

City Council

Monday 10 October 2011

PRESENT:

The Lord Mayor, Councillor Brookshaw, in the Chair.

The Deputy Lord Mayor, Councillor Delbridge, Vice Chair.

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

Also in attendance: Barry Keel (Chief Executive) and Tim Howes (Assistant Director for Democracy and Governance).

Apologies for absence: Councillors Browne and Davey.

The meeting started at 2 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.

53. 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 Aspinall	Minute 62 – Services for Children and Young People Basic Need Programme	Personal	School Governor at Salisbury Road Primary School
Councillor Jordan	Minute 62- Services for Children and Young People Basic Need Programme	Personal	School Governor at Salisbury Road Primary School
Councillor Mrs Nicholson	Minute 62 - Services for Children and Young People Basic Need Programme	Personal	School Governor at Boringdon Primary School

Councillor Stark	Minute 62 - Services for Children and Young People Basic Need Programme	Personal	Trustee of the Centre for Faiths and Cultural Diversity
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54. **MINUTES**

The minutes of the meeting of the Council held on 25 July 2011 are confirmed as a correct record.

ANNOUNCEMENTS

55. **The Lord Mayor**

Deaths of servicemen from the 1st Battalion The Rifles and 42 Commando

The Lord Mayor referred to the loss of two servicemen since the last Council meeting. A serviceman from the 1st Battalion, The Rifles was shot by insurgents during a routine patrol in Helmand Province, in Afghanistan, on 5 August 2011. A second serviceman, Sergeant Barry Weston, was on patrol with 42 Commando of the Royal Marines when he was fatally injured by an improvised explosive device on 30 August 2011.

The Council's thoughts were with their families and the Council stood in silence, for one minute, as a mark of respect.

56. **Leader**

University Technical College Bid for Funding

The Leader (Councillor Mrs Pengelly) reported that the Council had received endorsement of its bid for a University Technical College, under a new government initiative. The college would be sponsored by business and would offer training on marine engineering, advanced manufacturing innovation and enterprise.

Councillor Evans also welcomed the announcement.

Agreed that thanks are extended to all those involved in making the bid.

57. **Councillor Michael Leaves**

South West in Bloom – Gold Award

Councillor Michael Leaves (Cabinet Member for Community Services (Street Scene, Waste and Sustainability) referred to the city's recent success in the South West in Bloom Competition.

The city was awarded gold in the large city category, winning the South West Tourism Cup, for the city's gardens, floral displays, parks and community projects.

Plymouth was also awarded the prize for best portfolio for the presentation of information about the huge range of activities that support the campaign.

The city also achieved 35 'It's Your Neighbourhood' awards.

Councillor Michael Leaves congratulated the Parks Department (some of whom were present at the meeting) and everyone who had been involved in the achievements.

58. **QUESTIONS BY THE PUBLIC**

The following questions were received from members of the public, in accordance with paragraph 10 of the Constitution.

Mr Keats attended the meeting to ask his question and Councillor Lock (Chair of the Planning Committee) responded as set out below -

Question No	Question By	Chair of the	Subject
4 (11/12)	Mr R Keats	Planning Committee	Planning Committee on 22 December 2011
<p>Will the Chair accept that the 22 December is a totally unreasonable date on which to consider the Waste to Energy Application and will he promise to choose an alternative.</p>			
<p>Response: Full Council agree the schedule of Planning Committee meetings for the year ahead. As Chair of the Planning Committee it is my responsibility, taking account of advice I receive from officers, to set the dates for any additional committee dates needed so that we can deal with the planning applications made to the Local Planning Authority in an efficient and effective manner – and our reputation for so doing is well known.</p> <p>I have previously stated that the date is not set in tablets of stone and depends on the applicant submitting more information in relation to the Regulation 19 letter - which they have done. The adequacy of their response is currently being considered by the public, by consultees and by our planning officers.</p> <p>In considering an appropriate date I am also aware that the Highways Agency have imposed an Article 14 Direction which effectively prevents a decision being made by the Planning Committee before 20th December 2011 – and this Direction has still not been withdrawn.</p> <p>Finally, it depends on our planning officers being given an opportunity to try to negotiate a suitable and adequate Section 106 package that enhances any likely benefits and mitigates the likely impacts of the proposed development, in the community interest. This has to be undertaken prior to any officer recommendation being made to the Planning Committee.</p> <p style="text-align: right;">cont'd.....</p>			

I am receiving regular progress reports on all these matters. I will keep this issue under review during October and November to see whether the planning application is ready to be presented to the Planning Committee in December as our planning officers go through their process of assessing all aspects of the application including the views expressed by local people.

