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City Council

Monday 20 June 2011

PRESENT:

The Lord Mayor, in the Chair.

Deputy Lord Mayor, Vice Chair.

Councillors Mrs Aspinall, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Browne, Casey, Churchill, Coker, Davey, Mrs Dolan, Drear, Evans, K Foster, Mrs Foster, Fry, Haydon, Jordan, Michael Leaves, Sam Leaves, Lock, Lowry, McDonald, Monahan, Murphy, Nicholson, Mrs Nicholson, Penberthy, Mrs Pengelly, Reynolds, Ricketts, Dr. Salter, Singh, John Smith, Peter Smith, Stark, Stevens, Thompson, Tuffin, Tuohy, Vincent, Wheeler, Wiggins, Wildy, Williams and Wright.

Apologies for absence: Councillors Ball, Mrs Bragg, Gordon, James, Martin Leaves, Dr. Mahony, Mrs Nelder and Rennie

The meeting started at 2.00 pm and finished at 6.45 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.

7. 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 Mrs Bowyer	Minute 18. Care of vulnerable adults motion on notice no 2 (11/12)	Personal	Manager of a care home
Councillor Michael Leaves	Minute 18. Care of vulnerable adults motion on notice no 2 (11/12)	Personal and Prejudicial	Owner of residential care home that accepts residents from Plymouth City Council
Councillor Haydon	Minute 19. Traffic Management Motion on Notice No 3 (11/12)	Personal	Employee of Wales and West Utilities
Councillor Penberthy	Minute 24. and 27 Transfer of SWRDA Property Assets	Personal	Resident of the Royal William Yard and member of residents' association

Councillor Foster	Mrs	Minute 17. Incapacity Benefit Motion on Notice No 1 (11/12)	Personal	Family receives benefit	member incapacity
Councillor Churchill		Minute 17. Incapacity Benefit Motion on Notice No 1 (11/12)	Personal	Family receives benefit	member incapacity

8. **MINUTES**

Agreed that the minutes of the meeting held on 11 April 2011 and the Annual Meeting of the Council held on 20 May 2011, are confirmed as a correct record.

ANNOUNCEMENTS

9. **Inspiring Volunteering Awards**

Councillor Michael Leaves reported that members of the east zone refuse crew were recently awarded a Good Deed Award at the Inspiring Volunteer Awards.

Driver Nick Symons and collectors Colin Taylor, Kevin Mitchell and Russell Weeks had clubbed together to buy a toy for young Oliver Brown, who is almost completely deaf. The crew had also visited Oliver every Thursday and had learnt sign language to communicate with him.

The Lord Mayor would write, on behalf of the council, to congratulate the crew.

10. **New Councillors**

The Lord Mayor welcomed Councillors Casey, Churchill, Davey, Penberthy, Singh, John Smith and Tuffin to their first meeting of the City Council.

11. **Queen's Birthday Honours List**

The Lord Mayor congratulated the Plymouth people named in the Queen's Birthday Honours –

- Olympic weightlifting athlete Michaela Breeze who received an MBE for services to sport
- Ian Northam, a project worker for trade union GMB's Southern Region who received an MBE. He has helped workers improve their skills and opportunities in the job market
- Marcelle Speller who received an OBE for services to the voluntary sector
- Jane Guy who received an OBE for services to the community in Plymouth
- Plymouth College's David Compton who received an MBE for services to young people through the Duke of Edinburgh Award Scheme and in The Gambia
- Julian Parnall, a higher executive officer at the Child Support Agency who received an MBE

12. **Order of Agenda Items**

To facilitate good management of the meeting the Lord Mayor proposed that items 7 (Transfer of SWRDA Property Assets) and 8 (Acquisition of Derriford Business Park) were moved to the end of the public part of the meeting as there were confidential items relating to these matters.

The proposal was seconded by Councillor Mrs Pengelly and the vote was declared carried.

