

City Council

Monday 11 July 2016

PRESENT:

Councillor Murphy, in the Chair
Councillor Sam Davey, Vice Chair
Councillors Mrs Aspinall, Bowie, Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Churchill, Coker, Cook, Dann, Darcy, Philippa Davey, Deacon, Downie, Drean, Evans, K Foster, Mrs Foster, Fry, Hendy, James, Jordan, Kelly, Martin Leaves, Michael Leaves, Sam Leaves, Loveridge, Lowry, Dr Mahony, Mavin, McDonald, Morris, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Singh, Smith, Sparling, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wigans and Winter.

Apologies for absence: Councillors Ball, Mrs Beer and Fletcher

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

The meeting started at 2.00 pm and finished at 8.45 pm.

Note: The full discussion can be viewed on the webcast of the City Council meeting at www.plymouth.gov.uk. 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.

15. Minutes

The minutes of the meeting held on 21 March 2016 and 20 May 2016 were agreed.

16. 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 the meeting -

Name	Minute Number	Reason	Interest
Councillor Mrs Aspinall	25a 25c	School Governor Born after 6 April 1951	Personal Personal
Councillor Bowie	25a 25c	School Governor Born after 6 April 1951	Personal Personal
Councillor Bowyer	25b	Grandparent	Personal
Mrs Bowyer	25a 25b	School Governor Grandparent	Personal Personal

Name	Minute Number	Reason	Interest
Councillor Mrs Bridgeman	25b 25c	Parent Born after 6 April 1951	Personal Personal
Councillor Carson	25b	Parent	Personal
Councillor Churchill	25a	School Governor	Personal
Councillor Cook	25b	Parent	Personal
Councillor Dann	25c	Born after 6 April 1951	Personal
Councillor Darcy	25a and 25b	Parent	Personal
Councillor P Davey	25a	School Governor	Personal
Councillor Deacon	25b	Parent	Personal
Councillor Downie	25b	Parent	Personal
Councillor Drean	25a	School Governor	Personal
Councillor Evans	25a 25b	Family member is a school teacher Grandparent	Personal Personal
Councillor Fry	25b	Grandparent	Personal
Councillor James	25b	Grandparent	Personal
Councillor Jordan	25a 25b	School Governor Parent	Personal Personal
Councillor Kelly	25b	parent	Personal
Councillor Martin Leaves	25a 25b	Daughter starting at an Academy Parent	Personal Personal
Councillor Mike Leaves	25b	Grandparent	Personal
Councillor Sam Leaves	25a 25b 25c	Daughter starting at an Academy Parent Born after 6 April 1951	Personal Personal Personal

Name	Minute Number	Reason	Interest
Councillor Mavin	25a	School Governor	Personal
Councillor Dr Mahony	25a	School Governor	Personal
Councillor Parker-Delaz-Ajete	25c	Born after 6 April 1951	Personal
Councillor Riley	25a 25c	Family member is a school teacher Wife born after 6 April 1951	Personal Personal
Councillor Singh	25a	School Governor	Personal
Councillor Sparling	25a	School Governor	Personal
Councillor Storer	25a 25b	School Governor Grandparent	Personal Personal
Councillor Tuohy	25a 25b	School Governor Grandparent	Personal Personal
Councillor Wheeler	25a	School Governor	Personal
Councillor Winter	25a and 25b	School Governor and parent	Personal

17. **Appointment to Committees, outside bodies etc**

The following changes reported to the Head of Legal Services were noted -

	Committee	Membership
(a)	Planning Committee	Cllr Morris to replace Cllr Kate Taylor
(b)	Place and Corporate Overview and Scrutiny Committee	Cllrs Ball (Vice Chair), Carson, Churchill, Fry, Fletcher, Storer
(c)	Wellbeing Overview and Scrutiny Committee	Cllrs Cook, Mrs Foster, Mrs Loveridge, Dr Mahony, James (Vice Chair), Mrs Bridgeman
(d)	Audit Committee	Cllr Parker Delaz-Ahete (Vice Chair) Cllr Sam Davey Independent members: Mr R Clarke, Mr I Stewart