However, I must point out that the 22nd December 2011 is a normal working day and there is no reason why the Planning Committee should not meet on a normal working day.

Mr Lloyd did not attend the meeting and his question, and the response from Councillor Lock (Chair of the Planning Committee), were circulated to councillors as set out below. The response would be sent to Mr Lloyd following the meeting.

Question No	Question By	Chair of the	Subject
5 (11/12)	Mr D Lloyd	Planning Committee	Public consultation on the Waste to Energy application
Does the Chair of the Planning Committee agree with most people in Plymouth that the public consultation on the Waste to Energy Application has been totally inadequate and what action will he take to remedy this.			
<p>Response:</p> <p>I am aware that the applicant has made extensive efforts to organise community events, meetings and exhibitions as well as developing a detailed web site in order to ensure that the community are aware of the application and have the opportunity to comment upon it.</p> <p>The initial assessment of our planning officers is that the application has been made in a manner that is consistent with our Statement of Community Involvement. This process is continuing as public notice has recently been given about the receipt of additional information and local people, including those who have already made representations, have been invited to consider the information and whether their concerns have now been adequately addressed.</p> <p>As Local Planning Authority we have also made extensive efforts to publicise the planning application and encourage local people and other stakeholders to make comments upon it.</p> <p>I therefore do not consider that the consultation on the application has been inadequate.</p>			

ITEMS REFERRED FROM CABINET

59. Capital Programme approvals

Councillor Bowyer (Cabinet Member for Finance, Property and People) submitted, for approval, the new capital schemes for investment as set out in the written report of the Director for Corporate Support (Cabinet minutes 35a, 38, 40 (of the Cabinet meeting held on 23 August 2011) and 53, 54 and 59 (of the Cabinet meeting on 13 September 2011) refer).

The proposal was seconded by Councillor Nicholson.

During the debate, and in response to a request from Councillor Lowry, Councillor James (Chair of the Overview and Scrutiny Management Board) undertook to bring forward an item, to the next meeting of the Overview and Scrutiny Management Board, for scrutiny to consider the manner in which capital schemes were being brought forward.

Following a vote, it was agreed that –

- (1) the new capital schemes for investment are approved, as follows, amounting to £3.351m additional capital spend for 2011/12 -

£000	£000	£000	£000	Schemes
11/12	12/13	13/14	14/15	
2,135	-	-	-	Purchase of replacement refuse vehicles
140	-	-	-	Aiming High for Disabled Children
50	700	-	-	Capitalised maintenance works to West Hoe Pier
160	398	-	-	Saltram Countryside Park – Phase I
100	176	1,029	1,542	Plymouth Connect Local Sustainable Transport schemes
89	-	-	-	Royal Parade Pedestrian Crossing
65	-	-	-	Honicknowle Multi Use Games Area and Plan Hub
50	-	-	-	Neswick Street (Stonehouse) Play Area
13	-	-	-	Radford Quarry
14	-	-	-	Russell Avenue Tennis Courts
35	-	-	-	Brickfields Athletics Stand
500	-	-	-	Refurbishment of Armada Way toilets
-	3,148	-	-	Increased provision for replacement MRF (subject to soft market testing)
3,351	4,422	1,029	1,542	Total of new Schemes

- (2) officers report back to Cabinet and the City Council on the current most efficient method of funding the five year capital programme based on existing spending plans.

60. **Revocation and Replacement of Bylaw to Provide Possibility of Allowing Cycling in Parks and Recreation Grounds, where stated**

Councillor Wiggins (Cabinet Member for Transport) submitted a proposal to revoke and replace a bylaw to provide for the possibility of allowing cycling in parks and recreation grounds, where stated, as set out in the written report of the Director for Development and Regeneration. (Cabinet minute 41 refers).

The proposal was seconded by Councillor Michael Leaves.

Following a vote, it was agreed to revoke and replace the bylaws which apply to the parks in Schedules 1 and 2 in Annex 1 to the written report, with an amended version whose wording opens up the possibility of permitting safe and considerate cycling where it is deemed appropriate following consultation with the relevant Council departments, Ward members and user groups.

