

# City Council

Monday 23 February 2015

## PRESENT:

The Lord Mayor, Councillor Fox, in the Chair.

The Deputy Lord Mayor, Councillor Murphy, Vice Chair.

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

For part of the meeting: Councillors Mrs Nelder and Wheeler.

Also in attendance: Tracey Lee (Chief Executive), David Shepperd (Head of Legal Services), Malcolm Coe (Assistant Director for Finance), David Northey (Head of Corporate Strategy), Judith Shore (Democratic and Member Support Services Manager) and Nicola Kirby (Democratic Support Officer).

Apology for absence: Councillor Darcy.

The meeting started at 2.00 pm and finished at 5.55 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.*

## 68. MINUTES

Agreed the minutes of the meeting held on 26 January 2015 subject to the amendment of minute 57 to reflect the current Cabinet Member positions of Health and Adult Social Care and Children, Young People and Public Health.

## 69. DECLARATIONS OF INTEREST

David Shepperd (Head of Legal Services) reminded councillors of the dispensation granted to all of them under the constitution at paragraph 21.2 Part G (Codes and Protocols) in regard to decisions about council tax setting.

The following declarations of interest were made in accordance with the code of conduct from councillors in relation to minute 72 on Delivering the Co-operative Vision within a Four Year Budget and Proposed Council Tax Levels 2015/16, which was under consideration at this meeting –

<b>Councillor</b>	<b>Interest</b>	<b>Reason</b>
Councillor Mrs Beer	Private	Employee of Devon and Cornwall Police
Councillor Sam Leaves	Private	Employee of the NEW Devon Clinical Commissioning Group
Councillor Stevens	Private	Employee of Devon and Cornwall Police
Councillor Jon Taylor	Private	Employee of the NEW Devon Clinical Commissioning Group

## 70. **ANNOUNCEMENTS**

### **The Lord Mayor –**

#### **(a) Former Councillor Peter Berrow**

referred to the recent death of former councillor Peter Berrow who was elected to the City Council in 2008 as a Conservative councillor for the Southway Ward and served until 2012 when he stood down after joining UKIP. Councillors were advised of the funeral arrangements for 11 March 2015 and the Council stood in silence as a mark of respect;

#### **(b) Lord Mayor Designate 2015/16**

congratulated Councillor Dr John Mahony on his nomination by the Lord Mayor's Selection Committee, as Lord Mayor for 2015/16. The Council was advised that the recommendation would be formally considered at the next meeting of the Council to be held on 23 March 2015;

#### **(c) 2015 Councillor Achievement Awards**

congratulated Councillor Evans on his shortlisting by the Local Government Information Unit and the CCLA (Church, Charity and Local Authority Investment Management) for Leader of the Year as part of the 2015 Councillor Achievement Awards and wished him well at the Awards Ceremony in London on 2 March 2015;

#### **(d) Improvement and Efficiency Awards**

reported that the Council had been shortlisted in two categories of the national Improvement and Efficiency Awards 2015. He advised that the Council's approach to being a partner had been recognised in the Working Together category where the partnership with the social enterprise sector had been acknowledged as being exemplary.

The Lord Mayor thanked the Plymouth Social Enterprise Network and the Council's Economic Development Team for their work.

The Council was also advised that its work in supporting the development of Plymouth Energy Community had been recognised in the Innovation category and the Lord Mayor thanked all of the Plymouth Energy Community members, volunteers and staff together with the Council's Climate Change team for the difference they were making to the city;

(e) **2014 UK Social Enterprise Award for Investment Deal of the Year**

announced that Plymouth Energy Community (PEC) and PEC Renewables had been awarded the UK Social Enterprise Award for 'Investment Deal of the Year', in recognition of their first community share offer in 2014 which resulted in free solar panels for 21 city schools and community buildings.

The Council was advised that the second share offer had now been launched which hoped to raise a further £950,000.

The Lord Mayor congratulated Dave Garland, Chair of PEC Renewables, Peter Flukes, former Chair of PEC and Andrew Shadrake, Member of PEC Renewables and presented the award to them;

(f) **Fair Trade Certificate**

sought support from councillors for the various events that were taking place over the next fortnight to celebrate Fair Trade fortnight and in particular for the ecumenical celebration of Fairtrade being held at St Andrew's Church on 5 March 2015 to which they had all been invited.

The Lord Mayor thanked supporters of the Fairtrade initiative as follows –

- staff and students at Plymouth University and the City College;
- pupils, staff and parents at the Council's schools and the education catering lead Katie Fremlin;
- Andy Hawkins (Absolute Recycling);
- Fairport (local worker's co-operative);
- Local churches and faith groups, especially Hope Baptist, St Andrews and CAFOD;
- Local retailers, particularly the Coop, Sainsbury and Lush for their ongoing support;
- members of the Plymouth Fairtrade Network Steering Group.