13. **QUESTIONS BY THE PUBLIC**

Two questions were received from the public, in accordance with paragraph 10 of the Constitution and responses were provided by the Cabinet Members as set out below –

Question No	Question By	Cabinet Member	Subject
1 (11/12)	Mr F Sharpe	Councillor Jordan	Plymstock Swimming Pool
As there is no sign of any 106 funding from the proposed Sherford Development now and for the foreseeable future for a Plymstock Swimming Pool please can residents of the two Plymstock wards have an update regarding a site and a Swimming Pool?			
Response:			
The City Council's position on this remains that a swimming pool to serve the Plymstock area will be provided by the developer as and when the development proceeds on the Sherford site.			

Question No	Question By	Cabinet Member	Subject
2 (11/12)	Mr B Else	Councillor Fry	Planning consent for caravans at The Ride
PCC contravenes planning consent, allowing more than 13 caravans on The Ride. These pitches are designed for 1 caravan.			
Compliance would mean no overspill of vehicles and materials, no need to provide additional site parking as proposed in 'The Saltram Master Plan'.			
Will PCC enforce planning consent?			

Response:

Planning permission was granted in 2001 (01/00200) for a Gypsy site at the Ride allowing 13 caravans/mobile homes to be stationed there (additional touring caravans would not be in conflict with this). Unauthorised encampments in the vicinity are dealt with through our normal enforcement procedures, leading to eviction.

Parking next to the Ride, which may occur from time to time (not necessarily connected with the Gypsy site) would not be a planning matter in itself. Within the Saltram Countryside Park Masterplan the 'Ride' is detailed as a key project. This identifies a number of improvements including re-routing the footpath along the edge of the estuary, new and improved car parking opposite the waste site and a new landscaped area that includes natural play features and a small catering facility.

The proposed re-routing of the footpath / road by the Gypsy site and associated landscaping would provide extra space adjacent to the site. We included this in the illustrative design shown within the Masterplan because discussions with a number of parties indicated that extra space would alleviate some of the existing issues. This, as with all the projects, is however subject to a full technical assessment, consents and funding. 96% of respondents to the Masterplan consultation supported the 'Ride' project.

In the absence of the questioners, written responses will be sent to them.

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

There was no outstanding business from the last meeting of the City Council.

ITEMS REFERRED FROM CABINET, OVERVIEW AND SCRUTINY MANAGEMENT BOARD AND OTHER COMMITTEES

15. **Medium Term Financial Strategy 2011 - 2015**

Councillor Bowyer (Cabinet Member for Finance, Property, People and Governance) submitted a report and recommended that council adopted the Updated Medium Term Financial Strategy (MTFS) for the period 2011-15. (Cabinet minute 9, referred).

The motion was seconded by Councillor Monahan.

An amendment was moved and seconded as follows –

'MTFP add after "for adoption." – Members will be kept informed at each full meeting of the council on progress in delivering the departmental delivery plans.'

The motion was accepted by Councillor Bowyer.

The vote was taken on the amendment and declared carried.

The debate continued on the amended motion.

Councillor Lowry moved a further amendment as follows –

‘Calls upon the cabinet to urgently review car parking charges in light reduced parking income, due to the ongoing economic downturn, the significant fall in retail sales in May of 1.4pc and competition from private parking provision in the city centre.’

The amendment was seconded by Councillor Coker.

Councillor Mrs Pengelly proposed a short adjournment. This procedural motion was seconded by Councillor Fry and following a vote the motion was carried.

Following the adjournment, discussion took place on the proposed amendment.

Following summing up from Councillor Lowry, a vote was taken and the amendment was declared lost.

Following summing up from Councillor Bowyer the vote was taken on the amended motion and it was agreed that the updated Medium Term Financial Strategy (MTFS) for the period 2011 – 15 is adopted and members would be kept informed at each full meeting of the council on progress in delivering the departmental delivery plans.

16. **Amendments to the Capital Programme**

Councillor Bowyer (Cabinet Member for Finance, Property, People and Governance) submitted a report and recommended the amendment of the five year capital programme. (Cabinet minute 8, referred).

The motion was seconded by Councillor Mike Leaves.

Following a vote, the motion to amend the five year capital programme was agreed.

