

# City Council

Monday 28 February 2011

## PRESENT:

The Lord Mayor, Councillor Mrs Aspinall, in the Chair.  
The Deputy Lord Mayor, Councillor Coker, Vice Chair.  
Councillors Ball, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Brookshaw, Browne, Dann, Delbridge, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jordan, King, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Mrs Pengelly, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Mrs Stephens, Stevens, Thompson, Tuohy, Vincent, Mrs Watkins, Wheeler, Wigans, Wildy, Williams and Wright.

Apology for absence: Councillor Mrs Bragg.

The meeting started at 2.00 pm and finished at 7.05 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.*

## 97. DECLARATIONS OF INTEREST

In accordance with the Code of Conduct, the following declarations of interest were made in relation to items at this meeting –

Name	Item	Interest	Reason
Councillor Michael Leaves	Minute 106 - Motion on Notice No 19 Impending closure of Welby	Personal	Owner of care home
Councillor Lowry	Minute 106 - Minute - Motion on Notice No 19 Impending closure of Welby	Personal and prejudicial	Family member received care at Welby
Councillor Vincent	Minute 105 - Budget and Corporate Plan and Proposed Council Tax Levels	Personal	Employee of CityBus

## 98. MINUTES

Agreed that the minutes of the meeting held on 31 January 2011, are confirmed as a correct record.

## **ANNOUNCEMENTS**

### **99. The Late Alderman Mrs Hocken**

The Lord Mayor referred to the recent death of Alderman Prudence Hocken.

Alderman Mrs Hocken served on the City Council from 1979 to 1995 and represented the Plymstock Dunstone Ward. She was made an Alderman in July 1995.

The Council stood in silence, for one minute, as a mark of respect.

### **100. UK Government Business - Social Housing Award 2011**

Councillor Fry (Cabinet Member for Planning, Strategic Housing and Economic Development) informed councillors that the City Council had received a 'Commended' award as one of the three finalists in the UK Government Business - Social Housing Award 2011 for Ker Street Devonport, Phase 1.

He congratulated the officers and the housing associations involved in the project, on this achievement.

### **101. QUESTIONS BY THE PUBLIC**

There were no questions from the public for this meeting.

## **ITEMS REFERRED FROM CABINET AND THE TAMAR BRIDGE AND TORPOINT FERRY JOINT COMMITTEE**

### **102. Joint Performance and Finance Report - Third Quarter - Proposed Additions to the Capital Programme 2010/11**

Councillor Bowyer (Cabinet Member for Finance, Property, People and Governance) presented the proposal for the addition of two new schemes in the capital programme 2010/11. (Cabinet minute 110, resolution 2, referred).

The proposal was seconded by Councillor Sam Leaves.

Councillor Evans referred to the potential adverse impact of the electrical works on those people who had daily benches at the market. Councillor Bowyer informed the Council that the actions were necessary on health and safety grounds and undertook to respond to Councillor Evans on the current position.

Following a debate, a vote was taken and it was Agreed that the following new schemes (included in the latest forecast) are added to the programme for 2010/11 -

- (a) Jennycliff Café environmental works £0.050m;
- (b) Market electrical refurbishment (majority to follow in 11/12) £0.025m.

103. **Tamar Bridge and Torpoint Ferry Joint Committee Minute 71 - Revenue Estimates and Capital Programme**

Councillor Delbridge (Joint Chair of the Tamar Bridge and Torpoint Ferry Joint Committee) presented the recommendations in the written report of the Director for Development and Regeneration on the Tamar Bridge and Torpoint Ferry Joint Committee minute 71 concerning the revenue estimates and capital programme.

Councillor Drean seconded the proposals.

Following a vote, it was Agreed –

- (1) to accept the three recommendations of the Tamar Bridge and Torpoint Ferry Joint Committee as follows –
  - to approve the proposed revenue budget for 2011/12 as set out in Appendix 1 to the officer report;
  - to approve the proposed capital programme as set out in Appendix 2 to the officer report, including provision for a possible bridge office development subject to a satisfactory business case, and subject to approval of expenditure in relation to Footpath 24, Saltash as set out in the report of the General Manager (Agenda Item No. 5);
  - to note the longer term revenue forecast to 2014/15, including the assumption that approximately £600,000 income will be required from a toll increase at the beginning of 2014/15 based on the current level of reserves;
- (2) to request officers to assess the level of reserves required, to continue to regularly review the revenue estimates and the capital programme during 2011/12, in preparation for the 2012/13 budget to maximise efficiencies and reduce risks around future toll increase requests prior to presentation to appropriate Joint Committee meetings.