The Lord Mayor presented the certificate to Clare-Louise Mains, on behalf of the Steering Group, in recognition of the support the Council gave and her hard work in taking us through Plymouth's re-accreditation as a Fair Trade City.

### **The Leader -**

- (g) referred to a Sports Summit that had been hosted by the College of St Mark and St John with speakers which included representatives from Sport England. He thanked all the Council staff who had been involved in the event and also the College and their staff for their work;
- (h) reported that he had attended part of the British Diving Championships which had been held at the Life Centre over the weekend. He thanked all the participants and all concerned in the event with particular reference to John Bird (Vice President of Amateur Swimming Association). He also congratulated Plymouth divers: Rhea Gayle, Tonia Couch, Sarah Barrow and Matthew Dixon and also Tom Daley.

Following the above item, Councillor Casey sought clarification of the reason for the absence of public questions at the meeting and David Shepperd (Head of Legal Services) advised that public questions were not included on the agenda of budget Council meetings as set out in the Council's Constitution, paragraph 5.2 of the Council Procedure Rules.

## **DELIVERING THE CO-OPERATIVE VISION WITHIN A FOUR YEAR BUDGET AND PROPOSED COUNCIL TAX 2015/16**

### **71. Length of Debate for the Leader and the Leader of the Opposition**

Councillor Evans (Council Leader) moved that in accordance with Part B, Council Procedure Rule 14.6 of the Constitution, Rule of Debate 4.2 (in Appendix One) (which limits speeches to five minutes) is suspended for this item in relation to the speeches by the Leader and Leader of the Opposition.

The proposal was seconded by Councillor Bowyer (Leader of the Opposition) and following a vote, the proposal was agreed.

### **72. Updated Report on Delivering the Co-operative Vision Within a Four Year Budget and Proposed Council Tax 2015/16**

The Chief Executive submitted a written report updating members following the Cabinet meeting on 10 February 2015 on Delivering the Co-operative Vision within a Four Year Budget and Proposed Council Tax Levels 2015/16.

The City Council also considered –

- (a) Cabinet minute 125 (of 10 February 2015) and the Cabinet report on delivering the co-operative vision within a four year budget;

- (b) Cabinet minute 124 (of 10 February 2015) on Cabinet's response to the Scrutiny Recommendations together with the Budget Scrutiny Report 2015/16;
- (c) Cabinet minute 126 (of 10 February 2015) on the Treasury Management Strategy and Annual Investment Strategy 2015 /16 (together with the mid-year review of the Treasury Management Strategy;
- (d) the Capital and Revenue Monitoring Report 2014/15;
- (e) recommendations following confirmation that the Devon and Somerset Fire and Rescue Authority had agreed to increase the precept on the Council by 1.99% and from the Chief Officers Appointments Panel with regard to the appointment of David Northey as interim Assistant Director for Finance S151 Officer pending the appointment of a permanent replacement.

Councillor Evans (Council Leader) -

- (f) thanked Councillor Lowry and the officers in the finance team for their hard work in enabling the recommendations for such a forward looking budget in very difficult circumstances and delivering last year's budget almost on target;
- (g) thanked Malcolm Coe (Assistant Director for Finance) for his work as this was his last meeting and wished him well in his new role with another Council;
- (h) indicated that the government had cut funding for local services in Plymouth this year from £62m to £44m;
- (i) referred to the discrepancy in government funding which was being called the 'missing millions' particularly with regard to public health funding, roads and train services and pledged to continue to lobby for a fair deal for the city;
- (j) reported that with the proposed budget, the Council would be prioritising jobs, skills and opportunities for young people, homes, cleaner and safer streets and care for vulnerable adults and children;
- (k) referred to the transformation programme which would enable the Council to change the way it delivered services by making it more efficient and joining with partners to protect and improve services;
- (l) highlighted forthcoming developments such as the new coach hub in the City Centre, the transformation of the Bretonside site and the History Centre;

- (m) thanked Councillor Coker (Cabinet Member for Transport) for his leadership and negotiating skills in securing funding for Plymouth. The Council was advised that an extra £4.8m would be spent on roads and pavements in 2015/16, in addition to the existing £5m revenue budget and transport improvements schemes would be implemented in the north of the city and for the Forder Valley Link Road;
- (n) gave a commitment to keep weekly rubbish collections;
- (o) referred to the work of each of the Cabinet Members and thanked them for their work;
- (p) indicated that the Council would continue to improve schools for example at Pennycross Primary School;
- (q) reported that adult social care continued to put pressures on budgets due to rising demands and costs and that the service would undergo a radical change as the Council worked co-operatively with Plymouth Community Health Care to create an integrated health and social care provider from 1 April 2015;
- (r) advised Council that following the Ofsted inspection this year, the Council would continue with their plans to deliver improvements in social care and would support and protect from harm more than 400 vulnerable children;
- (s) indicated that the Council had delivered its 100 pledges given in 2012 and that, of a further 50, over half had already been delivered with the remainder on target to be delivered by the end of next year.

