

City Council

Monday 30 June 2014

PRESENT:

The Lord Mayor, Councillor Fox, in the Chair.

The Deputy Lord Mayor, Councillor Murphy, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowyer, Mrs Bowyer, Bridgeman, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Downie, Drean, Evans, K Foster, Mrs Foster, Fry, Hendy, James, Jarvis, Jordan, Lowry, Dr. Mahony, McDonald, Morris, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Dr. Salter, Singh, John Smith, Peter Smith, Sparling, Stark, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wigans.

Also in attendance: Also in attendance: Tracey Lee (Chief Executive), David Shepperd (Head of Legal Services and Acting Monitoring Officer), Judith Shore (Democratic and Member Services Manager) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

Apologies for absence: Councillors Bowie, Martin Leaves, Michael Leaves and Sam Leaves.

The meeting started at 2.00 pm and finished at 6.20 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.

12. MINUTES

Agreed the minutes of the meeting of the City Council held on 31 March 2014 and the minutes of the Annual Meeting held on 6 June 2014.

13. DECLARATIONS OF INTEREST

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

Name	Minute Number	Reason	Interest
Councillor Mrs Beer	Minute 20: Transforming Rehabilitation Motion on Notice	Employee of Devon and Cornwall Police	Disclosable Pecuniary
Councillor Darcy	Minute 20: Transforming Rehabilitation Motion on Notice	Serving magistrate	Private
Councillor Nicholson	Minute 20: Transforming Rehabilitation Motion on Notice	Serving magistrate	Private

Councillor Ricketts	Minute 20: Transforming Rehabilitation Motion on Notice	Works for company that bids for contracts in this sector	Disclosable Pecuniary
Councillor Singh	Minute 18: Provision of school places in Plympton Motion on Notice	Member of the School Admissions Forum	Disclosable Pecuniary
Councillor Stevens	Minute 20: Transforming Rehabilitation Motion on Notice	Employee of Devon and Cornwall Police	Disclosable Pecuniary

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

The City Council noted the following changes in membership notified to the Head of Legal Services –

	Committee, Outside Body etc	Membership
(a)	Ambitious Plymouth Overview and Scrutiny Panel	Councillor Mrs Nicholson to replace Councillor Ricketts
(b)	Your Plymouth Overview and Scrutiny Panel	Councillor Ricketts to replace Councillor Mrs Nicholson
(c)	SACRE	Councillor Dr Salter to replace Councillor Dr Mahony
(d)	Standards Advisory Group	Councillor Bowyer to be replaced by Cllr Churchill

The City Council also noted that councillors no longer sit on the Plymouth Schools Forum and that the Council's representatives had been advised.

15. **ANNOUNCEMENTS**

The Lord Mayor -

(a) Former Lord Mayor, Alderman and Councillor Claude Miller MBE

referred to the recent death of former Lord Mayor, Alderman and councillor Bernard Claude Miller MBE, known as Claude, on 2 May 2014 at the age of 99 and the City Council stood in silence for one minute as a mark of respect;

(b) **Lord Mayor's Day**

referred to the success of Lord Mayor's Day, which he took part in on 14 June 2014, and brought together the entire community of Plymouth, showcasing how well the public and private sector work together;

(c) **Armed Forces Day**

reported that on 28 June 2014, he had the honour to be a part of the RAF and Allied Air Force 25th Anniversary Memorial Service and he thanked the event's sponsors, the Royal Navy, the Army, the Air Force and our military personnel, veterans and their families;

(d) **Apprentice Award**

announced that Joshua Coomber, Apprentice Gardener from Street Services had won the Top Horticultural Apprentice Award from Duchy College for Devon and Cornwall. He had also gained his NVQ Level 2 in Horticulture. He also paid tribute to the team across the Council who had supported the apprentices. He congratulated Joshua, Brian Deacon and Barry Wilmott from The Hoe, Lee Jones from Devonport Park and Emily Bullimore and Ken Holder.

The Leader -

(e) **Association for Town and City Management National Partnership awards**

referred to the success of the Your Space project which was transforming the City Centre and had been recognised at the Association for Town and City Management National Partnership awards where the project gained two awards for diversifying business mix and national partnership of the year.

He congratulated all concerned;

(f) **Land Registry**

advised the Council of the Government announcement that the privatisation of Land Registry had been dropped but that the plan for the Land Registry to undertake some part of the Land Charges function, currently undertaken by Local Authorities, were proceeding despite the results of a pilot that had failed;

(g) **History Centre**

referred to the success of the Heritage Lottery bid for a new History Centre which would be delivered by Spring 2019. He paid tribute to David Draffan and his team for their work;

(h) **Kelechi Nnoaham, Director of Public Health**

welcomed Kelechi Nnoaham, the new Director of Public Health to this his first meeting of the City Council.