**BUDGET AND CORPORATE PLAN AND PROPOSED COUNCIL TAX LEVELS**

104. **Length of Debates for Leader and Shadow Leader**

Councillor Mrs Pengelly moved, and Councillor Evans seconded a motion seeking approval in accordance with Council Procedure Rule 14(n) of the Constitution, to suspend Rule of Debate 1.5(b) (which limited the speech of any mover to five minutes) for the item referred to in minute 105 below, in relation to the Leader and Leader of the Opposition.

Following a vote, the motion was Agreed.

105. **Budget and Corporate Plan and Proposed Council Tax Levels**

The Director for Corporate Support submitted a written report on the Budget and Corporate Plan.

The City Council considered -

- (a) the Corporate Plan 2011/14 (appendix A);
- (b) the Corporate Asset Management Plan 2005 -15 (incorporating the capital programme for 2010/11 – 2014/15) (appendix B);
- (c) the medium term capital programme 2010 – 15 (appendix C);
- (d) Audit Committee minute 65 of 21 January 2011 - Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 (appendix D);
- (e) Prudential Indicators and updated Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 (appendix E);
- (f) Cabinet minute 108 of 8 February 2011 – Budget and Corporate Plan Scrutiny Report 2011, including –
  - Cabinet’s response to Budget Scrutiny recommendations;
  - Overview and Scrutiny Management Board minute 95 of 26 January 2011;
  - scrutiny review report on the Budget and Corporate Plan Scrutiny 2011 (appendix F);
- (g) Cabinet minute 109 of 8 February 2011 – Budget and Corporate Plan (appendix G);
- (h) gross expenditure and income (appendix H);
- (i) proposed Council tax levels (appendix I);
- (j) proposed fees and charges (appendix J).

Councillor Mrs Pengelly moved, and Councillor Bowyer seconded, the recommendations in the written report of the Director for Corporate Support on the Budget and Corporate Plan (Cabinet minute 109 referred) and commended to the City Council, for approval, the 2011/12 Council Tax Rates, subject to a change to the proposed care leaver allowances 2011/12, to return the Leaving Care Grant to its original figure of a one off payment of £1,193 (to replace the proposal to reduce it to £1,000).

A revised schedule of proposed fees and charges (revised Appendix J) was circulated and Councillor Mrs Pengelly indicated that the budget before the City Council would mean a Council Tax freeze at the 2010/11 levels.

In presenting the proposals, Councillor Mrs Pengelly referred to –

- (a) the development of two invest to save projects relating to intensive support for families of young people with autism and intensive parent and child assessments within the community to avoid making costly out of city placements;
- (b) the preparation of options to be brought forward during the coming financial year, to enable the implementation of kerbside glass collection as soon as possible;
- (c) the creation of a ring fenced growth fund which would maximise opportunities from new funding streams such as the New Homes Bonus, income from the Council's assets and those of the Council's partners;
- (d) the government's allocation of additional money for pothole repairs this year and she reported that the Council would be looking at opportunities to add to this allocation.

Councillor Evans responded that -

- the proposals attacked low paid workers, part time workers and the most vulnerable; adults and children in care
- the awards received by the City Council were in relation to buildings funded by the Labour government
- £21m of section 106 monies were owing to the City Council
- there was a need to consider alternative forms of energy
- the anticipated reductions in police had come to fruition
- there was no evidence to support the proposed extension of shared services

Councillor Lowry moved and Councillor Evans seconded an amendment as follows –

To approve the proposed net revenue budget requirement of £208.237m for 2011-2012 subject to the following changes -

- A. Bring forward the senior management restructuring from 2012 -2013 to 2011-12 (£250,000 saving).
- B. Bring forward the budget savings on printing/publicity and advertising (£100,000 per department – totaling £400,000) from 2013-2014 to 2011-2012.

Reallocated as follows:

To support library and bus services across the City to prevent their loss or closure

and

To approve the five year Capital Programme (2010/11 – 2014/15) of £192.635m subject to the following change.

- A An additional £1m per year to be allocated for the Programme period to road maintenance, this to be funded from Capital Receipts;
- B An additional £500k to West Hoe Pier repair, funded from Capital receipts.

