

Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee

Wednesday 25 September 2019

PRESENT:

Councillor Churchill, Vice Chair, in the Chair.

Councillors Mrs Aspinall (substitute for Councillor Wheeler), Sam Davey, Derrick (substitute for Councillor Morris), Drean, Mrs Johnson (substitute for Councillor Riley), Stevens.

Apologies for absence: Councillors Mavin, Morris, Riley, Ms Watkin and Wheeler.

Also in attendance: Paul Barnard (Service Director for Strategic Planning and Infrastructure), Nick Carter (Head of Housing and Infrastructure), David Draffan (Service Director for Economic Development), Councillor Evans, OBE (Leader), Nigel Godefroy (Chair of Plymouth City Centre Company), Charles Hackett (Chief Executive Officer – Mayflower 400), Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Steve Hughes (Chief Executive, Plymouth City Centre Company), Grant Jackson (Planning Officer), Katherine O'Connor (Environmental Health (Food Safety) Service), Amanda Lumley (Chief Executive, Destination Plymouth), Councillor Penberthy (Cabinet Member for Giles Perritt (Assistant Chief Executive), Helen Prendergast (Democratic Advisor) and Councillor Peter Smith (Deputy Leader).

The meeting started at 2.00 pm and finished at 5.23 pm.

Note: At a future meeting, the Panel 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.

21. **Declarations of Interest**

In accordance with the Code of Conduct the following declarations were made –

	Minute Number	Reason	Interest
Councillor Drean	Minute 25 – Update on the Potential Impact of Brexit on Port Health	Member of his family was employed by the Port	Personal
Councillor Churchill	Minute 29 – Annual Housing Statement	Member of Plymouth Community Homes Board	Personal

22. **Minutes**

Agreed that the minutes of the meeting held on 17 July 2019 are confirmed as a correct record.

23. **Chair's Urgent Business**

Councillor Churchill advised that Councillor Morris was still unwell and would not be attending this meeting. The Committee took the opportunity to wish Councillor Morris a speedy recovery.

In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for information).

24. **Mapping of Corporate Plan to Scrutiny Committee**

The Committee noted the mapping of the Corporate Plan to Scrutiny Committees.

25. **Update on the Potential Impact of Brexit on Port Health**

Councillor Evans OBE (Leader), Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Giles Perritt (Assistant Chief Executive) and Nina Sarlaka (Employment and Inward Investment Manager) presented the report which highlighted the following key areas –

- (a) as a Port Health Authority, Plymouth was exposed to additional costs that would not be experienced by other local authorities; Plymouth Port Health Authority had received a small sum of funding to assist with the preparations for Brexit from the Food Standards Agency; the Council had not received any additional port funding from central government as Plymouth had not been acknowledged as a Strategic Port;
- (b) Government departments had been working to design customs and other control arrangements at the UK border to ensure goods could continue to flow into the country without any delays due to additional controls and checks; the UK Government did not have control over the checks which European Union member states imposed at the EU boarder; the European Commission had indicated that it was likely to impose full third country controls on people and goods entering the EU from the UK:

- (c) Plymouth was not a Border Inspection Post (BIP); if the risk assessment for high risk food and animal feed changed and the UK Government decided to start imposing import controls on high risk EU food, the meat, fish and dairy produce that was currently imported through Plymouth, would need to be diverted to a Border Inspection Post;
- (d) Plymouth would be a suitable strategic location for a Border Inspection Post; designation as a (BIP) would ensure that the current freight would continue to be imported, if the UK decided to impose import controls; Port operators would be responsible for building BIP facilities;

the Council was currently assisting Associated British Ports (ABP) (the port operator at Millbay) with information about minimum requirements for a BIP facility; based on current information it was difficult to justify a business case for investment into the building of a BIP facility as there was currently no need for one;