MOTIONS ON NOTICE

17. **Incapacity Benefit Motion on Notice No 1 (11/12)**

Councillor Mrs Aspinall moved the following motion on notice for approval –

INCAPACITY BENEFIT

Casework has revealed that Incapacity Benefit claimants are having benefit withdrawn, with immediate effect, by letter, which then invites them for an interview to review their eligibility, often three or four weeks later.

Council is concerned about the effect on claimants and especially on claimants with mental health incapacity. Anecdotal evidence suggests that when these interviews occur, claimants with mental health issues are being asked inappropriate questions.

Council asks the portfolio holder to conduct an immediate study of the scope and nature of this issue, to assess its implications on claimants, the Council and other provider partners and report to the Cabinet within the month.

The motion was seconded by Councillor Evans.

During the debate, the issues raised included –

- that benefit withdrawal could lead to more casework for councillors;
- that the withdrawal of the benefit to claimants may result in an increase in requests for help via advice and information telephone lines or other means;
- there had been a change of emphasis during assessment interviews and it was not appropriate that people dealing with mental health issues were required to answer questions regarding their physical health;
- the level of disruption caused by the withdrawal of benefits could lead to heightened pressure and stress on the elderly and carers.

Councillor Monahan undertook to provide a report to Cabinet outlining the facts and figures in order to assess implication on claimants, the council and other partners.

Following summing up from Councillor Mrs Aspinall, the motion was put to the vote and declared carried.

18. **Care of Vulnerable Adults Motion on Notice No 2 (11/12)**

Councillor McDonald moved the following motion on notice for approval -

CARE OF VULNERABLE ADULTS

Key City Council and Local Strategic Priorities for Plymouth are ‘Reducing Inequalities’ and ‘Value for Communities’.

1. The Council notes the current financial difficulties in parts of the private care sector and recent criticism by ‘The Health Service Journal’ of the effectiveness of the Care Quality Commission, which has led to concern expressed by Government, with the result that guidelines are awaited on the setting up of local Safeguarding Boards for Vulnerable Adults.
2. Council therefore calls, in the meantime, upon the Cabinet Member for Health and Social Care (Councillor Grant Monahan) to take urgent action, via risk assessments, on the residential care sector within the City that care for residents funded by the City Council, so that Council can be reassured that standards of care are satisfactory.

The motion was seconded by Councillor Evans.

During the debate, the issues raised included that –

- the Care Quality Commission inspection regime is not as robust as previous regime of unannounced inspections;

- Plymouth had excellent safeguarding teams for both adults and children;
- the current whistle blowing policies in both private and public care were not adequate;
- it was important not to spread alarm regarding increasing numbers of inspections.

Following summing up from Councillor McDonald, the motion was put to the vote and declared carried.

(Councillor Michael Leaves having declared a prejudicial interest, withdrew from the chamber for the above item.)

(Councillor Mrs Bowyer declared a personal interest in the above item.)

19. **Traffic Management Motion on Notice no 3 (11/12)**

Councillor McDonald moved the following motion on notice for approval –

TRAFFIC MANAGEMENT

1. Council notes the traffic muddle within the Barbican and surrounding roads in the city as a result of necessary work to gas pipelines.
2. Council calls upon the portfolio holder for transport to reaffirm the overarching role of the Council, as Highway Authority, in reducing traffic muddle.

The motion was seconded by Councillor Evans.

During the debate, the issues raised included that –

- there had been an increase in the levels of disruption in the city due to work taking place on the highway;
- there should be better consultation and compensation from utility companies to those affected;
- the transport department had not been called to account by their portfolio holder for the level of disruption caused to motorists across the city;
- there were serious issues for the local economy and it would have been more helpful to have an in depth discussion at scrutiny where the issues were currently on the Growth and Prosperity Overview and Scrutiny Panel's work programme;
- signage in Plymouth needed to be decluttered and corrected;
- there was, in reality, very little the department could do regarding the timings of the works, utility companies were robustly challenged but it was important keep working with those companies to deliver works with minimal disruption.

The motion was put to the vote and declared lost.

20. **COUNCIL'S CONSTITUTION**

The monitoring officer submitted a report on the adoption of the new council constitution.

