cabinet Member for Environment) presented the Cabinet recommendations for approval and Councillor Mrs Nelder seconded the proposals (Cabinet minute 165a referred).

Councillor Ball moved and Councillor Nicholson seconded an amendment as follows which in their opinion, would provide greater powers for the Planning Committee in dealing with houses in multiple occupation (HMO) –

‘Recommendation (1) be formally adopted subject to the following amendments –

- to add the following additional words in paragraph 2.5.20 ‘All new applications will be accompanied with a suitable Management Plan.’
- to add the following additional words in paragraph 2.7 ‘Has a suitable Management Plan submitted.’
- in line five of paragraph 2.5.15 delete the first word ‘resisted’ and replace with the word ‘refused’
- add at the end of paragraph 2.5.15 ‘Any change of use from family home to a HMO in streets or areas that have no HMOs will be resisted’.

In response to a point of order by Councillor Evans (Council Leader), Councillor Nicholson indicated that he was not a landlord. Where councillors were landlords of property, the Assistant Director for Democracy and Governance advised councillors should have considered the agenda and declared interests as appropriate.

The Assistant Director for Democracy and Governance reported that if the council changed the Cabinet recommendations, that decision would be an in principle decision and that the Leader would have an opportunity to object to it.

Following a request for an adjournment by Councillor Evans to take advice from planning officers, the Lord Mayor adjourned the council meeting.

Following the adjournment and in the absence of the advice from planning officers, it was agreed to defer the item to after the refreshment break.

(See also minute 106 below).

102. **Adoption of Community Infrastructure Levy Charging Schedule**

Councillor Vincent (Cabinet Member for Environment) presented the Cabinet recommendations for approval and Councillor Evans (Council Leader) seconded the proposals (Cabinet minute 166a referred).

Agreed that –

- (1) the Community Infrastructure Levy Charging Schedule is adopted as set out in Appendix 1 to the written report, and to set the date for the Charging Schedule to take effect as 1 June 2013;
- (2) the Community Infrastructure Levy Instalments Policy is adopted as set out in Appendix 2 to the written report.

At the conclusion of the above item, the Deputy Lord Mayor joined the council meeting in his capacity as vice-chair.

**RECOMMENDATION FROM THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

103. **Restructure of Overview and Scrutiny**

Councillor Mrs Aspinall (Chair of the Overview and Scrutiny Management Board) presented the written report of the Lead Scrutiny Officer and moved the recommendations in the report, as amended, for approval. The amendments related to the responsibilities of the panels in relation to social enterprise support and child poverty.

Minute 136 of the Overview and Scrutiny Management Board was also presented and Councillor Mrs Aspinall thanked the scrutiny members for their work.

Councillor Tuffin seconded the proposal.

Councillor James moved, and Councillor Bowyer seconded, an amendment as follows –

‘To amend the proposal by the deletion of recommendations (1) to (3) and substitute the words –

‘That the decision is deferred pending a review of the need for overview and scrutiny panels.’

During the debate on the amendment, issues raised included –

- (a) the need for value for money from the proposals;
- (b) that the proposals should be more radical;



- (c) that the existing panels were not cost effective and savings would be achieved if they were abolished;
- (d) that the strength of scrutiny was in the work of task and finish groups;
- (e) that there had not been effective consultation with the opposition group and that cross party working was required in the development of the proposals;
- (f) that the proposal to offer the chair of the Cooperative Scrutiny Board to the opposition group would lead to a disparity of the special responsibility allowance with that for the Leader of the Opposition;
- (g) that a review should be consolidated with the review of the constitution which would be undertaken in less than 12 months' time;
- (h) that there was no reference to members' allowances in the written report;
- (i) that the proposals would add value to the scrutiny process and strengthened the ability of councillors and the public to hold Cabinet to account;
- (j) that the panels gave new councillors an opportunity to learn more about the work of the local authority.

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

For the amendment (22)

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

Against the amendment (31)

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

Abstentions (1)

*The Lord Mayor*

The following members were absent (3)

*Councillors Browne, Monahan and Wiggins.*

The amendment was not agreed.