- (e) both ABP and Brittany Ferries had indicated that they would definitely wish to secure the current high risk freight as they would not wish to lose this traffic to other ports; if Plymouth was designated as a BIP there was the potential to be able to attract new business; however, the current estimate to build a suitable facility was well in excess for £1.5m;
- (f) EU fishing products arriving in Plymouth via the ferries would require the Council to issue Catch Certificates in accordance with Illegal, Unreported and Unregulated fishing legislation (IUU); this was a new and onerous duty; it was estimated that between 80 and 200 vehicles per year would arrive in Plymouth which would require certificates; this would be chargeable to the importer, at full cost recovery but there was a significant impact on capacity for the Council's Food Safety team;
- (g) Plymouth was still pursuing the Government in order to secure status as a strategic port; it was unclear as to which department / personnel had been involved with this assessment; Plymouth was the only operational roll on roll off ferry terminal in the South West region and as such it was very important to the agrifood and fisheries businesses which proliferated across the South West, Brittany and Spain;

- (h) Plymouth had a clear ambition to become a world class border and was determined to play a part in the Boarder Delivery Group Future Borders programme; Plymouth City Council was in discussions with stakeholders to create a sub-regional fishery products export hub coverage for Devon and Cornwall.

The key area of questioning from Members related to –

- (i) concerns regarding the methodology used when the assessment had been undertaken relating to the designation of Plymouth as a Border Inspection Post and the lack of consultation that had occurred with Associated British Ports and Brittany Ferries in relation to this process;
- (j) sought clarification relating to the Catch Certificates and whether preparations had been undertaken to ensure that the fleet would be able to continue to fish;
- (k) concern regarding the inadequate Government funding that Plymouth had received for the work undertaken by the Council in its preparations for Brexit;
- (l) whether the Council had received support and assistance from the city's three MPs regarding the impact of Brexit on the Plymouth Health Authority Port;
- (m) the measures that had been put in place to address the potential for additional freight lorries to travel to Plymouth due to lack of capacity at other ports, ie a heavy goods waiting area;
- (n) whether there was an expectation that Brittany Ferries would re-direct ferries from other ports such as Portsmouth to Plymouth due to high demand;
- (o) whether there was any support that the Council could provide in order to assist with the improvements that were required at the port;
- (p) the measures being undertaken to review the strategic port risk assessment carried out by central government which had concluded that Brexit would have a low impact on Plymouth.

The Committee agreed to -

- (1) acknowledge the impact that Brexit would have on the Council's Public Protection Service of Plymouth;
- (2) lobby for support for Plymouth as a strategic port and the need for an updated risk assessment;
- (3) support an urgent business case to describe Plymouth as a key port in the UK Government's Future Borders programme, with a world class border, including a Border Control Post and the full range of port facilities for import and export;
- (4) seek a formal response from the city's three MPs regarding the support and assistance they were providing to the City Council with Brexit-related issues, in particular the Plymouth Port Health Authority;
- (5) arrange meetings that could be utilised to discuss the current situation relating to whether a deal had been agreed and the implications, whether an extension had been sought, or whether the UK would be leaving the EU on 31 October 2019, without a deal.

26. **Mayflower 400 Update**

Councillor Peter Smith (Deputy Leader), David Draffan (Service Director for Economic Development), Charles Hackett (Chief Executive Officer – Mayflower 400) and Amanda Lumley (Chief Executive, Destination Plymouth) presented this item and highlighted the following key areas -

- (a) 2020 marked the 400th anniversary of the Mayflower voyage which was one of the most influential journeys in global history and a defining moment in the shared history of Britain, the United States of America and the Native American Nation;
- (b) an exciting national and international programme of Mayflower 400 commemorations would highlight the significance of the special relationship between our nations, transform communities, provide cultural, business and visitor links, explore the different sides of the story and celebrate the people and places of this epic pioneering tale;
- (c) Plymouth had been formally designated as the lead partner for the UK by central government which had successfully co-ordinated a range of activities nationally including, the creation of coherent branding, the delivery of multiple successful funding applications and the alignment of events;
- (d) overview -