(e)	Lord Mayor Selection Committee	Cllrs Mrs Aspinall, Evans, Vincent
(f)	Corporate Parenting Group	Chair: Cllr Downie Vice Chair: Cllr P Davey to replace Cllr Bowie
(g)	Child Poverty Working Group	Cllr Downie (Chair) (Cabinet member with responsibility for child poverty) to replace Cllr Mrs Bowyer

	Working Groups	Membership
(h)	Plymouth Plan Working Group	Cllrs I Bowyer, Evans, Coker, Nicholson
(i)	Housing Needs Working Group	Cllrs Lowry, Nicholson, Penberthy, Cllr Ricketts
(j)	Neighbourhood Improvements Working Group	Cllrs Fletcher, Mike Leaves

	Outside Body	Nominations
2	Marine Academy Plymouth - Governors	Cllr Sparling
5	Ballard Youth Activity Trust	Two Conservative vacancies and one UKIP vacancy to be deferred
7	Dartmoor National Park Forum	Cllr Churchill
10	Devon Investment and Pension Fund	Cllr Lowry
15	Maternity and Early Years Systems Optimisation Group	Cllr McDonald
18	Emma Stirling Bequest	Cllr Tuffin
21	Fostering Panel	Cllr Downie
28	Municipal Charities of Plymouth	Pauline Bunkin (fixed term of office for 3 years to 2019)
37	Plymouth Charity Trust	Cllr Dann, Cllr Deacon, Mr Andrew Ford and Mrs Patricia Nicholson
38	Plymouth Citizens' Advice Bureau Trustee Board	Mr David Evans

48	Plymouth Waterfront Partnership Advisory Board	Cllr Tuffin to replace Cllr McDonald
50	SACRE	Three vacancies to be deferred
54	South West Regional Flood and Coastal Committee	Deputy - Cllr Ricketts
58	Wolseley CEDT	Cllr Tuohy to replace Cllr Storer

Councillors were reminded that they should update their Register of Interest to take account of any changes to their membership of Outside Bodies.

18. **Announcements**

The Lord Mayor welcomed members of staff to Council and presented certificates and trophies to individuals and teams who had been successful in achieving the following:

- Enhanced skills in maths and English
- RTPI Award for Local Authority Planning Team of the Year
- European Urban and Regional Planning Award
- MJ Award - commended in the category of Excellence in Public Engagement
- Excellence in Special Planning
- Excellence in Planning to Deliver Housing
- Silver Jubilee Cup
- Quest Accreditation
- Association for Project Management Challenge

19. **Questions by the Public**

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

Question No	Question By	Cabinet Member	Subject
Q1/16-17	Mr Sharpe	Councillor Patrick Nicholson	Plymstock swimming pool
<p>'Unfortunately a recent Plymstock Swimming Pool Question at Cabinet brought an unsatisfactory answer. Anticipation at Sherford does not mean definite, like tomorrow it may never come. 106 Funding in Plymstock should be spent on a pool in Plymstock now</p> <p>Can I see legal documentation regarding any pool at Sherford?'</p>			
<p>Response:</p> <p>The response given at the Cabinet meeting on 28th June 2016 by Councillor Jordon, Portfolio</p>			

Holder for Transformation & Customer Services stated:

The position with regards to the provision of a swimming pool at Sherford has not changed since the response to similar questions was given by the previous Portfolio Holder on Monday 23 November 2015. A planning application for the new sports centre is anticipated in 2017, which will include a swimming pool to service the local community of Sherford and Plymstock. The legal trigger point for the provision of a swimming pool at Sherford is still 700 dwellings.

The Sherford development has commenced, and the Section 106 legal agreement is a matter of public record being part of the planning register and open to inspection during office hours.

As you would expect, this administration is keen to see the swimming pool built and we are actively monitoring the progress of development at Sherford. I was pleased to see progress for myself on Friday 1st July with new homes now under construction.

20. **Corporate Plan 2016 - 19**

Councillor Bowyer (Leader) proposed and Councillor Nicholson (Deputy Leader) seconded the recommendation to adopt the revised Corporate Plan 2016 – 19.

Following a request from ten councillors for a recorded vote on the proposal, the vote was taken and the proposal was lost.

