

City Council

Monday 22 June 2015

PRESENT:

The Lord Mayor, Councillor Dr. Mahony, in the Chair.

The Deputy Lord Mayor, Councillor Ball, Vice Chair.

Councillors Mrs Aspinall, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Churchill, Damarell, Dann, Darcy, Philippa Davey, Sam Davey, Deacon, Downie, Drean, Evans, Fletcher, K Foster, Mrs Foster, Fry, James, Jarvis, Jordan, Kelly, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, McDonald, Morris, Murphy, Nicholson, Mrs Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Dr. Salter, Singh, Smith, Sparling, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wiggins.

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

Apologies for absence: Councillors Bowie, Coker, Fox and Hendy.

The meeting started at 2.00 pm and finished at 4.08 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.

9. MINUTES

Agreed the minutes of the meeting of the City Council held on 23 March 2015 and the Annual Meeting held on 22 May 2015, subject to the addition of two apologies at the Annual Meeting by Councillors Deacon and Kelly.

10. DECLARATIONS OF INTEREST

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

Name	Minute Number	Reason	Interest
Councillors Churchill and Tuohy	Minute 19: Ernest Brock Home for Aged Charity	Plymouth Community Homes Board Members as City Council representatives	Disclosable Pecuniary Interest

Councillor Damarell	Minute 11: Appointments to outside bodies: Plymouth Community Homes	Employee of Plymouth Community Homes	Disclosable Pecuniary Interest
Councillor Damarell	Minute 19: Ernest Brock Home for Aged Charity	Employee of Plymouth Community Homes	Disclosable Pecuniary Interest
Councillor Dann	Minute 11: Appointments to outside bodies: Plymouth Community Homes	Plymouth Community Homes Board Member in her private capacity	Private
Councillor Dann	Minute 19: Ernest Brock Home for Aged Charity	Plymouth Community Homes Board Member in her private capacity	Private
Councillors Sam Leaves and Jon Taylor	Minute 17: Government Announcement on cuts to Public Health Funding	Employee of NHS	Private

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

Agreed –

(1) the following appointments –

	Committees and Other Bodies	Membership	Appointments 2015/16
(a)	Devon and Severn Inshore Fisheries and Conservation Authority	One councillor	Cllr Kelly
(b)	Estover/Leigham /Mainstone Community Centre Association Management Committee	One councillor	Cllr Fox
(c)	Mount Batten Sailing and Water Sports Centre – Board of Directors	Two councillors	Cllr Michael Leaves Cllr Smith

(d)	Plymouth and Devon Racial Equality Council	One councillor	Cllr Parker-Delaz-Ajete
(e)	Plymouth Centre for Faiths and Cultural Diversity	One councillor	Cllr Dr Salter
(f)	Plymouth Community Homes Board	Two representatives	Cllr Churchill Cllr Tuohy Head of Housing Services (Matt Garrett) authorised to vote on behalf of the Council at the AGM
(g)	Wolseley CEDT	Two councillors	Cllr Martin Leaves Cllr Sparling

(2) to defer one vacancy on SACRE;

(3) to note the following changes notified to the Head of Legal Services -

	Committees and other bodies	Change of Memberships
(h)	Co-operative Scrutiny Board	Councillor Sam Davey to replace Councillor Philippa Davey
(i)	Your Plymouth Scrutiny Panel	Councillor Morris to replace Councillor Philippa Davey
(j)	Devon and Cornwall Police and Crime Panel	Councillor Philippa Davey to replace Councillor Penberthy

(4) to note the membership of the following working groups -

	Working Group	Membership
(k)	Plymouth Plan Working Group	Councillors Coker (Chair), Bowyer, Evans and Nicholson
(l)	Housing Needs Working Group	Councillors Lowry (Chair), Bowyer, Jordan and Penberthy

(Councillors Dann and Damarell declared an interest in part (f) of this item and Councillor Damerell withdrew from the meeting during consideration of this part of the item).