- there was a programme of over 400 moments, ranging from international civic ceremonies to local community events; signature events included Mayflower Muster, Illuminate 2019/20 and the Mayflower Ceremony;
 - there were new major cultural attractions which included The Box, new heritage trails and the Elizabethan House;
 - it was anticipated that there would be over 500,000 additional visits to Plymouth in 2020;
- (e) funding -
- Plymouth City Council's revenue commitment of £2.25m had leveraged a further £4m through grant funding and sponsorship, whilst its capital commitment of £5m had leveraged a further £1.1m through grant funding;
 - the Arts Council England had committed £16m into Plymouth's core arts and culture (over five years);
- (f) a fund for local community projects, the Mayflower 400 Community Sparks fund had been launched in April 2018 which targeted grass-roots community, arts and cultural activity; grants would be available up to £3,000 or £5,000 (in exceptional circumstances);
- (g) the Mayflower 400 Volunteer programme which aimed to contribute 100,000 hours of volunteering in support of the Mayflower programme;
- (h) to date, over 200 people had attended the Mayflower Maker introductory sessions with 98 people registered on the doit.like in the Mayflower Maker community group;
- (i) the key elements of legacy relating to the Mayflower 400 programme were categorised as perception, event and physical.

The key areas of questioning from Members related to –

- (j) concerns regarding the lack of mobility scooters available for visitors to access events (Members had been advised by Access Plymouth that scooters would not be allowed on the Barbican); there were two wheel chairs available at the Tourist Information Centre on the Barbican but these were deemed as totally inadequate;

- (k) sought clarification as to the disability groups within the city that had been consulted regarding accessibility during Mayflower 400 (Members were aware that officers had consulted with Plymouth Area Disability Action Network (PADAN) regarding the Mayflower Trails);
- (l) whether traffic management schemes and adequate parking would be put in place to ease the flow of traffic during the Mayflower 400 celebrations with expected large number of visitors attending events in the city;
- (m) sought clarification on the 'bookable offer' (such as the 12 cruise ships that were due for this event) such as what did these look like, what was the take up and what was the extent of the offer (was this Plymouth based or did it encompass the wider region);
- (n) whether the legacy of this event would continue in future years;
- (o) whether during the week of celebrations a service of thanks had been organised;
- (p) sought clarification as to whether there would be any official visitors attending the commemorative event from America.

(Members were shown a Mayflower 400 video)

The Committee requested that 'save the dates' were placed in all Members' calendars regarding the Mayflower events.

The Committee agreed -

- (1) to endorse the continuation of Plymouth City Council's support of the Mayflower 400 programme;
- (2) to encourage councillors to take part in Mayflower Makers training or attend the alternatives information session;
- (3) to encourage councillors to support applications to the Mayflower 400 Community Sparks (from non-central parts of the City);
- (4) the officers work with Plymouth Area Disability Action Network (PADAN) and Access to Plymouth, in order to increase the availability of mobility scooters during the commemorative year.

27. **Plymouth City Centre Business Improvement District (2020-2025)**

Councillor Evans OBE (Leader), David Draffan (Service Director for Economic Development), Steve Hughes (Chief Executive Plymouth City Centre Company) and Nigel Godefroy (Chair of the Plymouth City Centre Company) presented the report which sets out the Council's rationale and support for the renewal of the Plymouth City Centre Business Improvement District (2020-2025). The report highlighted the following key areas –

- (a) a Business Improvement District (BID) was a private sector led management organisation for a precisely defined geographical area, where business rate payers had identified projects and services that would have a positive impact on their trading environment;
- businesses located within the area voted to invest collectively in delivering these improvements which were wholly additional to those already delivered by local, statutory bodies; once a BID had been established, all businesses contributed a BID levy based on the rateable value of their premises to ensure fairness and equity; the BID duration was five years;
- (b) the Plymouth City Centre Company Ltd (PCCC) would be responsible for delivering the new City Centre BID; PCCC was an independent, not for profit company limited by guarantee which currently operated as a voluntary membership partnership with a Board of Directors which represented all the key business sectors in the BID area;
- (c) the City Centre BID would help the City to achieve its Visitor Plan targets which included -
- growing visitor spend by 30% from £347m to £450 in 10 years;
 - increasing the total visitor numbers by 15% from 5.1m to 6m by 2030;
- (d) in February 2020, the businesses would have to decide whether to vote yes or no to fund the delivery of the final City Centre BID business plan; if the majority of businesses voted yes, then all business in the BID area would be required to contribute an annual BID levy payment;
- (e) based on rateable value, the average city centre business would pay an annual levy of £765 which equated to £14.70 per week; it was proposed that a minimum rateable value threshold of £4000 was set within the new BID term, below which no additional levy was made;