For the proposal (27)

(Councillors Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drear, Foster, Mrs Foster, Fry, James, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Pengelly, Ricketts, Riley, Storer and Wigens).

Against the proposal (27)

(Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, Sparling, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Winter).

As there was an equality of votes, the Lord Mayor exercised her casting vote which resulted in 28 against and 27 for the proposal.

21. **A Devolution Deal for the Heart of the South West**

Councillor Bowyer (Leader) proposed and Councillor Evans seconded the recommendations in the report for a Devolution Deal for the Heart of the South West. Following a vote, Council agreed to:

- I. Endorse the current approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area.

2. Note that giving this endorsement does not commit the Council to entering into a Devolution Deal, or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

22. **Financial Outturn 2015 - 2016 (including Capital Programme and Treasury Management)**

Councillor Darcy (Cabinet Member for Finance/ICT) presented the report on the Financial Outturn 2015 – 2016 (including Capital Programme and Treasury Management) for noting. Council noted:

1. The provisional outturn position as at 31 March 2016.
2. The adjusted revenue surplus for the year of £0.032m and that this will be transferred to the General Fund Working Balance.
3. The additional transfers to and from reserves reflected within the outturn figures:
 - Creation of a Modernisation Enabler Reserve £1.100m
 - Transfer to Redundancy Reserve £1.000m
 - Release from Insurance Provision and Reserve £(0.962)m
 - Transfer to Business Rates Reserve £1.000m
 - Transfer to Pensions Reserve £0.400m
 - Release from General Fund Bad Debt Provision £(0.158)m
 - Transfer to provision for Housing Benefit Overpayments £0.500m
4. The Capital Financing Requirement of £62.224m and the borrowing requirement of £11.277m for 2015/16.
5. The re-profiling changes to the Capital Programme identified during the outturn process.
6. The additions to the Capital Programme, which total £9.198m for the period November 2015 – March 2016.
7. The Treasury Management Outturn Position and the new operational and authorised limits for 2015/16 to 2017/18.

23. **Annual Report on Treasury Management Activities for 2015/16**

Councillor Darcy (Cabinet Member for Finance/ICT) presented the Annual Report on Treasury Management Activities for 2015/16 for noting. Council noted the Annual Report.

24. **Leader's Scheme of Delegation**

Councillor Bowyer (Leader) advised Council about changes he had made to his scheme of delegation as follows:

- Included a new category, 'Assurance Services', in the portfolio of the Cabinet member for Finance/ICT (Cllr Ian Darcy). This was for clarity and included risk management, insurance, corporate fraud, information governance and statutory complaints in adult social care

- Responsibility for the Bereavement Service had been transferred from the Cabinet member for Safer and Stronger Communities to the Cabinet member for Strategic Street Scene/Environment (Cllr Mike Leaves)
- Responsibility for decisions concerning the Social Enterprise Investment Fund had been allocated to the Cabinet member for Safer and Stronger Communities (Cllr Dave Downie)
- Amended the portfolio for HR/Democracy and Governance/Licensing to HR and Democracy

25. **Motions on Notice**

- (i) **Academisation of Schools**
Councillor McDonald proposed and Councillor Evans seconded a motion on the Academisation of Schools.

An amendment was moved by Councillor Bowyer and seconded by Councillor Nicholson as follows –

To insert the following words:

‘The Council meeting welcomes the recent decision of the Secretary of State for Education to abandon plans to force all of England’s schools that are still maintained by their local authorities to become academies. However, it regrets that some schools may still be forced to convert, including those in local authorities where academies are in a large majority, those in authorities whose maintained schools are deemed to be failing overall to meet a minimum performance threshold, and those seen as struggling or failing to improve sufficiently.’

And to amend a) as follows:

- a) ‘Ask the Leader of the Council to write to the Secretary of State for Education expressing the concerns of this council as set out in this motion ~~about the proposals to force all schools to become academies in Plymouth;~~’

The meeting adjourned for 5 minutes to seek legal clarification on the amendment to the motion. Following the adjournment, the Lord Mayor confirmed that the amendment was lawful.