Councillor Mrs Pengelly proposed that the item was deferred to the next full meeting of the City Council. The motion was seconded by Councillor Lowry and following the vote it was agreed that the adoption of a new constitution is deferred to the next ordinary meeting of the city council.

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

The City Council noted the following changes of Committee membership, which had been notified to the Monitoring Officer -

	Committee	Change of Membership
1.	Licensing Committee (Miscellaneous)	Councillor McDonald has replaced Councillor Murphy
2.	Overview and Scrutiny Management Board	Councillor Reynolds has replaced Councillor Lock as a substitute member
3.	Support Services Overview and Scrutiny Panel	Councillor Stevens has replaced Councillor Tuffin
4.	Mount Edgumbe Joint Committee	Councillors Wendy Foster and Browne have been appointed. Second Conservative substitute member is Councillor Lynda Bowyer
5.	SACRE	Councillor Mrs Aspinall has replaced Councillor Tuohy

A schedule of the nominations to outside bodies deferred from the annual general meeting was submitted. Following a vote on each appointment the following appointments were made.

	Organisation	No. of Councillors	Term of Office	Appointments /Nominations 2010	Appointments /Nominations 2011
1.	Devonport Community Lands Trust	One councillor	Continuing membership until such time as the Member resigns or is replaced by Council	Cllr Mrs Dolan	Cllr Mrs Dolan
2.	Estover/Leigham/Mainstone Management Committee	One councillor	Annual appointment	Cllr Delbridge	Cllr Delbridge
3.	Plymouth Foyer	One representative	Continuing membership	One vacancy	Tam McPherson

			until such time as the Member resigns or is replaced by Council		
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The appointment to South West Councils was deferred to the next meeting.

22. 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 -

	From	To	Subject
1	Councillor Wildy	Councillor Sam Leaves	Would you undertake to provide a report to the Children and Young People Overview and Scrutiny Panel regarding how many children with disabilities have been affected by recent and future changes to the benefits system?
	Councillor Sam Leaves undertook to provide the required report to the Children and Young People Overview and Scrutiny Panel. Councillor Sam Leaves also undertook to review how public sector budget cuts were affecting frontline children's services.		
2	Councillor Coker	Councillor Wiggins	A private bus company has not been issuing tickets on their routes. How does this affect the council? How are the number of route users verified and what are the implications for concessionary fares?
	Councillor Wiggins could think of no reason why tickets had not been issued. Councillor Wiggins undertook to provide a written response to Councillor Coker.		
3	Councillor John Smith	Councillor Wiggins	The number 57 service provided by Target Travel is about to be removed, what provision is there with regard to elderly people and the suitability of buses and bus routes?
	Councillor Wiggins would not review the entire systems but would investigate the issues around the number 57 service and provide Councillor John Smith with a written reply.		
4	Councillor Stevens	Councillor Lock	Some of the technical drawings on the planning application for the incinerator

			at north yard are in German. Will he undertake that the written information is comprehensible and consultation dates are available on the website?
	Councillor Lock undertook to ensure that planning documents were available in English.		
5	Councillor Evans	Councillor Mrs. Pengelly	Would the Leader not agree with me that now is the time to offer the Plymouth Argyle FC administrator hardship rate relief?
	Councillor Mrs. Pengelly confirmed that rate relief had been provided for the period 4 March 2011 – 6 August 2011 and will remain in discussion with the club's administrator.		
6	Councillor Davey	Councillor Sam Leaves	What are you doing about the fabric of the Ford Primary School building?
	Councillor Sam Leaves has made it a top priority to visit the school and meet the headmaster to review the situation. An invitation would also be extended to ward councillors.		
7	Councillor Wheeler	Councillor Lock	Will the correction of planning documents relating to the incinerator take place after the consultation period has closed?
	Councillor Lock had spoken to the case officer and agreed an extension to the consultation period.		
8	Councillor Evans	Councillor Wigens	There are many instances of large street signage in a perilous state, there is currently an example of this in Union Street where a sign is bound together with nylon rope. What has he done to satisfy himself they are not a hazard? How long has the temporary fix been in place? How long should have it taken to make the sign properly safe?
	Councillor Wigens undertook to look at the sign on Union Street and write to Councillor Evans with the policy on repairs of this nature.		
9	Councillor Coker	Councillor Mrs Pengelly	Constituents are unable to get through to the council's call centre often waiting over 20 minutes. This has resulted in high mobile telephone bills and in some cases court summons have been issued as people cannot get through, does the Leader agree we need to get our act together?
	Councillor Mrs Pengelly was horrified to hear about the problems and asked		