- (f) the total projected Plymouth City Council cash and in kind contribution would be £672,500;
- (g) the BID levy was match funded by Plymouth City Council and other partners to generate further funds from additional sources; the City Centre BID aimed to lever £6 of additional match funding for every £1 of BID levy received from business, this would maximise the delivery of project and service improvements;
- (h) a postal ballot of business ratepayers within the City Centre BID area would take place between 28 January 2020 and 27 February 2020; the result of the ballot would be announced by 28 February 2020; the BID's fourth term would commence on 1 April 2020.

The key areas of questioning from Members related to whether –

- (i) electric charging points would be part of the BID's infrastructure improvements;
- (j) consideration had been given to putting incentives in place to encourage home/small businesses to occupy the empty shops within the BID area.

The Committee considered that the presentation should include information from a local trader.

(Members received a presentation which would be circulated following the meeting).

The Committee agreed to recommend the following recommendations to Cabinet for approval –

- (1) endorse the principles and overall approach of the Plymouth City Centre Company BID and its business plan for 2020 – 2025;
- (2) approve the City Council's financial and in kind contributions (totalling £672,500) and to demonstrate its continued commitment to the City Centre Company BID at existing levels through the proposed BID concordat and contract for the provision of services within the Plymouth City Centre Business Improvement District area;

- (3) authorise the City Council's Chief Executive as returning officer to instruct a ballot holder to undertake a ballot of appropriate businesses within the City Centre Company Business Improvement District area;
- (4) delegate to the Strategic Director for Place authority to vote on behalf of the City Council in the Plymouth City Centre Company Business Improvement District ballot;
- (5) delegate to the Strategic Director for Place authority to approve the Plymouth City Centre Company Business Improvement District contract provided that it accords with the general principles set out in this report.;
- (6) Plymouth City Council is already committed to funding the City Centre Company, through its Medium Term Financial Strategy, so no new funding commitments are requested.

The Committee further agreed to recommend to Full Council exercising its power of veto, in order to meet the requirements of Regulation 12 of the Business Improvement District (England) Regulations 2004, in relation to the use of the power of veto and to provide independent scrutiny of the BID proposal.

28. **Plan for Homes: The First Five Years**

Councillor Penberthy (Cabinet Member for Housing and Co-operative Development), Paul Barnard (Service Director for Strategic Planning and Infrastructure), Nick Carter (Head of Housing and Infrastructure) presented this item which highlighted the following key areas –

- (a) local housing pressures –
 - 9413 households on the waiting list of which 2535 had a priority need;
 - 715 long term empty homes (October 2018);
- (b) Plan for Homes 2013 (refreshed 2016) had delivered 2453 direct construction jobs and 479 indirect jobs, generated £102.7m Gross Value Added benefits for the Plymouth economy;
- (c) one of the ambitions for the Plan for Homes programme was to deliver 5000 new homes over five years;

- (d) over the past 18 months 33 council owned sites had been released for development;
- (e) a total of 1526 affordable homes had been delivered in 2013/14 to 2018/19 which included the following -
 - 229 social rented;
 - 818 affordable rented;
 - 436 shared ownership;
 - 19 wheelchair user home;
- (f) the growth dividend had delivered 5563 completed homes during the first five years of the programme and had generated -
 - £28,840,000 in New Homes Bonus;
 - £9,000,000 in Council Tax (per annum);
- (g) excellence in housing delivery had included the Nelson, Stirling and Primrose Park projects;
- (h) a total of 281 long term empty homes had been returned to use over the first five years of the programme;
- (i) Joint Local Plan 2014-2034 (across Plymouth, South Hams and West Devon) included -
 - 26,700 new homes across the Joint Local Plan area;
 - 19,000 of new homes to be built in the Plymouth policy area;
 - the delivery of 6600 new affordable homes, of which 4550 were within the Plymouth policy area;
- (j) Plan for Homes 3 sets out the Council's priority objectives across three themes that would directly support the delivery of 1000 new homes per year (over the next five years), supporting a range of housing delivery and service initiatives, tackling housing needs, homelessness and poor housing conditions.