Following a debate, the amendment was put to the vote. A request was received from ten councillors for a recorded vote on the amendment, and there voted –

*For the amendment (18)*

Councillors Bowie, Coker, Dann, Evans, Gordon, Haydon, Lowry, Murphy, Mrs Nelder, Rennie, Smith, Stevens, Tuohy, Vincent, Wheeler, Wildy, Williams and Wright.

*Against the motion (34)*

Councillors Ball, Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Brookshaw, Browne, Delbridge, Mrs Dolan, Drean, Foster, Mrs Foster, Fox, Fry, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Stark, Mrs Stephens, Thompson, Mrs Watkins and Wigans.

*Abstentions (1)*

The Lord Mayor.

*The following Members were absent (3)*

Councillors Mrs Bragg, King, McDonald.

The amendment was declared lost.

Councillors then continued to debate the main motion. Councillor Mrs Pengelly, in summing up, thanked the Director for Corporate Support and all the finance officers for their hard work on the budget papers.

At the conclusion of the debate, the Assistant Director for Democracy and Governance indicated that it was proposed to take votes on each of the recommendations (1) to (7) below and following the votes, it was Agreed that –

- (1) the Corporate Plan 2011-14 is adopted, subject to minor amendments and editorial design changes being delegated to the Chief Executive and the relevant portfolio holder;
- (2) the Corporate Asset Management Plan 2011-15 is adopted, subject to minor amendments and editorial design changes being delegated to the Director for Corporate Support and the relevant portfolio holder;
- (3) approval is given to the proposed net revenue budget requirement of £208.237m for 2011/12 and five year Capital Programme (2010/11 – 2014/15) of £192.635m;
- (4) approval is given to the increases to fees and charges, as outlined in the revised Appendix J circulated, with the amendment of the Leaving Care Grant to a one off payment of £1,193;
- (5) approval is given to the revised Prudential Indicators outlined in Appendix E;
- (6) approval is given to the Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 included at Appendix D;
- (7) approval is given to the Council Tax for 2011/12 as set out in (8) to (13) below, which freezes the levels at the 2010/11 levels;
- (8) with a net budget of £208.237m, the Band D Council Tax for Plymouth City Council purposes will be £1,244.67. The total Band D Council Tax after taking account of the precept from the Devon and Cornwall Police Authority of £156.60 and of the precept from the Devon and Somerset Fire and Rescue Authority of £71.77 will be £1,473.04 for the year 2011/12;
- (9) it is noted that at its meeting on 14 December 2010, the Cabinet calculated the amount of 77,066 as its Council Tax Base for the year 2011/12, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, made under Section 33 (5) of the Local Government Finance Act 1992, as amended by the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, made under Section 11A of the Local Government Finance Act,

1992, as inserted by Section 75 of the Local Government Act 2003, and the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) (No.2) Regulations 2003;

(10) the following amounts are now calculated by the Council for the year 2011/12 in accordance with Sections 32 to 36 of the Local Government Finance Act, 1992 (referred to hereafter as 'the Act') –

- (a) £630.034m Being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
- (b) £421.797m Being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act;
- (c) £208.237m Being the amount by which the aggregate at 10(a) above exceeds the aggregate at 10(b) above calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) £112.315m Being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non domestic rates and revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act, 1988, and increased by the amount of the sums calculated in accordance with the Local Government Changes for England (Collection Fund Surpluses & Deficits) Regulations, 1995;
- (e) £95.922m Being the amount at 10(c) above less the amount at 10(d) above, all divided by the amount at 9 above, calculated by the Council in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;



(f)	<u>Valuation Bands</u>	£
	A	829.78
	B	968.08
	C	1,106.37
	D	1,244.67
	E	1,521.26
	F	1,797.86
	G	2,074.45
	H	2,489.34

Being the amounts given by multiplying the amount at 10 (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

- (11) it is noted that for the year 2011/12, the Devon and Cornwall Police Authority have stated the following amounts in precept issued to the Council, in accordance with section 40 of the Act, for each of the categories of dwellings shown below –

	<u>Valuation Bands</u>	<u>Police Authority</u>
		£
	A	104.40
	B	121.80
	C	139.20
	D	156.60
	E	191.40
	F	226.20
	G	261.00
	H	313.20

- (12) it is noted that for the year 2011/12, the Devon and Somerset Fire and Rescue Authority have stated the following amounts in precept issued to the Council, in accordance with section 40 of the Act for each of the categories of dwellings shown below –

<u>Valuation Bands</u>	<u>Fire Authority</u>
	£
A	47.85
B	55.82
C	63.80
D	71.77
E	87.72
F	103.67
G	119.62
H	143.54