Councillor Lowry (Cabinet Member for Finance) formally seconded the proposal and moved the following amendment –

‘This administration is committed to equality and supporting the most vulnerable and needy residents within our city and the importance of the West End of the city centre as a place to go.

We therefore propose the following amendment to the revenue budget:

- (a) amend our current contractual terms with Pertemps by paying our agency staff at least the Living Wage from day one of their contract;
- (b) extend our discretionary rate relief policy to offer ‘one off’ rates relief to organisations to cover the administrative cost of becoming accredited with the Living Wage Foundation; relief of up to a maximum of £5,000 per organisation.

The revenue cost of implementing our two Living Wage amendments is circa £200,000 which will be prioritised and funded through the Discretionary Rate Relief budget which this administration created in 2013.

And propose the following amendment to the Capital Programme:

- (c) we will pledge and prioritise further capital investment of £3.555m in the West End to include a major refurbishment of the City Market and a City Centre 'Shop Front' scheme to improve the physical appearance of retail buildings. This will increase the Capital Programme from £237.405m to a revised £240.960m.'

Following a short adjournment to allow the amendment to be circulated and Members to consider it, Councillor Lowry presented the amendment and Councillor Peter Smith seconded the proposal.

During the debate, issues were raised about –

- (t) the lack of notice given to the opposition about the amendment and the lack of detail on the implications of the proposals;
- (u) the lack of a proper debate on the development of the West End;
- (v) the opportunity to use the Plymouth Plan for a debate on the redevelopment of and regeneration of the city centre;
- (w) the benefits of the payment of the living wage including the treatment of all staff equally and the benefits to employers and the city generally.

On summing up, Councillor Lowry indicated that he would make an announcement in due course on how the living wage would be included in Council contracts and procurement and gave an assurance that the City Centre Shop Front scheme would not support pay day lenders, betting premises etc. He further advised that traders had asked for the investment as part of the City Centre Business Improvement District consultation.

Following the debate and a request by ten councillors for a recorded vote, the vote was –

For the motion (27)

*Councillors Mrs Aspinall , Bowie, Coker, Damarell, P. Davey , S Davey , Evans, Hendy, Jarvis, Lowry, McDonald, Morris, Murphy (Deputy Lord Mayor), Parker Delaz Ajete, Penberthy, Rennie, Singh, J. Smith, P. Smith, Sparling, Stevens, J. Taylor, K. Taylor, Tuffin, Tuohy, Vincent and the Lord Mayor (Councillor Fox).*

Against the motion (27)

*Councillors Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Casey, Churchill, Downie, Drear, Foster, Mrs Foster, Fry, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Nicholson, Mrs Nicholson, Mrs Pengelly, Ricketts, Riley, Dr Salter, Stark, Storer and Wigans.*

Abstentions (0)

The following members were absent (3)

*Councillors Darcy, Mrs Nelder and Wheeler.*

The Lord Mayor, having made his second and casting vote, declared that the amendment was carried.

Following an adjournment, David Shepperd reported that the amended motion was now before the Council for consideration.

Councillor Bowyer responded to the amended motion and associated himself with Councillor Evans' comments with regard to Malcolm Coe.

Councillor Bowyer referred to –

- (x) inflation which was close to or at zero;
- (y) total public spending which had only fallen modestly since 2010;
- (z) no account had been taken of specific grants;
- (aa) the need to ensure that provision had been made to implement the improvements recommended by Ofsted;
- (bb) the lack of information on Clinical Commissioning Group spending;
- (cc) the budget scrutiny by the Co-operative Scrutiny Board.

Councillors continued to debate the amended motion.

Councillor Casey addressed the Council and following a number of points of order, rulings by the Lord Mayor and advice from David Shepperd concerning the content of her speech, Councillor Rennie sought an adjournment and following a vote, an adjournment was agreed.

Following the adjournment, the debate resumed and the following additional issues were raised –

- (dd) salaries and benefits had not increased;
- (ee) no bids had been submitted for schools;
- (ff) alternative sources of income had not been sought.