Councillor Mrs Aspinall summed up on the main motion indicating that following discussions last year, neither political group had agreed to abolish the scrutiny panels. She was also disappointed at the number of councillors participating in task and finish groups. With regard to special responsibility allowances, councillors were advised that the Independent Remuneration Panel was responsible for reviewing members' allowances and would make recommendations to the City Council at the appropriate time.

Agreed that -

- (1) a new scrutiny structure is approved (as detailed in the report to the City Council);
- (2) the new terms of reference for the Cooperative Scrutiny Board and each of the panels are approved subject to the following amendments and incorporated into the constitution -
  - (a) social enterprise support is moved from the responsibilities of the Your Plymouth Panel to the Working Plymouth Panel;
  - (b) child poverty is added to the responsibilities of the Cooperative Scrutiny Board;
- (3) statutory health scrutiny functions (other than referral of matters to the Secretary of State for Health) are delegated to the Caring Plymouth Panel.

## **RECOMMENDATION FROM THE LORD MAYOR'S SELECTION COMMITTEE**

### **104. Lord Mayoralty 2013/14**

Councillor Evans (Chair of the Lord Mayor's Selection Committee) presented the recommendation of the Lord Mayor's Selection Committee (Lord Mayor's Selection Committee minute 3 refers).

The proposal was seconded by Councillor Fry.

Agreed to recommend to the City Council's Annual General Meeting, the appointment of Councillor Mrs Pengelly as Lord Mayor for the ensuing year.

Following the decision, Councillor Mrs Pengelly thanked Councillors Fry and Evans for their kind words and everyone who had sent her good wishes. She also thanked the council for their support.

## MOTION ON NOTICE

### 105. A Reliable Railway Link for Plymouth

Councillor Dr Salter moved and Councillor Drean seconded the following motion -

#### **‘A Reliable Railway Link for Plymouth**

This council considers it scandalous that the only mainline railway connection to the fifteenth largest city in the country, as well as to the entire County of Cornwall, continues to rest upon a bank of pebbles which wash away when it rains too much. A 21st century city cannot prosper when it relies upon 19th century infrastructure. We therefore call upon the government to replace mere discussion with urgent practical action, and spend just a tiny fraction of the £30 billion being proposed for the Midlands' HS2 scheme to install in the very near future at Cowley Bridge outside Exeter, and any similarly vulnerable sites on the route to Plymouth, a concrete viaduct or other robust technical solution.’

Councillor Dr Salter indicated that although the city’s leaders had written to the government seeking further commitment for funding, he felt that Plymouth needed to be more assertive in expressing their views.

Councillor Evans (Council Leader) moved and Councillor Coker seconded an amendment as follows –

‘This Council considers it scandalous that the only mainline railway connection to the fifteenth largest city in the country, as well as to the entire County of Cornwall, continues to rest upon a bank of pebbles which wash away when it rains too much. A 21st century city cannot prosper when it relies upon 19th century infrastructure. We therefore call upon the Government to replace mere discussion with urgent practical action, and ~~to immediately allocate the money required~~ ~~spend just a tiny fraction of the £30 billion being proposed for the Midlands' HS2 scheme~~ to install in the very near future at Cowley Bridge outside Exeter, and any similarly vulnerable sites on the route to Plymouth, a concrete viaduct or other robust technical solution.’

During the debate, issues raised included -

- (a) action already undertaken by the city’s leaders, including meetings with the Prime Minister, to highlight the continuing impact of the current situation on the economy of the south west;
- (b) the original motion would not achieve immediate action as the budget for the Midlands’ HS2 scheme had yet to be determined;

- (c) a multi agency approach was required on behalf of Plymouth and the sub region with a view to achieving a commitment by the government to improve transport links;
- (d) members of the Management Board had met with Alison Seabeck MP and they had been advised that there was technical work required with regard to Cowley Bridge and a solution had yet to be determined.

Councillor Dr Salter welcomed the amendment.

Councillor Evans in summing up stressed the urgency of the situation and the need to convey to the government what the south west did and what Plymouth did for the south west. He was due to meet the minister and his position would be strengthened with a united council, united Devon and united south west.

Following a vote, the amendment was agreed.