Councillor McDonald referred to -

- (i) **Prince Rock Primary School** which was one of only six schools in the whole of the country to have been shortlisted for the 'Primary School of the Year' title. She congratulated Mr Spry (Head Teacher) and his team on their achievement;
- (j) **Morice Town Primary School** which had received the first pupil premium award last week. She congratulated David Maddison (Head Teacher) and his team on their achievement.

16. **QUESTIONS BY THE PUBLIC**

Three questions were submitted by members of the public for this meeting, in accordance with Part B, paragraph 11 of the Constitution. The questioners attended the meeting to ask their questions and Councillor Lowry responded as follows -

Question No	Question By	Cabinet Member	Subject
Q1/ 14-15	Mr Williams	Councillor Lowry (Cabinet Member for Finance)	Unspent capital receipts from the sale of Council housing properties
What happened to the unspent capital receipts from the sale of Council housing properties under the Thatcher Government's "Right To Buy Act, 1980", upon transfer of the housing stock to Plymouth Community Homes? Were the monies retained by the authority, or transferred to the new registered social landlord?			
Response: Prior to the 'Right to Buy Act 1980, local authorities already had powers to sell their houses to eligible tenants, although such cases were extremely rare. As a local authority, Plymouth City Council transferred ownership in November 2008 to the new organisation: Plymouth Community Homes. Under the terms of Council house sales, 75 per cent of any sales receipt was passed directly to the Department for Communities and Local Government. Therefore in the period post the new legislation and the stock transfer, the City Council received £2 million from the sale of houses of which only £0.5 million could be legally retained in the city. There have been no transfers of these receipts made to Plymouth Community Homes. This money was retained by the authority, and treated in the same way as all other capital receipts from the sale of any asset.			

However, there has been significant expenditure by Plymouth City Council on refurbishment and enhancements through use of our disabled facilities grant, in excess of £1 million each year, and on Home Improvement Assistance Schemes which can be up to £5,000 per scheme, easing the demand on social housing.

The City is investing significantly in new housing through its Get Plymouth Building and Plan for Homes initiatives.

We have secured £10.1 million for affordable housing schemes and a further £666,000 from the Empty Homes Fund. Seven bids amounting to £18.4 million have been made to the 2015-2018 Affordable Housing Programme. A submission has been made, to the £1 billion Large Sites Infrastructure Fund, to support housing growth in Derriford and three submissions have been made to the £525 million Builder's Finance Fund.

Question No	Question By	Cabinet Member	Subject
Q2/14-15	Mr Morris	Councillor Lowry (Cabinet Member for Finance)	Collection of monies on behalf of political parties

What arrangement(s) exist within the City Council administration for the collection of monies on behalf of political parties and how much has been paid over to which political parties in each of the past five years?

Response:

There are no arrangements in place within the City Council administration for the collection of monies on behalf of any political party.

Our Payroll Department do actively promote collection of monies on behalf of its employee and councillors for a number of arrangements, such as payment to charities, donations, child care payments, travel permits and credit arrangements in relation to cycle purchase schemes.

Question No	Question By	Cabinet Member	Subject
Q3/14-15	Mr Aldred	Councillor Lowry (Cabinet Member for Finance)	Privatisation of services

Is this Council willing to admit that the transformation agenda is basically a step towards privatisation of local services?

Response:

This Council is a co-operative council and will be bringing in the necessary changes to deal with Government cuts, in ways in which we retain quality services and provide value for money. As we have demonstrated we are introducing new co-operative ways to run Council services – not a privatisation agenda.

17. **FINANCIAL OUTTURN INCLUDING CAPITAL PROGRAMME UPDATE**

Councillor Lowry (Cabinet Member for Finance) presented the Financial Outturn 2013/14 including the capital programme update. (Cabinet minute 8 referred). In doing so, he thanked the Cabinet Members for their work. Councillor Evans (Council Leader) seconded the Cabinet decision.

The report and Cabinet minute had also been considered by the Co-operative Scrutiny Board on 25 June 2014.

The Council was also advised of action being taken by Cabinet to manage the significant overspend on adult social care which was a needs led service and the Council had a statutory duty to provide. Fortnightly budget monitoring had now been introduced.

The report was noted.