Following summing up by Councillor Evans and a request by ten councillors for a recorded vote, there voted –



For the motion (28)

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

Against the motion (27)

*Councillors Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Casey, Churchill, Downie, Drean, Foster, Mrs Foster, Fry, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Nicholson, Mrs Nicholson, Mrs Pengelly, Ricketts, Riley, Dr Salter, Stark, Storer and Wiggins.*

Abstentions (0)

The following member was absent (1)

*Councillor Darcy.*

Agreed -

- (1) that the additional one-off resources as determined through the December 2014 Settlement are deployed to the 2015/16 revenue budget and allocated to the provision of social care within the People Directorate;
- (2) to approve an increase of 1.99% in Council Tax for 2015/16;
- (3) to approve the proposed net revenue budget requirement for 2015/16 of £193.009m, subject to the following amendments with a revenue cost of circa £200,000 which will be prioritised and funded through the Discretionary Rate Relief budget which this administration created in 2013 –
  - (a) to amend the Council's current contractual terms with Pertemps by paying the Council's agency staff at least the Living Wage from day one of their contract;
  - (b) to extend the Council's discretionary rate relief policy to offer 'one off' rates relief to organisations to cover the administrative cost of becoming accredited with the Living Wage Foundation; relief of up to a maximum of £5,000 per organisation;

- (4) to approve the total capital budget of £240.960m for 2014 to 2018 to include prioritising further capital investment of £3.555m in the West End to include a major refurbishment of the City Market and a City Centre 'Shop Front' scheme to improve the physical appearance of retail buildings. Any changes to the overall capital funding available to be sanctioned by the Council's Section 151 Officer;
- (5) to agree that all newly approved capital schemes are incorporated within regular public finance reporting;
- (6) to agree that using the Council tax base for 2015/16 as 68,460.0 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; calculate that the **Council tax requirement** for the Council's own purposes for 2015/16 is £90,406,907;
- (7) to agree that the following amounts are calculated for the year 2015/16 in accordance with Sections 31 to 36 of the Act:
  - (a) £541,135,291 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act (**Gross Expenditure and Transfers to Reserves**);
  - (b) £450,728,384 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (**Gross Income and Transfers from Reserves**);
  - (c) £90,406,907 being the amount by which the aggregate at 7(a) above exceeds the aggregate at 7(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its **Council tax requirement** for the year. (Item R in the formula in section 31B of the Act);
  - (d) £1,320.58 being the amount at 7(c) above (Item R), all divided by Item T (6 above), calculated by the Council, in accordance with Section 31B of the Act, as the **basic amount of its Council tax** for the year;
- (8) to note that the Office of the Devon and Cornwall and Isles of Scilly Police Commissioner has issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area. These are included in the tables below, reflecting a 1.99% increase;
- (9) to note that the Devon and Somerset Fire and Rescue Authority has agreed precepts to the Council of 1.99% increase;

- (10) in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, to set the indicative aggregate amounts shown in the tables below as the amounts of Council Tax for 2015/16 for each part of its area and for each of the categories of dwellings -

**Plymouth City Council after 1.99% increase**

A	B	C	D
£880.38	£1,027.12	£1,173.85	£1,320.58
E	F	G	H
£1,614.04	£1,907.50	£2,200.96	£2,641.15

**Devon and Cornwall Police and Crime Commissioner after 1.99% increase**

A	B	C	D
£112.98	£131.81	£150.64	£169.47
E	F	G	H
£207.13	£244.79	£282.44	£338.93

**Devon and Somerset Fire and Rescue Authority after 1.99% increase**

A	B	C	D
£52.28	£60.99	£69.71	£78.42
E	F	G	H
£95.85	£113.27	£130.70	£156.84

**Aggregate of Council Tax Requirements 2015/16**

A	B	C	D
£1,045.64	£1,219.92	£1,394.19	£1,568.46
E	F	G	H
£1,917.01	£2,265.56	£2,614.11	£3,136.93

- (11) that in accordance with the principles approved under 52ZB of the Local Government Finance Act 1992, the Council's relevant basic amount of council tax for 2015/16 is not more than 2% higher than the relevant basic amount of council tax for 2014/15 and that it is therefore determined that the Council's relevant basic amount of Council Tax for 2015/16 is not excessive and for this reason a referendum will not be required;

- (12) to agree the annual Treasury Management Strategy and Annual Investment Strategy 2015/16 (incorporating the authorised limits, operational boundaries and prudential indicators) as submitted;
- (13) to note the mid-year review of the 2014/15 Treasury Management Strategy;
- (14) to note the Capital and Revenue Monitoring Report 2014/15;
- (15) to approve the recommendation from the Chief Officer's Appointments Panel to appoint the existing Deputy S151 Officer (David Northey) as the Council's interim Assistant Director for Finance S151 Officer pending the appointment of a permanent replacement.