Following summing up by Councillor Dr Salter on the main motion, as amended, it was agreed to call upon the Government to replace mere discussion with urgent practical action, and to immediately allocate the money required to install in the very near future at Cowley Bridge outside Exeter, and any similarly vulnerable sites on the route to Plymouth, a concrete viaduct or other robust technical solution.

## **RECOMMENDATION FROM CABINET**

### **106. Development Plan: Adoption of Development Guidelines Supplementary Planning Document: First Review**

Further to minute 101 above, the debate continued on the following amendment to the proposal –

‘Recommendation (1) be formally adopted subject to the following amendments –

- to add the following additional words in paragraph 2.5.20 ‘All new applications will be accompanied with a suitable Management Plan.’ (page 79 refers)
- to add the following additional words in paragraph 2.7 ‘Has a suitable Management Plan submitted.’ (page 83 refers)
- in line five of paragraph 2.5.15 delete the first word ‘resisted’ and replace with the word ‘refused’ (page 78 refers)
- add at the end of paragraph 2.5.15 ‘Any change of use from family home to a HMO in streets or areas that have no HMOs will be resisted’. (page 78 refers)’

During the debate, issues raised included –

- (a) that no opposition councillor had made a response during the consultation process;
- (b) the advice of the planning officers that, at this stage, there should only be minor alterations and no new issues should be raised. The third and fourth amendments proposed significant changes to the policy;
- (c) in relation to the first and second amendments, the impact would be considered as part of a planning application and any issues arising could be addressed by planning conditions;
- (d) in relation to the third amendment, it was considered that ‘refused’ limited flexibility. There was also a risk of costs at appeal if councillors’ ability to make a balanced judgement was removed;
- (e) in relation to the fourth amendment, the proposal was contrary to the authority’s responsibility to ensure the provision of a mix of housing accommodation. It would limit officers’ ability to make balanced judgement and would be effectively a blanket ban, which would lead to a significant risk of costs at appeal. If agreed, it was likely that the document would need to go out to consultation again. If supported, there would be an opportunity to raise it as part of the approval process for the Plymouth Plan;
- (f) the need to protect family homes;
- (g) that the amendment sought to limit the supply of houses in multiple occupation;

Councillor Ball in summing up indicated that he was seeking to protect tenants and neighbours through a management plan which would address such issues as behaviour, waste bins and alarms.

Following a vote, the amendment was not agreed.

The debate continued on the main motion and differing views were expressed on the impact of houses in multiple occupation in the community.

During the debate, Councillor Nicholson moved that the vote was taken. The motion was not seconded.

Agreed to –

- (1) formally adopt the Development Guidelines Supplementary Planning Document: First Review (Appendix I to the written report);

- (2) delegate authority to the Assistant Director for Planning Services to approve the final publication version of the Supplementary Planning Document.

## **MOTION ON NOTICE**

### **107. Under-Occupancy 'Bedroom Tax'**

Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) moved and Councillor Kate Taylor seconded the following motion. During the presentation of the motion, it was moved, seconded and agreed that Councillor Penberthy was given an extension of time to present the motion.

#### **'Under – Occupancy 'Bedroom Tax'**

- The under-occupancy reductions 'bedroom tax' came into effect on 1 April 2013. The reductions stipulate a 14 per cent reduction for those homes deemed to have one bedroom more than they need and 25 per cent reduction for those homes deemed to have two more bedrooms than they need.
- It will affect anyone of working age (below 61 ½) deemed to be under-occupying a social housing home. This equates to 2000 homes across Plymouth with the average reduction being £10 per week for one additional bedroom and £20 per week for two.
- Those couples who need an extra bedroom because of one of them having a medical condition or disability are not exempt and will be subject to a reduction.
- Non-resident parents who have their children to stay at weekends in the holidays for instance are not exempt and will be subject to a reduction.
- Families who offer regular respite support to other family members are not exempt and will be subject to a reduction.
- People living in homes which have been substantially adapted at tax-payers' expense to meet their need are not exempt and will be subject to a reduction.
- This council is committed to supporting all residents both children and adults, including those with disabilities and medical needs.
- The Discretionary Payments Fund that the government has made available is estimated to cover less than 17 per cent of those affected by the 'bedroom tax'.
- The government's own Equality Impact Assessment estimates that two-thirds of households affected will have a member with a disability.