	Councillor Coker to provide more details so she could investigate personally.		
10	Councillor McDonald	Councillor Mike Leaves	The pier at west hoe has not been included in the capital programme, brick work is now falling into the water, could repairs be undertaken as a matter of urgency?
	Councillor Mike Leaves was currently waiting on an options paper for the pier but at present did not have a timetable for any work to be undertaken.		
11	Councillor Vincent	Councillor Wigans	There is a drain within my ward that needs to be cleared. It has been recorded several times yet no work has taken place.
	Councillor Wigans was disappointed that there had not been a response and guaranteed Councillor Vincent would receive a response from the department before the next council meeting.		
12	Councillor Evans	Councillor Mrs Pengelly	It is the policy of the current government to charge women who wish to access the child support agency does the leader agree with her party's policy?
	The Leader was not aware of the policy or reports that Councillor Evans was referring to but she would email the Prime Minister and share his reply with him.		

23. FORWARD PLAN

The Leader introduced the Forward Plan.

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

	From	To	Subject
1.	Councillor Wildy	Councillor Fry	Community Infrastructure Levy – A definition of the term.
2.	Councillor Evans	Councillor Fry	Community Infrastructure Levy – Were councillors consultees? Requested that each Councillor should be given a full brief.

ITEMS REFERRED FROM CABINET

24. Transfer of SWRDA Property Assets

Councillor Fry (Cabinet member for Planning, Strategic Housing and Economic Development) submitted a report on the transfer of SWRDA property assets (Cabinet minute 6 of 7 June 2011 refers) and moved that the City Council amend the capital programme as required.

The motion was seconded by Councillor Stark.

Following a vote being taken, the council agreed to amend the capital programme as required.

(see minute 27 below)

25. Acquisition of Derriford Business Park

Councillor Fry (Cabinet member for Planning, Strategic Housing and Economic Development) submitted a report on the acquisition of Derriford Business Park) report and moved that City Council make the necessary amendments to the capital programme to allow the acquisition of Derriford Business Park.

The motion was seconded by Councillor Thompson.

Councillor Lowry proposed an amendment. The monitoring officer advised the council that debate on the amendment may lead to disclosure of exempt information and suggested that the council consider the amendment in Part II.

(see minute 28 below)

26. EXEMPT BUSINESS

Agreed that under Section 100A(4) of the Local Government Act 1972 the press and public are excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

ITEMS REFERRED FROM CABINET

27. Transfer of SWRDA Property Assets

The City Council received a written report from the Director for Development and Regeneration which provided confidential background in relation to the item referred to in minute 24 above.

28. Acquisition of Derriford Business Park

With reference to minute 25 above,

Councillor Lowry moved the following amendment –

‘Add recommendation 3.

A detailed funding profile be produced to 2026 and be presented at the earliest opportunity to the cabinet including the demands on the capital programme.’

The amendment was seconded by Councillor Evans.

Councillor Fry (Cabinet member for Planning, Strategic Housing and Economic Development) accepted the amended motion.

During the debate it was suggested by Councillor Evans that Councillor Fry write to the Chancellor to request that the treasury forgo the value added tax and stamp duty on the transfer. Councillor Fry suggested that the Leader make the request.

Following Councillor Lowry’s summing up, the amendment was put to the vote and declared carried.

There was no further debate on the amended motion and following a vote, the amended motion to make the necessary amendments to the capital programme and that a detailed funding profile be produced to 2026 and be presented at the earliest opportunity to the cabinet including the demands on the capital programme was declared carried.

(see minute 25 above)

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