12. **ANNOUNCEMENTS**

The Lord Mayor –

(a) **City Council Elections**

welcomed the newly elected councillors (Councillors Deacon, Fletcher and Kelly) to their first meeting of the City Council and Councillor Dann on her return to the Council;

(b) **HRH The Princess Royal**

reported that he would be welcoming Her Royal Highness The Princess Royal to Plymouth next week to open 'Genesis' in Union Street;

(c) **Armed Forces Day**

advised councillors that he had attended the ceremonial raising of the Armed Forces Day flag at the Guildhall that morning which would remain flying until the conclusion of all civic and military events and had also presented three veterans' badges and a children's prize for the winner of the Armed Forces Day badge competition. The Lord Mayor also referred to the programme of events on the Hoe on 27 June 2015;

(e) **Royal Naval Voluntary Bands Association Festival 2015**

indicated that he had been invited to the Royal Naval Volunteer Band Association Festival on the Hoe and hoped to see other councillors at the event on 28 June 2015;

(f) **Queen's Birthday Honours**

congratulated two City Council members of staff, Heather Ogburn (a senior education advisor) and Michelle Newman (team manager, children's social care) on their award of an MBE in the Queen's Birthday Honour's List in recognition of their work with children and young people. The Lord Mayor reported that they would be invited to attend a future meeting of the City Council after they had received their awards.

Councillor Vincent referred to -

- (g) the reduced grass cutting arrangements which had been implemented to meet savings but would also encourage wildlife. He reported that unfortunately officers had not liaised with councillors and that he had reminded them that in future they must brief all councillors on changes to procedures.

Councillor Davey referred to -

- (h) the atrocities that had been carried out in Srebrenica, Bosnia, in July 1995 and that the Council was joining with the campaign 'Remembering Srebrenica' to condemn genocide and to promise to learn lessons from the atrocious events.

Councillor Jon Taylor referred to –

- (i) the good progress of the Council's apprentices in the Brathay Challenge to find the best apprenticeship team in the country. The team had made it into the final challenge and had also been chosen as the regional winners.

Councillors were asked to help the team by –

- (1) joining a citywide epilepsy awareness day on 3rd July 2015 to be known as 'Big Purple Day' and to wear something purple to work, bake purple cakes etc;
- (2) fundraising in their wards;
- (3) joining their Twitter campaign in the lead up to big Purple day and follow hashtags: #BAC15 #PurpleDay;
- (4) using their links to raise awareness of the team to local businesses.

13. **QUESTIONS BY THE PUBLIC**

Four questions were submitted by members of the public for this meeting, in accordance with Part B, paragraph 11 of the Constitution.

Mr Williams attended the meeting and asked the following question. Councillor Evans responded as set out below -

Question No	Question By	Cabinet Member	Subject
Q1 (15/16)	Mr John Williams	Councillor Evans (Leader)	Administration of the Council
Is it legally compulsory for a local authority to have a controlling group of one party or an alliance, representing a majority of the Authority's Members, or is it possible for a political group to govern as a minority, and to submit its proposals for approval to the full Council?			
Response Yes, it is possible for a minority political group to form a minority administration.			

Mr Aldred attended the meeting and asked the following question. Councillor Lowry responded as set out below -

Question No	Question By	Cabinet Member	Subject
Q2 (15/16)	Mr Ryan Aldred	Councillor Lowry (Cabinet Member for Finance)	Minimum wage
<p>The Trades Union Congress has endorsed a call for a £10 an hour minimum wage which will stimulate the economy from the ground up as people will have more disposable income. Plymouth City Council has implemented a living wage but would this Council join the call for £10 an hour?</p>			
<p>Response We've already pledged to pay all Plymouth City Council employees a 'living wage' and we're proactively encouraging other local employers to follow suit. We would be happy to explore ways which, in future, could provide further support for people on the lowest pay. But this needs to be done as part of a national initiative supported by the Government. Instead, the Government is intent on cutting another £12 billion from the welfare budget, the vast majority of which looks set to hit younger people and working families. Tax-payers in Plymouth and our local businesses, especially small and medium sized enterprises should not be left to subsidise cuts arising from a flawed national welfare policy, especially when the Government itself will not lead by example on a living wage.</p>			

In the absence of Mr Kerswell, the following question and response were circulated and a written response would be sent to him after the meeting -