- Many independent analysts are predicting that households will move into the private rented sector, costing more, and that care needs for many disabled people will increase, again costing more. Rents for private housing invariably costs more than social housing and are less likely to be adapted for disability needs.
- There is not an excess supply of small properties available for households to move into in Plymouth.

Council therefore believes:

- (a) that the 'bedroom tax' will unfairly hit many people including families with disabled children or adults, families who share the care of their children, families who offer respite care to other family members;
- (b) this policy may well end up costing the public purse more;
- (c) that disabled people (both adults and children) deserve respect and not to be penalised for their medical needs;
- (d) that the council values the role of non-resident parents and believe they should be encouraged to play as full a part in the lives of their children as possible;
- (e) that council values and appreciates the role of families who offer respite care – and not only because it saves the taxpayer billions of pounds.
- (f) that housing associations will have difficulty in keeping arrears down, damaging services for all tenants.

Council therefore resolves to:

- (1) ask the Chief Executive to write to the Secretary of State outlining our concerns and urgently requesting that the 'bedroom tax' is scrapped;
- (2) ask the Cabinet Member for Cooperatives and Community Development to write to Plymouth MPs outlining our concerns and asking that they lobby for their affected constituents and push for the 'bedroom tax' to be scrapped;
- (3) offer support and encouragement to the Plymouth Social Landlord's Group as they proactively support their tenants.'

During the debate, issues raised (in addition to those stated in the motion) included that -

- (g) the term 'bedroom tax' was incorrect and should be 'taxpayer subsidy for a spare room';

- (h) the aim was to make better use of social housing;
- (i) exemptions applied for disabled persons and pensioners;
- (j) the policy only applied to those in receipt of housing benefit.

Following a remark by Councillor Sam Leaves and a point of order by Councillor Evans (Council Leader), the Lord Mayor advised councillors that if they had concerns with regard to the remark, a complaint could be made to the Assistant Director for Democracy and Governance following the meeting.

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

For the motion (30)

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

Against the motion (20)

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

Abstentions (1)

*The Lord Mayor*

The following members were absent (6)

*Councillors Browne, Mrs Dolan, Drean, Monahan, Ricketts and Wiggins.*

The motion was agreed as follows -

- (1) to ask the Chief Executive to write to the Secretary of State outlining our concerns and urgently requesting that the 'bedroom tax' is scrapped;
- (2) to ask the Cabinet Member for Cooperatives and Community Development to write to Plymouth MPs outlining our concerns and asking that they lobby for their affected constituents and push for the 'bedroom tax' to be scrapped;
- (3) to offer support and encouragement to the Plymouth Social Landlord's Group as they proactively support their tenants.



108. **ADJOURNMENT OF THE MEETING**

In accordance with Council Procedure Rule 10.1, the meeting adjourned at 7.30pm.

Councillor Evans moved, Councillor Rennie seconded and it was agreed that the meeting reconvenes at 5pm tomorrow (23 April 2013).

109. **RECONVENED MEETING: VICE CHAIR**

Agreed that Councillor Mrs Nelder is appointed as vice-chair in the absence of the Deputy Lord Mayor.

**MOTIONS ON NOTICE**

110. **National Minimum Wage**

Councillor Evans moved and Councillor Tuffin seconded the following motion -

**'National Minimum Wage**

**Council notes:**

A review from the government (BIS) has suggested that the Low Pay Commission (LPC) should formally consider its impact on 'employment and the economy' before recommending future increases in the national minimum wage (NMW). The review explicitly recommends that new terms for the commission should incorporate 'the understood and accepted goal to raise the wages of the lowest paid without damaging employment or the economy'.