Following a request from ten councillors for a recorded vote on the amended motion, the amendment was agreed.

For the amendment (27)

(Councillors Bowyer, Mrs Bowyer, Mrs Bridgeman, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drear, Foster, Mrs Foster, Fry, James, Jordan, Kelly, Martin Leaves,

Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Pengelly, Ricketts, Riley, Storer and Wiggins).

Against the amendment (26)

(Councillors Mrs Aspinall, Bowie, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Smith, Sparling, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Winter).

Abstention (1)

Debate continued on the amended motion and, following the vote, Council agreed:

‘This council believes –

No single system of school organization has a monopoly on success and that the model as proposed by the White Paper would not deliver the improvement in schools standards and outcomes that this council wishes to see.

The Council meeting welcomes the recent decision of the Secretary of State for Education to abandon plans to force all of England’s schools that are still maintained by their local authorities to become academies. However, it regrets that some schools may still be forced to convert, including those in local authorities where academies are in a large majority, those in authorities whose maintained schools are deemed to be failing overall to meet a minimum performance threshold, and those seen as struggling or failing to improve sufficiently.

This Council meeting therefore resolves to –

- a) Ask the Leader of the Council to write to the Secretary of State for Education expressing the concerns of this council
 - b) Ask the Leader of the Council to write to our local MPs expressing the council’s concerns and to seek their views on the proposals
 - c) Ask the lead member for Children and Young People to ensure engagement with head teachers, school governors, professional representatives, parents and the wider local community to raise awareness of the Government’s proposals.
- (ii) Family Holiday and School Fines
Councillor McDonald proposed and Councillor Evans seconded the motion on Family Holidays and School Fines.

An amendment was moved by Councillor Bowyer and seconded by Councillor Darcy to insert additional wording (additional wording shown in italics) –

‘The City Council agrees to,

cease *action in respect of the practice of fining those parents for unauthorised absence in order to take their children on holiday until the legal position is clear; following the appeal to the Supreme Court in the case of Isle of Wight Council v Jon Platt.*

During this period all cases waiting to be heard by the court will be reviewed and Head teachers will continue to follow the current policy, which is the policy adopted by the previous administration in September 2015. When the information is sent to the Local Authority we will write to every family concerned and advise them that we will not be issuing a penalty notice at this stage and instead will consider whether to take any action when the legal position is clear.'

The meeting was adjourned for 5 minutes to allow members to read and consider the amendment.

Following a request from ten councillors for a recorded vote on the amendment, the amendment was put to the vote and lost.

For the amendment (24)

(Councillors Bowyer, Mrs Bowyer, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drean, Foster, Mrs Foster, Fry, James, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Pengelly, Ricketts, and Wigens).

Against the amendment (29)

(Councillors Mrs Aspinall, Bowie, Mrs Bridgeman, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris, Parker-Delaz-Ajete, Penberthy, Rennie, Riley, Storer, Singh, Smith, Sparling, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Winter).

Abstention (1)

Debate on the original motion continued and, following a request from ten councillors for a recorded vote, the original motion was put to the vote and Council agreed to cease the practice of fining those parents for unauthorised absence in order to take their children on holiday.

For the motion (30)

(Councillors Mrs Aspinall, Bowie, Mrs Bridgeman, Coker, Dann, P Davey, S Davey, Evans, Hendy, Lowry, Mavin, McDonald, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Riley, Storer, Singh, Smith, Sparling, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Winter).

Against the motion (24)

(Councillors Bowyer, Mrs Bowyer, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drean, Foster, Mrs Foster, Fry, James, Jordan, Kelly, Martin Leaves, Mike Leaves, Sam Leaves, Loveridge, Dr Mahony, Nicholson, Pengelly, Ricketts, and Wigens).

Abstention (1)

Suspension of Standing Orders

Councillor Darcy proposed and Councillor Nicholson seconded a motion to suspend standing orders to allow the meeting to continue after 7.30 pm. Following a vote, this was agreed.

- (iii) Make fair transitional state pension arrangements for 1950's Women
Councillor Philippa Davey proposed and Councillor Dann seconded the motion on Make Fair Transitional State Pension Arrangements for 1950s Women.

