

# City Council

Monday 3 August 2009

## PRESENT:

The Lord Mayor, Councillor K Foster, in the Chair.

Deputy Lord Mayor, Councillor Drean, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Mrs Bragg, Brookshaw, Coker, Delbridge, Mrs Dolan, Evans, M Foster, Mrs Foster, Fox, Fry, Gordon, James, Jordan, Kerswell, Michael Leaves, Lock, Lowry, Dr. Mahony, McDonald, Miller MBE, Mrs Nelder, Mrs Nicholson, Nicholson, Mrs Pengelly, Purnell, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Mrs Stephens, Stevens, Vincent, Viney, Mrs Watkins, Wheeler, Wigen and Wildy.

Apologies for absence: Councillors Dann, King, Martin Leaves, Sam Leaves, Monahan and Thompson

The meeting started at 2.00 pm and finished at 5.30 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.*

## 24. DECLARATIONS OF INTEREST

The following declarations of interest were made by Members in accordance with the Code of Conduct in relation to Minutes 32 and 33 relating to Notices of Motion Nos. 2 and 3: Sale of Shares in Plymouth CityBus Limited and Key Decisions, under consideration at this meeting –

Name	Declaration	Reason
Councillor Bowyer	Personal and prejudicial	Shareholding in Taxibank which is a potential rival bidder
Councillor Mrs Bowyer	Personal and prejudicial	Shareholding in Taxibank which is a potential rival bidder
Councillor Mrs Dolan	Personal and prejudicial	Director of Plymouth CityBus Limited
Councillor Drean	Personal and prejudicial	Director of Plymouth CityBus Limited
Councillor M Foster	Personal and prejudicial	Director of Plymouth CityBus Limited
Councillor Mike Leaves	Personal and prejudicial	Relative employed by Plymouth CityBus
Councillor Stark	Personal and prejudicial	Director of Plymouth CityBus Limited
Councillor Vincent	Personal and prejudicial	Employee of Plymouth CityBus
Councillor Viney	Personal and prejudicial	Director and Chair of the Board of Plymouth CityBus Limited

## 25. MINUTES

The minutes of the meeting held on 6 July 2009 were signed as a correct record subject to the amendment of the note under the attendance list to indicate that the Council will consider the accuracy of the draft minutes.

## ANNOUNCEMENTS

### 26. Chief Executive

Appointments to committees, outside bodies etc

Resolved that the following appointments were approved –

	<b>Committee / Board</b>	<b>Reason</b>	<b>Appointment</b>
(1)	Corporate Joint Consultative Committee	To fill vacancy arising from the resignation of Councillor Pattison	Councillor Dann
(2)	Corporate Health, Safety and Welfare Committee	To fill vacancy arising from the resignation of Councillor Pattison	Councillor Dann
(3)	Corporate Impact Board (Stock Transfer)	To fill vacancy arising from the resignation of Councillor Pattison	Councillor Evans

	<b>Organisation</b>	<b>No. of Members</b>	<b>Term of Office</b>	<b>Appointments / nominations</b>
(4)	Adoption and Permanence Panel	1 Councillor – vacancy previously deferred	Fixed term of office for 3 years to May 2012	Councillor Delbridge
(5)	East End Development Trust	Resignation of Councillor Ricketts	Continuing membership until such time as the Member resigns or is replaced by Council	Councillor Mrs Nelder

### 27. Leader

The Leader formally recorded the Council's congratulations to Tom Daley on his achievement as World Diving Champion and referred to the events on Friday 31 July, led by the Lord Mayor, to welcome him home from the World Championships in Rome. On behalf of the Council, the Leader also wished him well for the Olympics in 2012.

### 28. Councillor Purnell

Councillor Purnell (Chair of the Children and Young People Overview and Scrutiny Panel) advised the Council that –

- a training day had been arranged for members of the panel on 10 September 2009, to be provided by researchers from Dartington Hall, and would be open to any Councillors to attend;
- the time of meetings of the Children and Young People Overview and Scrutiny Panel had been changed from 2 pm to 10 am;
- a short video from You Tube entitled 'Did You Know?' had been shown to the panel and as it had been very informative, she asked that all Members should be given an opportunity to view it. In the absence of Councillor Monahan, she indicated that she would pass instructions on how to access the video to the Leader, so that it could be made widely available.

### 29. QUESTIONS BY THE PUBLIC

In accordance with paragraph 10 of the Constitution, Messrs Gibbons and Baskerville attended the meeting and asked the following questions to which Cabinet Members responded as set out below -