**Council also notes:** the recent abolition of the Agricultural Wages Board.

**Council further notes:**

- the National Minimum Wage Act 1998 created the first minimum wage across the United Kingdom. The NMW took effect on 1 April 1999 and is traditionally announced in March each year by the LPC, after negotiations with employers, unions and the government;
- the NMW currently stand at £6.19 per hour for workers aged 21 years and older, £4.98 per hour for workers aged 18 to 20;
- according to the Low Pay Commission (2012), the adult rate of the NMW has increased by nearly 69 per cent since its introduction. That is faster than both average earnings and prices. Since October 2006, however, the increases in the minimum wage have broadly been in line with average earnings, though below inflation;

- based on a wealth of economic research, the Low Pay Commission conclude that the lowest paid have received higher than average pay rises, there has not been a rise in wage inflation and, on balance, there has been little or no significant adverse impact of the minimum wage on employment. They quote: 'The NMW was introduced 12 years ago and, at about the same time, wage inequality at the bottom of the earnings distribution started to fall, having risen over the preceding 20 years';
- according to research for the LSE (2012), areas with the lowest wages prior to the introduction of the minimum wage experienced the greatest falls in inequality over the period from 1998 to 2010. In addition, the fall in wage inequality has been more pronounced in younger age groups. These findings have resonance for Plymouth – a generally low wage economy with a relatively large younger (aged 18-24) population;
- while no specific data for the impact of the NMW on Plymouth exist, trends in the city's earnings over the last decade point to an improvement in relative position. Between 2000 and 2010, average weekly workplace wages in the city increased from £360 to £422 per week<sup>1</sup>. This meant that average wages relative to the SW average increased from 97% to 101 per cent (1 per cent above) and from 86 per cent to 89 per cent relative to the national average. On a resident basis, the relative gaps also closed – 92 per cent to 93 per cent (vs. SW) and 83 per cent to 85 per cent (vs. UK);
- the value of the NMW in real terms has fallen to 2004 levels under the coalition.

***Council believes that any freeze or reduction in the real value of the NMW may:***

- (a) reverse the positive trends seen in the labour market since its inception;
- (b) reduce incentives to work at a time where welfare reform is attempting to resolve this very issue. If remuneration for work diminishes, this could make the option of living off benefits a rational choice for individuals;
- (c) reduce consumer spending power at a time when demand is weak, real incomes constrained, and expectations over future prospects uncertain. In theory, those individuals at the lower end of the earnings spectrum tend to have a greater marginal propensity to spend to meet basic demands;
- (d) have an adverse impact upon the socio-economic wellbeing of

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<sup>1</sup> Oxford Economics (2012) based on Annual Survey of Hours and Earnings (ASHE), ONS

households and families, for example, by increasing pressures on personal debt;

- (e) have an adverse impact on the apprenticeship programme – employers may make an active decision that lower paid part-time posts are more attractive than full-time apprenticeship post. This could have a disproportionate impact on younger people.

**Council believes:** that protection for the lowest paid workers is under threat.

**Council therefore resolves to:**

- (1) ask the Chief Executive to write to the Secretary of State outlining our concerns over changes to the remit of the Low Pay Commission and emphasising the value and importance of the NMW to the local economy.
- (2) ask the Chief Executive to write to Plymouth MPs outlining these concerns and asking that they lobby for their affected constituents, emphasising the value and importance of the NMW to Plymouth's economy.'

In moving the motion, Councillor Evans indicated that there had been further real time cuts since the publication of the motion.

During the debate, issues raised (in addition to those stated in the motion) included that -

- (f) a minimum wage could lead to improved employment matters;
- (g) when a minimum wage was first introduced, it was believed that it would damage business and lead to unemployment. In fact, it lifted millions of people out of poverty;
- (h) if the minimum wage was raised, it would raise the cost to business, leading to inflation which in turn would lead to people getting poorer.

Following a vote, the motion was agreed, as follows -

- (1) to ask the Chief Executive to write to the Secretary of State outlining the council's concerns over changes to the remit of the Low Pay Commission and emphasising the value and importance of the NMW to the local economy.
- (2) to ask the Chief Executive to write to Plymouth MPs outlining these concerns and asking that they lobby for their affected constituents, emphasising the value and importance of the NMW to Plymouth's economy.

111. **Construction Industry Blacklisting**

Councillor Evans moved and Councillor Peter Smith seconded the motion as follows –

**‘CONSTRUCTION INDUSTRY BLACKLISTING**

A number of construction companies have been challenged about supporting the existence of and subscribing to unlawful construction industry ‘blacklists’, which detail covertly gathered information on construction trade unionism, militant tendencies, poor timekeeping, trouble making, etc. Blacklisting is an unacceptable practice and cannot be condoned. The GMB union is leading a national campaign aimed at forcing those who have been involved in blacklisting to apologise to those who have been affected by it.