Question No	Question By	Cabinet Member	Subject
Q3 (15/16)	Mr A Kerswell	Councillor Lowry (Cabinet Member for Finance)	Funding of Cabinet Member Special Responsibility Allowances
<p>Which budgets have the labour group plundered to pay for two extra cabinet members at a cost of £41,000 plus per year which had not been budgeted for in either of the two years this has happened and also £5.000 for the extra chair of planning.</p>			
<p>Response Costs will be accommodated within existing budgets.</p>			

Ms Casey attended the meeting and asked the following question. Councillor Evans responded as set out below -

Question No	Question By	Cabinet Member	Subject
Q4 (15/16)	Ms Alison Casey	Councillor Evans (Leader)	Appointments to committees and Cabinet.
How can this new political alliance which is made up by the two main political parties allow new councillor positions to be created? Before coming to full council for debate and to be agreed as set out in the standing rules of the Council's constitution.			
Response There is no political alliance between the two largest political parties on Plymouth City Council as suggested by your question.			

RECOMMENDATIONS FROM CABINET AND OTHER COMMITTEES

14. **Financial Outturn 2014/15 including Capital Programme update**

Councillor Lowry (Cabinet Member for Finance) presented the Cabinet report on the Financial Outturn 2014/15 including capital programme update. (Cabinet minute 7 was also submitted).

The recommendations in the report were seconded by Councillor Jon Taylor.

Councillor Lowry, on behalf of the Council, thanked members and officers for their hard work and in response to comments by councillors, undertook to consider –

- (a) future large projects where the same contractors were awarded contracts having regard to the risks of skills' shortages and their capacity to deliver and to advise Councillor Bowyer;
- (b) setting out the full capital programme in the report.

The report was noted.

15. **Audit Arrangements 2015/16**

This item was withdrawn from the agenda.

16. **Proposed Changes to Standing Orders in respect of Employment of the Chief Executive, Section 151 Officer and Monitoring Officer**

Councillor Smith (Deputy Leader) presented the proposed changes to Standing Orders in respect of the employment of the Chief Executive, Section 151 Officer and Monitoring Officer for approval, as recommended in the report of Lesa Annear (Strategic Director for Transformation and Change). (Chief Officer Appointments Panel minute 5 was also submitted).

The proposals were seconded by Councillor Stevens (Chair of the Constitutional Review Group) who reported that they were supported by the Constitutional Review Group.

Agreed –

- (1) to amend the Employment Standing Orders and the Appointments, Appeals and Disciplinary Panels' terms of reference in the Constitution to comply with the requirements of the new regulations, as shown in the Appendix (highlighted in red).
- (2) to delegate the function of dealing with any disciplinary matters concerning the Chief Executive or Section 151 Officer or Monitoring Officer to the Chief Officer Disciplinary Panel and, where considered appropriate, to make a recommendation for dismissal to Council.
- (3) to designate the people who carry out the role of Independent Persons for the Standards Regime as suitable to act as Independent Persons for this purpose, subject to their agreement; and instructs the Monitoring Officer to put suitable arrangements in place.
- (4) that the Assistant Director for Human Resources and Organisational Development takes the necessary action to agree variations to the contracts of employment of the affected staff.

MOTIONS ON NOTICE

17. **Government announcement on cuts to public health funding**

Councillor Evans proposed and Councillor Bowyer seconded a motion on the Government announcement on cuts to Public Health funding.

The motion was agreed as follows –

We call upon the Council and the City's Members of Parliament to write to the Under Secretary for Public Health [Jane Ellison MP] and the Chancellor of the Exchequer [George Osborne MP] asking that the government reconsider this decision or in taking it forward that they –

- (1) ensure transparency in how budget claw-back will take place and use the opportunity it presents to address the inequitable current public health funding allocations by making savings from those local authorities who are funded to levels above their target value and by raising the funding allocation of those below their target value to that value.
- (2) consider the three health economies identified for additional support by NHS England to be special cases in terms of public health funding allocation and recognise that public health funding and a preventative health approach will be an essential resource to help the local health economies meet the challenges they face in developing sustainable local health systems.
- (3) recognise that local authorities should be able to operate in a way that enables them to forward plan to deliver new services and drive forward locally relevant service initiatives to tackle health inequalities and improve the health of their local populations. This may require financial management that delivers an under-spend in any one year and the building of a local financial reserve.
- (4) recognise that reducing funding for public health goes against the aspiration and ambition of the NHS Forward View for increasing investment in prevention
- (5) recognise that local authority public health funding is currently used to commission NHS services [e.g. NHS stop smoking services, sexual health services including hospital based GUM services, school nurses] and as such, the statement that these funding cuts are not related to NHS services is incorrect.