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
9 09/10	Mr A J Gibbons	Councillor Mrs Pengelly, Leader	Plymouth CityBus – future guarantees
<p>In the event of Plymouth City Council deciding to sell all or part of its share in Plymouth CityBus, will guarantees be enforced with the new owners on future prices, services and jobs?</p>			
<p><b>Response:</b></p> <p>If a decision to sell all or part of the shares in Plymouth CityBus is made, then there will be positive negotiations with any interested parties about what Plymouth people could expect from them and their proposals for the future of the company.</p> <p>We've had a very good number of interested parties expressing a wish to buy CityBus so we are in a strong position as a seller. We could certainly look into the conditions of sale and what finer details are written into sales contracts. However, these would need to be agreed with any new owner.</p> <p>The important thing to remember is that we are making this decision in the best interests of Plymouth and its residents. We are looking to see if there is an organisation that can take over Plymouth CityBus and make it more successful. We will not sell Plymouth residents short. We'll be checking to see if the company could expand, what new ideas they have to create a better service and how they could improve the running of CityBus.</p> <p>In the current climate, I'm surprised that anybody expects guarantees of jobs for life. Whilst no one can give those kinds of guarantees, we want to do everything we can to ensure that the future of CityBus is secure, and that will be best done by carrying out this project and seeing what options there are for the future of the company.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
10 09/10	Mr M P Baskerville	Councillor Mrs Pengelly, Leader	Plymouth CityBus – debate and discussions with trade union representatives
<p>You stated in the Herald 19<sup>th</sup> June there should be 'A Healthy Debate' about the future of CityBus. What form should this debate take? Will you undertake to meet with Trade Union Representatives and others with concerns to discuss the whole issue of CityBus?</p>			

**Response:**

The healthy debate I referred to in my letter that was featured in the Herald will be carried out by your local councillors who have been elected to represent the views of their wards. The final decision whether to sell Plymouth CityBus will be debated at Full Council. This will ensure that all views are represented by all elected parties.

I'm extremely surprised that as the gentleman posing the question is a trade union representative that he did not know that we've already met with trade unions, and indeed, they were informed about the proposals for CityBus ahead of the general public announcement being made. Likewise I'm surprised that he doesn't know about the meeting that's being arranged with staff and staff representatives to talk about any concerns they may have and to answer their questions.

If trade unions want to have meaningful discussions, then they know very well that they only need ask for a meeting, rather than raising questions in Full Council that they already know the answers to.

If members of the public have concerns, then they have all the usual feedback channels open to them – they can speak to their local councillor, they can send feedback via our customer comments on our website, they can write to us. Indeed we've already replied to 150 letters answering people's questions and giving feedback about the proposals.

We are being very open and honest about the way we are going about this project - it's being done in the public domain. If this isn't healthy public debate, then I don't know what is?

Everyone sat here today will all make the decision about the future of Plymouth CityBus. I would like to think that we'll do that based on the facts we hear from officers about what it would mean for CityBus, plus what Plymouth people have told us.

**30. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING, IF ANY**

There were no items of business outstanding for this meeting.

**ITEM REFERRED FROM CABINET**

**31. Local Development Framework: Submission of City Centre and University Area Action Plan**

Councillor Fry submitted the recommendations of Cabinet minute 40 for approval. The motion was seconded by Councillor Mrs Stephens.

An amendment was subsequently moved by Councillor Wildy and seconded by Councillor Evans as set out below –

Under Recommendation 1

Add, after 'draft'

'with the caveat that the affordable housing requirement is applied to the three Strategic Sites in the City Centre and University Area Action Plan, Colin Campbell Court, Cornwall Street and North Cross / Railway Station in accordance with the Core Strategy'

Under Recommendation 3

Add, after 'consultation process'

'but major revision should come to the next Council meeting on the 12<sup>th</sup> October 2009'

Under Recommendation 4

Delete after 'after' and insert 'following agreement of the Council on 12<sup>th</sup> October'

The Lord Mayor put the amendment to the vote by a show hands, and the amendment was declared lost.

During the debate on the substantive motion, Councillor Evans raised a point of order concerning the presence of Councillor Lock, Chair of Planning Committee, and in response the Head of Legal Services advised Members that his presence was in order as the item related to a matter of policy.

Following a request by 10 Members for a poll vote on the recommendations of Cabinet, there voted –

*For the motion (30)*

Councillors Ball, Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Mrs Bragg, Brookshaw, Delbridge, Mrs Dolan, Drean, M. Foster, Mrs Foster, Fox, Fry, James, Jordan, Michael Leaves, Lock, Dr Mahony, Mrs Nicholson, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Stark, Mrs Stephens, Viney, Mrs Watkins and Wiggins.

*Against the motion (17)*

Councillors Mrs Aspinall, Bowie, Coker, Evans, Gordon, Kerswell, Lowry, McDonald, Miller, Mrs Nelder, Purnell, Rennie, Smith, Stevens, Vincent, Wheeler and Wildy.

*Abstentions (0)*

*Not Voting (1)*

The Lord Mayor.

*The following Members were absent (8)*

Councillors Browne, Dann, King, Martin Leaves, Sam Leaves, Monahan, Nicholson and Thompson.

The motion was declared carried and it was Resolved that Cabinet minute 40 was approved.