MOTION ON NOTICE

18. **Provision of School Places in Plympton**

Councillor Mrs Beer proposed and Councillor Nicholson seconded the following motion –

‘PROVISION OF SCHOOL PLACES IN PLYMPTON

This Council expresses its concern that some Plympton children who are approaching five years of age have not been allocated a primary school place in Plympton despite living in Plympton.

This Council notes that the former Cabinet Member for Children and Young People and her department failed to notify Plympton councillors of this grave situation.

Council calls on the new Cabinet Member for children and young people to urgently address the provision of an additional form of entry at one of the Plympton primary schools.’

During the debate, the issues raised included -

- (a) children were required to attend schools where the mode of travel would be two buses or a taxi;
- (b) the situation would worsen with the development of Sherford next year;
- (c) ward councillors had not been advised of the issues at the Plympton schools;
- (d) a decision had been taken to expand Woodford School but that the expansion plans had not yet been made available to ward councillors;

- (e) the Cabinet Member for Children, Young People and Public Health acknowledged the stress caused to parents but advised that, through the schools' admissions process, they had been encouraged to nominate three schools and not all had chosen to do that. Not all parents had submitted their form by the deadline. The Council followed the published admissions criteria but all the schools in Plympton were oversubscribed. The children were currently on waiting lists for the school of their preference. She emphasised that, on paper, there was a school place for every rising five. However, the Plympton schools, having accepted children from outside of Plympton, now had an obligation to receive their siblings, which reduced capacity for children living in Plympton;
- (f) the former Cabinet Member for Children and Young People was not present to defend herself;
- (g) the current capital programme provided for two new schools at Honicknowle and Derriford.

Following a point of order, the Head of Legal Services advised that the comments by Councillor Mrs Bowyer, having not declared an interest as a member of the Plymouth Schools Forum, could prejudice her in the future in relation to deliberations of the forum.

Following a request from ten councillors for a recorded vote, the vote was –

For the motion (24)

Councillors Ball, Mrs Beer, Bowyer, Mrs Bridgeman, Casey, Churchill, Darcy, Downie, Drean, Foster, Mrs Foster, Fry, James, Jordan, Dr Mahony, Nicholson, Mrs Nicholson, Mrs Pengelly, Ricketts, Riley, Dr Salter, Stark, Storer and Wigans.

Against the motion (26)

Councillors Mrs Aspinall, Coker, Damarell, P. Davey, S Davey, Evans, Hendy, Jarvis, Lowry, McDonald, Morris, Murphy (Deputy Lord Mayor), Mrs Nelder, Parker, Penberthy, Rennie, J. Smith, P. Smith, Sparling, Stevens, J. Taylor, K. Taylor, Tuffin, Tuohy, Vincent and Wheeler.

Abstentions (2)

Lord Mayor (Chair) and Councillor Mrs Bowyer.

The following members were absent (5)

Councillors Bowie, Martin Leaves, Michael Leaves, Sam Leaves and Singh.

The motion was not agreed.

(Councillor Singh having declared an interest in the above item, withdrew from the meeting.)

19. **NEW COUNCILLORS**

Councillor Evans (Council Leader) welcomed new councillors to this first meeting of the City Council.

MOTION ON NOTICE

20. **Transforming Rehabilitation**

Councillor Philippa Davey proposed the following motion and an extension of the time allowed for her speech was moved, seconded and agreed to allow her to conclude. Councillor Penberthy seconded the motion.

‘TRANSFORMING REHABILITATION

Council notes that the Government is in the process of changing the way offenders are managed in the community including -

- the creation of a new National Probation Service;
- forming 21 new Community Rehabilitation Companies (CRCs) replacing the former 35 Probation Trusts;
- creating a market to encourage new providers to manage the majority of offenders.

The Council is deeply concerned that -

- despite the Probation Service being awarded the British Quality Foundation’s highest honour in 2011 – Gold Medal for Excellence - for outstanding, sustained excellence, the transformation is going ahead with a high risk that the new CRCs will not meet these standards;
- there is a potential for CRCs to put profit before the best interests of the public; and questions over their expertise and experience point to delivery risks;
- the top down approach to change provides little opportunity for local influence and flies in the face of the Government’s claims to promote localism;
- the significant cost of the reform will have to be met from budget that could be better directed at front line offender management;
- despite Devon and Cornwall already being one of the largest Probation Trust geographical areas, and coterminous with the Police, Dorset is being added to our Contract Package Area (CPA);

- Plymouth's voice could get lost in such a large CPA and partnership working compromised;
- it is hard to see how consultation feedback from stakeholders including local authorities, has influenced the proposals;
- it is unclear who will be responsible for the financial risks (and any subsequent harm to the community) if a CRC should 'go under';
- it is unclear whether there will be robust and credible measures for reducing reoffending;
- there is no evidence that the changes will help address current concerns about transition for offenders between Youth Offending Services and adult Probation Services.