Following a vote the motion was carried and Council agreed the following:

This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

This Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

- (iv) Tackling racism, xenophobia and hate crimes
Councillor Philippa Davey proposed and Councillor Morris seconded the motion on Tackling Racism, xenophobia and hate crimes.

An amendment was moved by Councillor Downie and seconded by Councillor Bowyer as follows –

Words crossed through to be deleted and words in italics to be added:

- Plymouth City Council states that we are proud to live in a diverse and tolerant society. Racism, xenophobia and all hate crimes have no place in our city. This Council condemns racism, xenophobia and hate crimes absolutely unequivocally. It is our duty to provide leadership to the city and we will never allow any form of hate crime to become acceptable.
- ~~Plymouth City Council will work to ensure local programmes, organisations and individuals have support and the necessary resources to fight and prevent racism, xenophobia and crimes of hatred.~~
- Welcomes appropriate work with organizations and individuals to fight and prevent racism, xenophobia and crimes of hatred.
- We send a message of friendship and support to all people living in Plymouth, wherever they were born, whoever they may be, and further state that they are valued members of our community.

The City Council agrees to –

- (1)
 - a. Notes and welcomes recent statements from the Leader, Shadow Leader and Cabinet member for Safer and Stronger Communities and on ‘Staffroom’ condemning hate motivated incidents.
 - b. Requests the Chief Executive to issue this statement as forcefully as possible in all forms and in all outlets available to us.

- (2)
 - a. Welcomes on going work to actively engage with partners and stake holders on this issue to help promote our message across Plymouth.

 - b. Requests the Chief Executive to actively engage with all partners and stakeholders on this issue to send this message to the widest possible audience in Plymouth.

- ~~(3) Welcomes staff training on how to report hate crimes and how to access support and requests that the Chief Executive also makes this available to councillors~~
- (3) Welcomes appropriate work with organisations and individuals to fight and prevent racism, xenophobia and crimes of hatred.

- (4) Request that the Chief Executive ensures all Councillors are aware of the schedule of Citizenship ceremonies and investigate appropriate measures to enable Councillors to attend ceremonies in order to welcome new citizens to the city.

The meeting was adjourned for 5 minutes to allow Members to read and consider the amendment.

(Following the adjournment the Lord Mayor left the meeting and the Deputy Lord Mayor took the Chair until the end of the meeting. With the agreement of Council, Councillor Bowie acted as Vice-Chair until the end of the meeting.)

The debate continued and, following the vote, the amendment was carried.

Following further debate, a vote was taken on the motion as amended and the

motion was carried as follows:

- Plymouth City Council states that we are proud to live in a diverse and tolerant society. Racism, xenophobia and all hate crimes have no place in our city. This Council condemns racism, xenophobia and hate crimes absolutely unequivocally. It is our duty to provide leadership to the city and we will never allow any form of hate crime to become acceptable.
- Welcomes appropriate work with organisations and individuals to fight and prevent racism, xenophobia and crimes of hatred.
- We send a message of friendship and support to all people living in Plymouth, wherever they were born, whoever they may be, and further state that they are valued members of our community.

The City Council agrees to –

- (1) a. Note and welcome recent statements from the Leader, Shadow Leader and Cabinet member for Safer and Stronger Communities and on 'Staffroom' condemning hate motivated incidents.
b. Request the Chief Executive to issue this statement as forcefully as possible in all forms and in all outlets available to us.
- (2) a. Welcome on going work to actively engage with partners and stake holders on this issue to help promote our message across Plymouth.
b. Request the Chief Executive to actively engage with all partners and stakeholders on this issue to send this message to the widest possible audience in Plymouth.
- (3) Welcome staff training on how to report hate crimes and how to access support and requests that the Chief Executive also makes this available to councillors.
- (4) Request that the Chief Executive ensures all Councillors are aware of the schedule of Citizenship ceremonies and investigate appropriate measures to enable Councillors to attend ceremonies in order to welcome new citizens to the city.

26. **Questions by Councillors**

Due to the lateness of the hour, Council agreed to defer this item to the next meeting of Council. In the meantime, any questions Members had could be made in writing to Cabinet members or committee chairs.