It is understood that the construction industry blacklist was collated by the Consulting Association (a private consultancy) and was then provided at a cost to construction companies as they sought to recruit/avoid new workers. The Information Commissioner has investigated and taken action against the Consulting Association for this practice. Furthermore, the Information Commissioner has taken enforcement action against a number of construction companies based on the evidence recovered from the Consulting Association.

Owing to the concentration of construction activity in and around large cities, many of those alleged to have been discriminated against live in the country’s major cities, and this practice may have disadvantaged residents of Plymouth.

Given the potential impact on residents of the Plymouth area, this council –

- (a) deplores the use of unlawful blacklisting;
- (b) supports the GMB campaign;
- (c) agrees to amend the council’s tender documentation for construction projects, which will request bidders to confirm that they do not subscribe to the use of unlawful construction industry ‘blacklists’ and exclude tenderers who use such blacklists, and further, will terminate the contract where the contractor is subsequently found to have used such blacklists;
- (d) will encourage its partners to take similar measures with regard to their suppliers.’

In moving the motion, Councillor Evans indicated that he was supporting local people and employment. He was aware of issues with some companies and a list of those companies would be provided to the procurement team for them to scrutinise.

During the debate, issues raised included that -

- (e) that the procurement team had already adopted the policy;
- (f) that if the practice was unlawful, it should be reported to the police and the council would not have a contract with the company concerned.

The Assistant Director for Democracy and Governance confirmed that the council always followed procurement law.

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

For the motion (26)

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

Against the motion (0)

Abstentions (23)

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

The following members were absent (8)

*Councillors Mrs Aspinall, Browne, Mrs Dolan, Drean, Monahan, Singh (Deputy Lord Mayor, Kate Taylor and Williams.*

The motion was agreed and given the potential impact on residents of the Plymouth area, this council –

- (1) deplores the use of unlawful blacklisting;
- (2) supports the GMB campaign;
- (3) agrees to amend the councils tender documentation for construction projects, which will request bidders to confirm that they do not subscribe to the use of unlawful construction industry 'blacklists' and exclude tenderers who use such blacklists, and further, will terminate the contract where the contractor is subsequently found to have used such blacklists;
- (4) will encourage its partners to take similar measures with regard to their suppliers.

112. **REVISED COUNCILLORS' CODE OF CONDUCT**

The Assistant Director for Democracy and Governance presented a written report on a revised Councillors' Code of Conduct.

Councillor Peter Smith (Deputy Leader) moved and Councillor Stevens seconded the recommendations in the written report. The council was advised that the Constitutional Review Group had been consulted on the proposals and that there had been discussion with the political group whips.

Agreed to –

- (1) adopt the revised code of conduct;
- (2) amend the council's constitution accordingly.

113. **ESTABLISHMENT OF HEALTH AND WELLBEING BOARD**

The Assistant Director for Democracy and Governance presented a written report on the establishment of a Health and Wellbeing Board.

Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) moved and Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) seconded the recommendations in the written report. The council was advised that the proposals had been developed with partners.

Agreed -

- (1) the establishment of the Health and Wellbeing Board from May 2013;
- (2) the core membership of the board;
- (3) that political proportionality is not applied to the board;
- (4) the terms of reference (attached to the written report).

114. **REVIEW OF THE COUNCIL'S CONSTITUTION**

The Assistant Director for Democracy and Governance presented a written report on a review of the council's constitution.

Councillor Peter Smith (Deputy Leader) moved and Councillor Stevens seconded the recommendations in the written report. The council was advised that the Constitutional Review Group had been consulted on the proposals

Agreed to –

- (1) undertake a 'root and branch' review of the constitution to be managed through the Constitution Review Group;

- (2) structure the review around:
  - (a) agreeing and setting the principles of how the constitution should be formed;
  - (b) creating a written constitution to reflect those principles and put them into practice;
- (3) utilise external assistance in undertaking the review as described in the report.