(Councillors Sam Leaves and Jon Taylor declared an interest in this item).

18. **AMENDMENTS TO THE CONSTITUTION**

Councillor Smith (Deputy Leader) presented the proposed amendments to the Constitution for approval, as recommended in the report of David Shepperd (Monitoring Officer) subject to the replacement of Part H with the new pages appended to the order of proceedings.

The proposals were seconded by Councillor Stevens (Chair of the Constitutional Review Group) who reported that they were supported by the Constitutional Review Group.

Agreed the constitutional amendments in Appendices A to D of the written report subject to the replacement of Part H with the new pages appended to the order of proceedings.

19. **ERNEST BROCK HOME FOR THE AGED CHARITY**

Councillor Penberthy (Cabinet Member for Co-operatives and Housing) presented the proposal for approval, as recommended in the report of David Shepperd (Head of Legal Services), following a request from the trustees of the Ernest Brock Home for the Aged Charity.

The proposal was seconded by Councillor Nicholson.

Agreed the grant of consent to release the rights of the Council and the Lord Mayor to nominate persons for appointment as Trustees to the Ernest Brock Home for the Aged Charity.

(Councillors Churchill, Damarell, Dann and Tuohy declared an interest in this item and Councillors Churchill, Damarell and Tuohy withdrew from the meeting during consideration of this item).

20. **CHANGES TO THE SENIOR MANAGEMENT STRUCTURE**

Councillor Evans (Leader) presented the proposals for changes within the Senior Management Team for approval, as recommended in the report of Tracey Lee (Chief Executive and Head of Paid Service).

The proposal was seconded by Councillor Smith.

Agreed –

- (1) the proposals for changes to the Senior Management Team as outlined in the report;
- (2) to amend the Council's constitution to reflect the changes to the senior management team structure.

21. **QUESTIONS BY COUNCILLORS**

Questions were asked to the Leader, Cabinet Members and Committee Chairs on the following matters -

	From	To	Subject
1.	Councillor Nicholson	Councillor Vincent	Bowling green fees. Written response to be provided.
2.	Councillor Stevens	Councillor Vincent	Use of recycling facilities in Plymouth.
3.	Councillor Jordan	Councillor Smith	Plymouth 10k and Half Marathon races. Written response to be provided.

4.	Councillor Michael Leaves	Councillor Vincent	Cleanliness of public toilets.
5.	Councillor Fry	Councillor Vincent	Grass cutting: concerns re children's play areas.
6.	Councillor Martin Leaves	Councillor Evans	Officer responses to councillors on ward issues, specifically regarding the Central Park Masterplan.
7.	Councillor Michael Leaves	Councillor Vincent	Releasing balloons from Council land.
8.	Councillor Foster	Councillor Vincent	Identification for using Chelson Meadow recycling facility.
9.	Councillor Sam Leaves	Councillor Smith	Cross departmental framework to consider applications for events.
10.	Councillor Fry	Councillor Vincent	Refuse bins on pavements.
11.	Councillor Morris	Councillor Vincent	Environment questions from the Conservative Group.
12.	Councillor Stevens	Councillor Lowry	Impact of bowling subsidies and other funding requests on the wish for a Council tax freeze.
13.	Councillor Mrs Beer	Councillor McDonald	Equality of treatment of children from all backgrounds in schools.
14.	Councillor Evans	Councillor Vincent	Proposed lobbying to reinstate the ability of Councils to take action on refuse bins on pavements. Councillor Vincent undertook to raise the issue with officers.
15.	Councillor Jordan	Councillor Lowry	Council support to sporting facilities.
16.	Councillor Rennie	Councillor Vincent	Refuse in back lanes

Please note that questions, answers, supplementary questions and supplementary answers are available to view on the webcast of the meeting which can be accessed on the Council's website at plymouth.gov.uk.