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09 May 2013

## **ANNUAL MEETING OF THE CITY COUNCIL**

Friday 17 May 2013

10.30 am

Plymouth Guildhall

### **Members:**

The Lord Mayor, Councillor Wright, Chair

The Deputy Lord Mayor, Councillor Singh, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Churchill (Deputy Lord Mayor Designate), Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drear, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly (Lord Mayor Designate), Rennie, Ricketts, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vacancy, Vincent, Wheeler, Wigans and Williams.

Members are invited to attend the above meeting to consider the items of business overleaf.

**Tracey Lee**  
Chief Executive

# **ANNUAL MEETING OF THE CITY COUNCIL**

## **AGENDA**

### **PART I – PUBLIC MEETING**

- 1. TO ELECT THE LORD MAYOR AND DEPUTY LORD MAYOR FOR THE PERIOD UP TO THE NEXT ANNUAL MEETING**
- 2. VOTE OF THANKS TO THE RETIRING LORD MAYOR AND DEPUTY LORD MAYOR**
- 3. TO NOTE THE LEADER OF THE CITY COUNCIL**
- 4. TO NOTE THE MEMBERSHIP OF CABINET**

There are no amendments to the Leader’s Scheme of Delegation for Executive Functions.

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|--|----------------------|
| <b>5. TO AGREE COMMITTEES AND THEIR MEMBERS AND APPOINT CHAIRS AND VICE CHAIRS</b> | <b>TO FOLLOW</b>     |
| <b>6. TO NOMINATE OR APPOINT REPRESENTATIVES TO OUTSIDE BODIES</b>                 | <b>TO FOLLOW</b>     |
| <b>7. DECLARATION OF VACANCY - SOUTHWAY WARD</b>                                   | <b>(Pages 1 - 4)</b> |
| <b>8. DESIGNATION OF THE STATUTORY ROLE OF DIRECTOR OF PUBLIC HEALTH</b>           | <b>(Pages 5 - 6)</b> |

**PLYMOUTH CITY COUNCIL**

**Subject:** Declaration of vacancy: Southway Ward  
**Committee:** City Council  
**Date:** 17 May 2013  
**Cabinet Member:**  
**CMT Member:** Tim Howes (Assistant Director for Democracy and Governance)  
**Author:** Tim Howes Assistant Director for Democracy and Governance  
**Contact details:** tim.howes@plymouth.gov.uk  
**Ref:**  
**Key Decision:** n/a  
**Part:** I

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**Purpose of the report:**

To inform Council of the requirement to declare a casual vacancy in office for a Member for the Southway Ward

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**Corporate Plan 2012 – 2015:**

None

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

The council will have to hold an un-budgeted election. This will be funded from existing departmental resources.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:** None**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That the Council declares a casual vacancy for a Member in the Southway Ward.

The reason is that the Council is required by statute to forthwith declare the office to be vacant.

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**Alternative options considered and rejected:**

None, since the council is required by statute to declare the office vacant forthwith.

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**Published work / information:**

None

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
None										

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**Sign off:**

Fin	mc1 213. 09	Leg	173 82/ DV S	Mon Off	TH	HR		Assets		IT		Strat Proc	
Originating SMT Member - Monitoring Officer													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

## **1.0 Introduction**

- 1.1 Section 85 of the Local Government Act 1972 provides that if a Member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a Member of the authority.
- 1.2 Under Section 86 of the Local Government Act 1972, where a Member of the local authority ceases to be a Member by reason of failure to attend meetings of the authority, the council shall forthwith declare the office to be vacant.
- 1.3 Section 89 of the Local Government Act 1972, provides that where a casual vacancy is declared, the Returning Officer will make arrangements for the election to that vacancy to be held in accordance with the statutory timetable.

## **2.0 Information**

- 2.1 Councillor Thomas Browne was elected to the council as a Member for the Southway Ward on the 7 May 2010
- 2.2 The last meeting attended by Councillor Browne was the Licensing Committee meeting on the 30 October 2012.
- 2.3 The council has not approved a reason for Councillor Browne's non-attendance prior to the expiry of his six months absence from meetings.
- 2.4 Councillor Browne therefore ceased to be a member of the council after 30 April 2013, and the council is now required 'forthwith' to declare his office to be vacant.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Designation of the statutory role of Director of Public Health  
**Committee:** City Council  
**Date:** 17 May 2013  
**Cabinet Member:**  
**CMT Member:** Carole Burgoyne (Director for People)  
**Author:** Mark Grimley, Assistant Director for Human Resources and Organisational Development  
**Contact details:** [mark.grimley@plymouth.gov.uk](mailto:mark.grimley@plymouth.gov.uk)  
01752 398 111  
**Ref:**  
**Key Decision:** No  
**Part:** I

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**Purpose of the report:**

To enter into an agreement with Torbay Council under which their Director of Public Health will be available to the City Council to act as its Director of Public Health.

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**Corporate Plan 2012 – 2015:**

This is a statutory requirement.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

The terms of the designation and sharing of the Director of Public Health are met from within existing budgets. The detailed terms of the sharing arrangements will be delegated to the Director for People in consultation with the Cabinet Member for Public Health and Adult Social Care.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

The designation of a Director of Public Health is a statutory requirement and a function of the City Council.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

It is recommended:

- (1) That the Council enter into an agreement under section 113 of the Local Government Act 1972 with Torbay Council to designate the Director of Public Health for Torbay Council as the joint Director of Public Health for Torbay and Plymouth City Councils;
- (2) The detailed terms of the sharing arrangements with Torbay Council be delegated to the Director for People in consultation with the Cabinet Member for Public Health and Adult Social Care.

Reason: Pending the outcome of a review of the functions and operations of the Office of the Director of Public Health, we are seeking interim arrangements in partnership with Torbay Council to meet our statutory duties.

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**Alternative options considered and rejected:**

At present, an acting-up arrangement for the role is in place. We have considered the recruitment of a permanent Director of Public Health for Plymouth and this has been rejected pending the outcome of a review of the functions and operations of the Office of the Director of Public Health.

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**Published work / information:**

**Background papers:**

None

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**Sign off:**

Fin	AB 0905 13.6 3	Leg	TH0 109	Mon Off	TH0 109.	HR	MGI 3.14/ 005- 001	Assets		IT		Strat Proc	
Originating SMT Member: Mark Grimley													
Has the Cabinet Member(s) agreed the content of the report? Yes													

**1.0 Background information**

- 1.1 Since the transfer of the functions of Public Health to the local authority from the 1<sup>st</sup> April 2013, an acting arrangement for the Director of Public Health has been in place. Pending the outcome of a review of the roles and functions of Directors of Public Health across the Devon NHS area, we are seeking interim arrangements with Torbay Council to share their existing Director of Public Health.
- 1.2 The Council may share officers with other local authorities under section 113 of the Local Government Act 1972.
- 1.3 The terms and working arrangements for this interim period will be determined by the Director for People, in consultation with the Cabinet Member for Public Health and Adult Social Care.
- 1.4 Torbay Council will also need to agree to these arrangements and a decision relating to these arrangements has been published for consideration by their Council.