115. **PROGRAMME OF ORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES 2013/2014**

The Assistant Director for Democracy and Governance introduced the draft programme of ordinary meetings of the council and committees for 2013/14. The council was advised that the European elections were likely to move to 22 May 2014 and the government was expected to move local elections to the same date.

Councillor Peter Smith (Deputy Leader) moved and Councillor Evans (Council Leader) seconded the draft programme of ordinary meetings of the council and committees 2013/14 for approval.

Councillor Peter Smith confirmed that meetings of the City Council would be held at 2pm and he undertook to review the final cycle of meetings if revised arrangements were announced and bring proposed dates back to the City Council.

Agreed the programme of ordinary meetings of the council and committees 2013/14 as submitted.

116. **REPORT OF THE LEADER ON URGENT CABINET AND KEY DECISIONS**

Councillor Evans presented a written report on urgent Cabinet and key decisions in accordance with the constitution (paragraphs 3.5 of the Cabinet Procedure Rules and 18.3 of the Access to Information Rules referred) relating to –

- the co-location with health at Windsor House;
- the transfer of the freehold of Devonport Market Hall Building.

The report was noted subject to the correction of the decision relating to the co-location with health at Windsor House to replace 'Client' with 'Clinical' in the second line of the decision.

117. **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 Bowyer  | Councillor Coker       | Would he mount a positive campaign to address an increasing problem from inconsiderate parking of parents on school runs? He was concerned that there would be a serious injury. |
|   | Councillor Coker responded that the safer journey to schools' programme was reviewed annually and that there was not a huge budget for it. He would work with the Cabinet Member for Children and Young People to bring forward and incorporate it in this year's review.        |                        |  |
| 2 | Councillor Sam Leaves  | Councillor Coker       | What type of risk assessment had been undertaken to minimise injury to runners in the half marathon from potholes in the roads.  |
|   | Councillor Coker responded that the organisers of the half marathon, in conjunction with the highways department, had a duty to undertake risk assessments. He had been assured that they had been done and if she emailed him, she would be welcome to see them.                |                        |  |
| 3 | Councillor Michael Leaves  | Councillor Vincent     | Would he reconsider and withdraw his decision following the call in on the revised household waste recycling centre opening hours and waste acceptance criteria?                 |
|   | Councillor Vincent responded that he was reviewing the decision with officers, in the light of the comments made by scrutiny and at present the outcome had not yet been determined.   |                        |  |
| 4 | Councillor Tuffin  | Councillor Evans       | Could he advise council on the good OFSTED report for Pilgrim Primary School in the St Peter and the Waterfront Ward please?   |
|   | Councillor Evans responded (in the absence of the portfolio holder for children and young people), that the school had 172 pupils and would shortly receive investment of £2.4m. Outstanding grades had been achieved across all areas with the highest marks in all categories. |                        |  |
| 5 | Councillor Foster  | Councillor Peter Smith | Why was the council engaging consultants to look at sickness levels? What was the cost?  |



|   |  |                      |   |
|---|--|----------------------|---|
|   | <p>Councillor Peter Smith responded that the issues needed to be addressed and that improvements were being seen. The consultant would undertake a comprehensive review.</p> <p>A written response would be provided on the cost.</p>  |                      |   |
| 6 | Councillor Jordan  | Councillor Lowry     | What was the total cost for the new signs around the city?  |
|   | Councillor Lowry responded that his role was not to be responsible for every element of expenditure.   |                      |   |
| 7 | Councillor Parker  | Councillor Penberthy | What have you done to support the council's commitment to keep people in their homes? What impact was there on homeless people last year?   |
|   | <p>Councillor Penberthy responded that 371 disability facilities grants had been completed. Applications had been dealt with in an average of four months which exceeded the target of nine months and contained within the existing budget which had assumed fewer applications.</p> <p>Families had been provided with support to keep them in their own homes who otherwise would have been homeless.</p> <p>Bed and breakfast accommodation had been controlled through house let.</p> <p>Everyone who had been through the reception had been helped. Duties could now be discharged through the private sector although some landlords were reluctant to give one year tenancies and to take on housing benefit claimants.</p> |                      |   |
| 8 | Councillor Nicholson   | Councillor Lowry     | Had he consulted upon and approved the billing of charities and voluntary organisations for 100% on non-domestic rates? What was the impact on the poorest and the charities? Why did he not demonstrate cooperative working? |
|   | <p>Councillor Lowry responded that he had not consulted upon or approved the changes to non-domestic rates.</p> <p>Every individual had received 10 to 12 months' written notice in advance of the change requiring payment of non-domestic rates. The Localism Act required the local authority to reassess everyone's rates. If charities had concerns about their ability to pay, the council could offer short term relief pending consideration of an application for discretionary relief. He apologised for any hardship arising from these actions.</p>  |                      |   |
| 9 | Councillor Martin Leaves   | Councillor Evans     | Which development proposal was he supporting at Higher Home Park?   |