Plymouth City Council therefore agrees to –

- (1) make representations to the Ministry of Justice regarding our outstanding concerns;
- (2) ask local MPs and the Police and Crime Commissioner for Devon and Cornwall to similarly lobby the Ministry of Justice in respect of our concerns.'

During the debate, the issues raised included –

- (a) all offenders would have statutory supervision of at least 12 months;
- (b) offenders would have supervision with one provider from the time of custody until they were reintroduced into the community;
- (c) at present there were staff shortages, sickness, vacancies and court reports unwritten with senior management spending their time on restructuring;
- (d) the services would not be joined up and CRC would not have access to the full information;
- (e) the National Probation Service had been excluded from bidding for CRC services;
- (f) there was uncertainty as to who held the financial risk if CRC was unsuccessful;
- (g) the wasted money on IT and consultancy.

Following a request from ten councillors for a recorded vote, the vote was –

For the motion (28)

Councillors Mrs Aspinall, Coker, Damarell, P. Davey, S Davey, Evans, Hendy, Jarvis, Lowry, McDonald, Morris, Murphy (Deputy Lord Mayor), Mrs Nelder, Parker, Penberthy, Rennie, Riley, Singh, J. Smith, P. Smith, Sparling, Storer, J. Taylor, K. Taylor, Tuffin, Tuohy, Vincent and Wheeler.

Against the motion (20)

Councillors Ball, Bowyer, Mrs Bowyer, Casey, Churchill, Darcy, Downie, Drean, Foster, Mrs Foster, Fry, James, Jordan, Dr Mahony, Nicholson, Mrs Nicholson, Mrs Pengelly, Dr Salter, Stark and Wigans.

Abstentions (2)

Lord Mayor (Chair) and Councillor Mrs Bridgeman.

The following members were absent (7)

Councillors Mrs Beer, Bowie, Martin Leaves, Michael Leaves, Sam Leaves, Ricketts and Stevens.

The motion was agreed as follows –

- (1) to make representations to the Ministry of Justice regarding our outstanding concerns;
- (2) to ask local MPs and the Police and Crime Commissioner for Devon and Cornwall to similarly lobby the Ministry of Justice in respect of our concerns.

(Councillors Mrs Beer, Ricketts and Stevens having declared interests in the above item, withdrew from the meeting.)

(Councillors Darcy and Nicholson declared an interest in the above item.)

21. QUESTIONS BY COUNCILLORS

	From	To	Subject
I	Councillor Rennie	Councillor Penberthy	With increasing evictions by private landlords, what action was Plymouth taking to provide homes? Was he aware of the successful initiative at Mount Gould where the former social club was being developed for social housing following discussions with the community?
	Response: He was concerned at the behaviour of private sector landlords and more homes were needed. Sites were being released for homes and a good mix was required to cater for families, couples and singles. He congratulated Councillor Rennie on the initiative at Mount Gould which reflected local community needs.		

2	Councillor Jordan	Councillor Lowry	Why had the sale of green spaces proceeded in the light of pressures on local schools and doctors' surgeries and without consultation with the local community and ward councillors? Why was a community park with a football pitch (not regulation size) sold?
	Response: Surplus property declarations were sent to all councillors to give them the opportunity to respond. They are then presented to Councillor Lowry prior to public consultation. 20 plots of land had been released predominantly on brown field sites (four had been on green field sites). Councillors were reminded that they had all supported the Plan for Homes.		
3	Councillor Ball	Councillor Evans	Would Councillor Evans retract the comments he made in the Herald about the use of the camera car?
	Response: No.		
4	Councillor Foster	Councillor Vincent	Would he investigate the complaints procedure relating to bin collections as it was not working?
	Response: All complaints made were investigated.		
5	Councillor Bowyer	Councillor Evans	Was the earlier reference made by the Leader to people being snobs, appropriate? Would he withdraw the comment and apologise to residents?
	Response: The reference during the discussion on school places, related to members of the opposition, not residents.		
6	Councillor Dr Mahony	Councillor Peter Smith	Would he guarantee that ice skating provision would continue at the Pavilions until alternative arrangements were in place and what was the proposed timescale for the replacement of the facilities?
	Response: Yes, ice skating provision would continue at the Pavilions until alternative arrangements were in place. The timescale was not known as discussions with the developer were ongoing.		
7	Councillor Casey	Councillor Evans	What was he doing to achieve openness and transparency? Will he stop councillors tweeting during meetings?
	Response: Meetings were webcast. The Council was committed to openness and transparency and had published its record on Freedom of Information requests. The public were able to attend meetings and to tweet. The Acting Monitoring Officer indicated that it was inappropriate to discuss this matter as a complaint had been made to him on this issue.		
8	Councillor Mrs Bowyer	Councillors Penberthy /Peter Smith	Why were the minutes of the Have Your Say meeting not posted on the Council's website? She had drafted the minutes herself. What plans were there to improve the process?