The key areas of questioning from Members related to –

- (k) whether the number of empty houses in multiple occupation (HMOs) could be re-purposed to provide housing for people who were currently on the housing waiting list;

- (l) the need for the Council to engage with landlords (through various medias) and investigate offering incentives to landlords looking to re-furbish or sell house in multiple occupation (HMOs):
- (m) whether there were stalled development sites across the City, and if so, what action was being taken to address this situation.

The Committee noted the report.

29. **Annual Housing Statement**

Councillor Penberthy (Cabinet Member for Housing and Co-operative Development), Paul Barnard (Service Director for Strategic Planning and Infrastructure) and Grant Jackson (Planning Officer) presented the Annual Housing Statement which had been produced in accordance with the National Planning Policy Framework which each Local Planning Authority in England was required to undertake. The Statement set out key facts relating to the delivery of housing.

The report highlighted the following key areas –

- (a) the information contained within the Annual Housing Statement covered a wide range of indicators, such as the number of new dwellings completed, with planning permission but not started and under construction as at 1 April (each year);
- (b) the most important element of the Statement related to whether the Local Planning Authority could demonstrate a five year land supply of sites for housing development;
- (c) in July 2019, the Joint Local Plan Partnership Board approved the publication of the first Joint Local Plan Housing Position Statement which was produced following the adoption of the Plymouth and South West Devon Joint Local Plan; (the monitoring of housing delivery and in particular the calculation of the five year land supply was undertaken for the whole plan which included parts of South Hams District Council and West Devon Borough Council);
- (d) the key headlines relating to the Housing Position Statement included
 -
 - across the plan area a total of 1388 dwellings (net) were delivered between April 2018 and 2019; of this total 850 had been delivered in Plymouth;
 - across the plan area there were 2204 dwellings under construction at April 2019 and 13,250 dwellings with planning consent;

- there had also been a high level of new dwellings started during April 2018 and 2019; across the plan 1845 homes (932 of which were in Plymouth); there was a forecast of 1925 (1156 being constructed in Plymouth) dwellings being completed in 2019 – 2020;
- a total of 8797 dwellings had been identified across the plan in the five year land supply of which 4117 would be located in Plymouth;
- 1663 affordable dwellings (net) had been delivered in the first five years of the plan, at an average of 333 dwellings per year (1036 of which were located in Plymouth) this delivery was slightly ahead of the targets set out within the Joint Local Plan.

The main area of questioning from Members related to –

- (e) how confident was the Council in continuing to be able to identify land for housing development;
- (f) concerns that land identified within the Plymouth plan area was not being allocated to Plymouth based housing associations such as Plymouth Community Homes;
- (g) what would be the impact on the statistics within the Annual Statement, if property developed for general housing use was re-purposed for student accommodation and whether there were any checks regarding this matter;
- (h) whether there was a requirement for the Annual Housing Statement to separately identify student accommodation;
- (i) whether there would be an adverse effect on the surrounding community relating to sites where planning permission had been allowed to lapse and the site left derelict.

(Members of the Committee received a presentation which would be circulated following the meeting).

The Committee noted the report.

30. **Work Programme**

The Committee noted its work programme.

The Committee considered that with the UK due to leave the European Union on 31 October 2019, it should have the ability to meet, at short notice, to discuss any issues arising from the scenario of a no deal Brexit.

The Democratic Advisor undertook to set up meeting(s) to discuss any relevant issues relating to the impact of Brexit on Plymouth with regard to the UK leaving the European Union.

Councillor Mrs Aspinall noted that the Plan for Fishing was due to be scrutinised at the November 2019 meeting of the Committee and considered that the Members who participated in the Fishing and Fisheries Select Committee Review should be invited to attend for this item (in a non-participatory role) to hear details of the plan.

The Democratic Advisor undertook to send out invitations to attend the meeting of the Committee on 20 November 2019, for the Plan for Fishing item, to those Councillors who had sat on the Select Committee Review.

31. **Tracking Decisions**

The Committee noted the progress of its tracking resolutions.