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|    | <p>Councillor Evans responded that he had not seen all the proposals and that the decision would be for the Planning Committee.</p> <p>He had not been asked to sell Cottage Field nor would he, as it was outside the manifesto pledge to keep Central Park as green land.</p>  |                        |   |
| 10 | Councillor Sam Leaves  | Councillor Coker       | What was the problem causing the delay in issuing bus passes for the elderly?   |
|    | A written response would be provided.  |                        |   |
| 11 | Councillor Martin Leaves   | Councillor Coker       | Would you agree with the residents of Beacon Park that the diversion around Outland Road was a shambles?  |
|    | Councillor Coker responded that he would not agree.  |                        |   |
| 12 | Councillor Dr Mahony   | Councillor Coker       | <p>With regard to road improvements at Ford Park Road, Devonport and Stoke, there were narrowing carriageways, lost parking and generally deteriorating road surfaces, was this the best way to proceed rather than repairing the roads?</p> <p>Could speed humps be removed as they were breaking up and the need was questionable in the light of potholes?</p> |
|    | <p>Councillor Coker responded that the Ford Park Scheme came from 2012/13 safer journeys for schools' programme and residents were notified by letter. The schemes in Devonport were part of regeneration proposals developed over a number of years. He was aware of concerns at the loss of parking and he was in the process of making mitigation. Parking in new developments and 20mph zones needed to be incorporated into planning documents. He had announced the investment in roads and he took all road measures seriously. Road safety schemes were always put there for a reason.</p> |                        |   |
| 13 | Councillor Jordan  | Councillor Peter Smith | Did he not think that some of the money spent on new signage could have been better spent supporting the Plymouth Summer Festival and the Blues and Jazz Festival which were not happening this year?   |
|    | Councillor Peter Smith indicated that it was not part of his budget responsibilities. The Waterfront Partnership provided funding for the Blues and Jazz Festival last year.   |                        |   |

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| 14 | Cllr Michael Leaves   | Cllr Coker       | What action was being taken on painting road signs at the junction of Plymstock Road with Radford Park Road? |
|    | Councillor Coker responded that it was part of his budget and that he had been advised that Amey had contacted Councillor Leaves. If Councillor Leaves had contacted him earlier, he would have pursued it. |                  |  |
| 15 | Cllr Wheeler  | Cllr Coker       | Do you deplore the abolition of school travel plans by the government?                                       |
|    | Councillor Coker responded that he did deplore it. The local authority could still ask schools to provide one but that it would be provided on a voluntary basis.   |                  |  |
| 16 | Cllr Jordan   | Cllr Peter Smith | Why did the council not follow its own procurement policy for the new signs?                                 |
|    | Councillor Peter Smith responded that he was not aware that the policy had not been followed and that a written response would be provided.   |                  |  |
| 17 | Cllr Mrs Pengelly   | Cllr Lowry       | Who purchased the sign, the council or a partnership?  |
|    | Councillor Lowry responded that the council had purchased them.   |                  |  |

*Please note that questions, answers, supplementary questions and supplementary answers have been summarised.*

At the conclusion of question (3) above, the Deputy Lord Mayor joined the council meeting in his capacity as vice-chair.

## 118. **VOTE OF THANKS**

Councillor Mrs Pengelly (Leader of the Opposition) and Councillor Peter Smith (Deputy Leader) thanked the Lord Mayor for his hard work during the year both as Lord Mayor and for chairing the council meetings. The Lord Mayor responded and thanked councillors for their support.