	Response: He would ensure that they were posted on the website and delays had been due to a lack of officer support. At present, support was provided on a voluntary basis and consideration was being given to a different framework.		
9	Councillor Drean	Councillor Coker	When will a document or Amey's newsletter be able to be shared with residents and at Have Your Say meetings?
	Response: Progress was being made with a newsletter which could be shared with residents and at meetings. He was expecting a draft shortly and then it would be made available.		
10	Councillor Dr Salter	Councillor Coker	When was the public consultation referred to by Councillor Lowry, with regard to the proposed sale of land at Glen Road and Chaddlewood fields? (<i>Question 2 above refers</i>)
	When will a decision be reached?		
	Response: A decision would be made when the consultation finished and views would be taken into account. He was more than happy to engage with councillors and residents and he would take everything into account before taking a decision. A written response would be provided on the dates of the consultation.		
11	Councillor Nicholson	Councillor Lowry	What was the likely timescale for decisions on the disposal of land and would he consider a tranche system for the proposals and give timescales for each package?
	Response: 20 disposals had been proposed and there were another 10 to 20 further disposals to progress. Some were signed off quickly and others could take up to 12 months depending on the scale and complexity of the proposals.		
	The request for tranches was noted.		
12	Councillor Jordan	Councillor Lowry	What is the vision for the Council set by the Transformation Team? What will be the shape of the organisation at the end of the journey?
	Response: An important element was to achieve £30m savings and this would be achieved by consultants and the Council's own staff together. The proposals were at implementation stage. Some had been presented to scrutiny and some were at the business case stage. Implementation plans would follow which would involve setting up co-operatives and partnerships with other local authorities, partners and the community.		
	The vision was set out within the Corporate Plan, part of which involved transformational change. Papers had been presented to the Co-operative Scrutiny Board and councillors were asked to engage with members on the Transformational Change Programme.		

13	Councillor Casey	Councillor Peter Smith	Councillor Smith was asked to join with her in congratulating the person responsible for the renovation work at the reservoir at Drake's Place. Was he looking forward to the next campaign for a Mayor of the City?
	Response: The work had been undertaken in partnership with Plymouth University and the Heritage Lottery Fund. The campaign / process for a Mayor was a waste of money.		
14	Councillor Foster	Councillor Lowry	Is he confident that the Council will achieve the £30m savings?
	Yes he was.		
15	Councillor James	Councillor McDonald	How many children were currently placed outside of the city and what was the current cost? What action was being taken to bring those children back into the city and to make savings?
	Response: Some children were placed outside of the city for sound reasons for example as a result of sexual abuse or for a highly specialist service not available in the city. A written response would be provided.		
16	Councillor Bowyer	Councillor Evans	How many times had the 'My Plymouth' mobile app been used since its launch? It had been used six times, was that value for money?
	He did not know how many times the app had been used. The app had not been available for long and the message about the app needed to be reinforced to increase usage.		
17	Councillor Dr Mahony	Councillor Peter Smith	Was he aware of IT problems re delivery of emails from external sources?
	Response: A problem caused by the transfer of the centre to Windsor House had been resolved. If there were further problems councillors were advised to let him know. Councillor Smith asked if the issue had been reported to IT and Councillor Dr Mahony responded that he only became aware of it the day before.		
18	Councillor Churchill	Councillor Peter Smith	Re the failings to put Have Your Say notes on the website, could he confirm that staff get paid for the role? Was it part of their day job?
	Response: Officers had time off in lieu. It was part of their day job.		
19	Councillor Jordan	Councillor Peter Smith	What action was being taken to avoid ticket touting for the MTV festival?

	Response: An outside firm had been employed to deal with tickets. He was aware that some tickets had been put on ebay and they had been cancelled. He reminded everyone that young people, under the age of 16 years, needed to be accompanied by an adult at the event.		
20	Councillor Dr Salter	Councillor Peter Smith	Had the IT problem re emails been permanently resolved rather than a temporary patch up?
	Response: Emails should relate to Council business only.		

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