- (13) having calculated the aggregate in each case of the amounts at 10(f), (11) and (12) above, the Council, in accordance with Section 30(2) of the Act, sets out the following amounts of Council Tax for the year 2011/12 for each of the categories shown below –

<u>Valuation Bands</u>	£
A	982.03
B	1,145.70
C	1,309.37
D	1,473.04
E	1,800.38
F	2,127.73
G	2,455.07
H	2,946.08

## **MOTION ON NOTICE**

### 106. **Impending Closure of Welby - Motion on Notice No 19 2010/11**

Councillor McDonald moved the following motion on notice for approval –

#### **IMPENDING CLOSURE OF WELBY**

We call upon the executive or executive member to reconsider the decision to close Welby until such time that carers are assured that alternative arrangements for respite are available, appropriate and of a satisfactory standard.

The motion was seconded by Councillor Evans.

During the debate, the issues raised, included that –

- the allocation of personal budgets was supported
- some clients had yet to have an accurate assessment
- there had been restricted timescales for the consultative process
- there were concerns on the category of care

- IT equipment and staff training were not yet in place
- a plea from an adult with learning difficulties would be passed to Councillor Monahan (Cabinet Member for Adult Health and Social Care)
- places at guest houses were not appropriate for this use
- it was accepted that Welby was unsuitable for future care needs
- the Task and Finish Group had scrutinised the proposals and found that there were alternative arrangements which were appropriate and of a good standard
- only three regular users had not reached their final assessment
- arrangements were being finalized for two people with regard to short breaks

During the debate, Councillor Monahan indicated that he would meet with officers to discuss the points raised. He also offered to meet with Councillor McDonald, following that meeting, to discuss the outcome.

The motion was put to the vote and declared lost.

(Councillors Michael Leaves and Lowry, having declared interests, withdrew from the meeting during consideration of the above item.)

107. **Appointments to committees, outside bodies etc.**

The written report of the Director for Corporate Support was submitted and amended.

Agreed that the following change of Committee membership was noted -

Committee	Change of Membership
Standards Committee	Councillor Rennie has replaced Councillor McDonald

**QUESTIONS BY MEMBERS**

108. **General Questions**

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

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Evans	Councillor Mrs Watkins	Question at the last meeting of the City Council, concerning the Council's response to the Ministry of Justice Green Paper on access to justice and the response by Councillor Mrs Watkins. Subsequent response had been received indicating that the Council had decided not to respond to the Green Paper.
	<p>Councillor Mrs Watkins indicated that she had responded to Councillor Evans and that clarification was being sought before a response could be made to the Green Paper.</p> <p>The Lord Mayor asked that the Head of Legal Services contact Councillor Evans after the meeting, to discuss a potential formal complaint.</p>		
2	Councillor Haydon	Councillor Bowyer	Local Government Pension Scheme – request for the Chief Executive to allow members of the scheme up to one hour off to be briefed by trades' unions on the proposals and implications of opt out.
	<p>Councillor Bowyer indicated that proposals on levels of contributions next year, had not been agreed. He agreed to take advice on the specific enquiry about one hour off and to respond to Councillor Haydon on this and on the latest perception of the proposals and their implications.</p>		
3	Councillor Williams	Councillor Wigans	Criteria for subsidising bus routes and what was an acceptable distance to access transport?
	<p>Councillor Wigans responded that the criteria were available from the transport department on request. He indicated that acceptable distances depended on the individual and the transport officers tried, where possible, to make sure that people could get to certain places within a reasonable distance.</p>		

4	Councillor Rennie	Councillor Wigens	Lack of consultation with councillors, residents and traders on forthcoming disruption from works to gas mains at the Barbican.
<p>Councillor Wigens responded that the works were being undertaken by a statutory undertaker and that the City Council had little control. Although he knew about the works around Christmas time, he was waiting for the details to be finalised. Clive Perkin and Tom White would be happy to provide reasons, in writing, if required. He was hoping that there would be some flexibility on when the works were carried out.</p> <p>With regard to future works, he had no objection to the transport department liaising with ward councillors or businesses when details of schemes were known.</p>			
5	Councillor Haydon	Councillor Bowyer	With reference to his earlier question on the Local Government Pension Scheme, the figures quoted by Councillor Bowyer on the impact of the proposals (72% people would not be affected by the changes, where earnings were under £24k) were challenged
<p>Councillor Bowyer confirmed the figures and agreed to share details with Councillor Haydon as and when they were available.</p>			
6	Councillor Williams	Councillor Sam Leaves	Was Councillor Sam Leaves seeking to provide a Devon wide emergency planning service for Devon? If so, could she assure that Plymouth would not be left with an officer on call, out of hours, in Barnstaple
<p>Councillor Sam Leaves confirmed that proposals were under negotiation at the moment and staff were being consulted.</p>			