## **MOTIONS ON NOTICE**

### **32. Sale of Shares in Plymouth CityBus Limited - No 2 09/10**

In accordance with the Rules of Procedure, the following motion (No 2 09/10) was moved by Councillor Evans and seconded by Councillor Stevens -

#### *SALE OF SHARES IN PLYMOUTH CITYBUS LTD*

*Plymouth City Council notes the overwhelming concern of the public over the potential sale of all or part of its shareholding in Plymouth CityBus Ltd.*

*We also note that several delegated decisions are required to decide whether to continue or stop the process, with a vote of the Full Council on the final decision in November once the preliminary stages have taken place.*

*In light of the Council's commitment to openness and accountability, we resolve that a positive vote of the Full Council will be required before each of stages 2 and 3 can proceed.*

During the moving of the motion, reference was made to the approved membership of the Project Board which included Councillor Bowyer, and the Leader raised a point of order to clarify that Councillor Bowyer had resigned from the Board shortly after its establishment.

During the debate, Councillor Brookshaw raised a point of order to correct a statement made about a comment he made at a meeting of the Overview and Scrutiny Commission, which he subsequently withdrew.

At the conclusion of the debate the Leader requested a transcript of the debate.

Following a request by 10 Members for a poll vote on the motion, there voted –

*For the motion (16)*

Councillors Mrs Aspinall, Bowie, Coker, Evans, Gordon, Kerswell, Lowry, McDonald, Miller, Mrs Nelder, Purnell, Rennie, Smith, Stevens, Wheeler and Wildy.

*Against the motion (20)*

Councillors Ball, Brookshaw, Delbridge, Mrs Foster, Fox, Fry, James, Jordan, Lock, Dr Mahony, Mrs Nicholson, Nicholson, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Mrs Stephens, Mrs Watkins and Wogens.

*Abstentions (0)*

*Not Voting (1)*

The Lord Mayor.

*The following Members were absent (19)*

Councillors Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Mrs Bragg, Browne, Dann, Mrs Dolan, Drean, M Foster, King, Martin Leaves, Michael Leaves, Sam Leaves, Monahan, Stark, Thompson, Vincent and Viney.

The motion was declared lost.

(Councillors Bowyer, Mrs Bowyer, Mrs Dolan, Drean, M Foster, Michael Leaves, Stark, Vincent and Viney having declared interests in the above item withdrew from the meeting.)

### 33. **Key Decisions - No 3 09/10**

In accordance with the Rules of Procedure, the following motion (No 3 09/10) was moved by Councillor Evans and seconded by Councillor Stevens -

#### **KEY DECISIONS**

*Plymouth City Council notes that it defines a Key Decision as:*

- (a) Any decision in relation to an Executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or*
- (b) Any decision that is likely to have a significant impact on two or more wards within the Council.*

*The threshold for significant expenditure / savings is £2 million for the award of contracts and £500,000 for all other matters.*

*We therefore resolve that all decisions concerning and leading to any potential sale of Plymouth City Council's shareholding in Plymouth CityBus Ltd will appear in the Forward Plan as appropriate.*

During the debate, Councillor Nicholson sought legal advice on the requirement for decisions to be taken by the City Council to be included in the Forward Plan and the Head of Legal Services responded.

Following a request by 10 Members for a poll vote on the motion, there voted –

*For the motion (16)*

Councillors Mrs Aspinall, Bowie, Coker, Evans, Gordon, Kerswell, Lowry, McDonald, Miller, Mrs Nelder, Purnell, Rennie, Smith, Stevens, Wheeler and Wildy.

*Against the motion (18)*

Councillors Ball, Brookshaw, Delbridge, Mrs Foster, Fox, Fry, James, Jordan, Lock, Dr Mahony, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Mrs Stephens, Mrs Watkins and Wigans.

*Abstentions (2)*

Councillors Mrs Nicholson and Nicholson.

*Not Voting (1)*

The Lord Mayor.

*The following Members were absent (19)*

Councillors Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Mrs Bragg, Browne, Dann, Mrs Dolan, Drean, M Foster, King, Martin Leaves, Michael Leaves, Sam Leaves, Monahan, Stark, Thompson, Vincent and Viney.

The motion was declared lost.

(Councillors Bowyer, Mrs Bowyer, Mrs Dolan, Drean, M Foster, Michael Leaves, Stark, Vincent and Viney having declared interests in the above item withdrew from the meeting.)

**34. ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS TO THE MEETING OR MATTERS TAKEN AS A MATTER OF URGENCY**

There were no items of business.

**QUESTIONS BY MEMBERS**

**35. General Questions**

In accordance with paragraph 12 of the Constitution, the following questions were asked of the Leader, Cabinet Members and Committee Chairs covering aspects of their areas of responsibility –

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Evans	Councillor Mrs Pengelly	Public question No 9 09/10 on Plymouth CityBus – expressions of interest
2	Councillor Kerswell	Councillor Brookshaw	Council's policy on vandalism by Council tenants
3	Councillor Wheeler	Councillor Mrs Pengelly	Playing fields at Barne Barton
4	Councillor McDonald	Councillor Viney	Scrutiny of risk assessment of Hoe Foreshore

36. **Forward Plan**

Following the introduction of the Forward Plan by the Leader, a question was asked of the Leader and Cabinet as follows –

<b>From</b>	<b>To</b>	<b>Subject</b>
Councillor Evans	Councillor Mrs Pengelly	Plymouth CityBus