7	Councillor Williams	Councillor Sam Leaves	Asked for assurances that Plymouth would not be left with an officer on call, out of hours, in Barnstaple
	Councillor Sam Leaves responded that she had no firm plans to change the service at present, as nothing had been agreed and she could not confirm either way.		
8	Councillor Mrs Nelder	Councillor Wiggins	Number 45 bus service to be withdrawn from Coxside and Cattedown. When would a decision be taken on the possibility of subsidy for the service?
	Councillor Wiggins indicated that where a service was withdrawn, the public transport department would review the service independently. He could not give an assurance that it would be supported but would ensure that the service was reviewed. He was not aware of the timescale and asked Clive Perkin to look at the issues raised.		
9	Councillor Dann	Councillor Wiggins	What was he going to do to reduce inequality, to make sure residents had a bus and had access to services and opportunities through transport provision, as agreed in the corporate plan.
	Councillor Wiggins responded that he could not support services that had very few passengers using them. It was not an acceptable use of public money.		
10	Councillor Vincent	Councillor Wiggins	Sometimes the buses were well used but income was not generated because they were used by senior citizens or were school buses. The transport section looked at loadings and social need.
	No response was made as a question had not been asked.		

11	Councillor Evans	Councillor Mrs Pengelly	Three incidents last Wednesday: a new policy about handling confidential information; a bomb scare and nearly losing the Leader. Members of the public were at the meeting in the Council House where no evacuation procedures were in place. He asked that she undertook an immediate review into the circumstances.
<p>Councillor Mrs Pengelly responded that the redacted information had been dealt with during the scrutiny process. She had asked about emergency planning and would get a report in time, but the police were in command of the incident. In a previous bomb alert, advice was not given to people to pick up their bags.</p> <p>In response to Councillor Williams' question, she reported that gold command was in Exeter and there were silver and bronze commands. It was a team effort and no one person would be left to deal with an emergency.</p>			

109. **Forward Plan**

The Leader introduced the Forward Plan.

Questions were asked of the Leader and Cabinet Members as follows -

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Evans	Councillor Mrs Pengelly	Leisure management contract award: how much money would be saved by the externalisation of the leisure department?
<p>Councillor Mrs Pengelly indicated that tenders were received on 28 January. Officers were reviewing the responses. The preferred bidder would be confirmed on 7 March with the contract award in April.</p>			

2	Councillor Evans	Councillor Mrs Pengelly	Leisure management contract award: would redacted information be provided or would members have the opportunity to examine numbers before the decision was made?
	Councillor Mrs Pengelly indicated that she would take advice and respond to Councillor Evans.		
3	Councillor Williams	Councillor Mrs Watkins	Contract award for children's services: why was the process so wrong and when will the children's centres have the information to plan services?
	Councillor Mrs Watkins indicated that the original timetable was to tender in January with a start date on 1 April. As the tender was initiated in a period of change, the tender had been issued subject to disruption. Following tender evaluation in December, it needed to progress to clarification and all tenderers were invited to interview as it was too close to score to justify award. It was delayed due to funding changes for the centres. The funding announcement was made in December and a tender award report would be submitted to Cabinet once the budget was agreed.		
4	Councillor Gordon	Councillor Mrs Watkins	Contract award for children's centres: asked to clarify the centres involved.
	Councillor Mrs Watkins indicated that those out to tender were those in the private and voluntary sector.		
5	Councillor Williams	Councillor Mrs Watkins	Contract award for children's centres: she requested a copy of the answer to her previous question, in writing. She also asked why some councillors had received an invite to a briefing and others, including her, had not.



	Councillor Mrs Watkins responded that in response to a call in, she had agreed to consult with councillors. For meetings on individual centres, she had arranged for invites to be sent to local councillors.		
6	Councillor Williams	Councillor Mrs Watkins	Contract award for children's centres: was the Forward children's centre up for tender and if so, why had she received no invite?
	Councillor Mrs Watkins responded that she understood that all local councillors had received an invite. If they had not received one, she apologised and would ensure that they received one. It might be that invites had not gone out yet and she undertook to investigate.		

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