The wording for both bylaws will be slightly amended to read as follows –

"Providing that the Council indicates that cycling is permitted where indicated in the park by means of a notice, surface markings, direction sign for cycles or "cycling permitted" sign, then this bylaw shall not be deemed to prohibit the riding of cycles in a manner which is judged not to endanger or cause a nuisance to other park users."

CABINET RECOMMENDATIONS FROM 10 OCTOBER 2011

The Lord Mayor advised that there were two recommendations for consideration from Cabinet today, relating to Plymouth Argyle Football Club and the Services for Children and Young People Basic Need Programme.

61. **Plymouth Argyle Football Club**

The Leader (Councillor Mrs Pengelly) submitted a proposal from Cabinet suggesting that Council agree that an Extraordinary General Meeting of the City Council is called on 18 October 2011, to start at 4pm, to consider the possibility of the purchase of the freehold of Home Park by the Council on a commercial basis (Cabinet minute 62a refers).

The proposal was seconded by Councillor Fry.

Councillors referred to the email which had been sent by the Assistant Director for Democracy and Governance, on Friday last, giving advance notice of the proposal and indicating that the meeting would commence at 4.30pm on 18 October 2011. As a result, many councillors had already made arrangements to be available at that time.

The Assistant Director for Democracy and Governance apologised and indicated that the recommendation submitted to the City Council, had been made at Cabinet that morning.

An amendment was moved by Councillor Wildy, and seconded by Councillor Peter Smith, to amend the time of the proposed Extraordinary General Meeting of the City Council from 4pm to 4.30pm.

The Leader indicated that she had not been consulted before the email had been sent out and that many councillors were required to work or be at home with children, in the evening, so the earlier time was preferable for them.

Councillor Wildy summed up and following a vote, the amendment was carried.

The Leader then summed up on the substantive motion, as amended, and, following a request from ten councillors for a recorded vote, there voted –

For the motion (24)

Councillors Mrs Aspinall, Mrs Beer, Bowie, Casey, Coker, Evans, Gordon, Haydon, Lowry, McDonald, Murphy, Penberthy, Rennie, Singh, John Smith, Peter Smith, Stevens, Tuffin, Tuohy, Vincent, Wheeler, Wildy, Williams and Wright.

Against the motion (0)

Abstentions (30)

Councillors Ball, Berrow, Bowyer, Mrs Bowyer, Mrs Bragg, Churchill, Delbridge, Mrs Dolan, Drean, Foster, Mrs Foster, Fry, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Mrs Pengelly, Reynolds, Ricketts, Dr Salter, Stark, Thompson, Wiggins and the Lord Mayor.

The following Members were absent (3)

Councillors Browne, Davey and Mrs Nelder.

The motion, as amended, was carried and it was agreed that an Extraordinary General Meeting of the City Council is held on 18 October 2011, starting at 4.30pm, to consider the possibility of the purchase of the freehold of Home Park, to enable completion of the purchase without further delay.

62. **Services of Children and Young People Basic Need Programme**

Councillor Sam Leaves (Cabinet Member for Children and Young People) submitted a proposal to amend the capital programme relating to the expansion of five primary schools and the inclusion of condition allocations for general condition in schools and Boringdon Primary School. (Cabinet minute 63a refers).

The proposal was seconded by Councillor Jordan.

Councillors expressed disappointment that the proposals had not been considered by scrutiny and concern about the availability of places for in year transfers.

Following a vote, it was agreed to amend the capital programme to include –

- (1) the overall allocation of £6.82m as follows -

Name of School	Phase 1 Cost/£M	Phase 2 Cost/£M
Holy Cross Catholic (Community) Primary School	£0.80	£0.80
Salisbury Road (Community) Primary School	£1.59	
Stoke Damerel (Community) Primary School	£1.98	
St Joseph's Catholic (Community) Primary School	£0.64	£0.85
St Peter's C of E (Community) Primary School	£0.16	
Total	5.17	1.65
Grand Total of £6.82m		

- (2) the condition allocations of £500k for general condition works in schools and of £1.5m (spread over three years starting 2011/12) for the replacement of temporary accommodation at Boringdon Primary School.

(Councillors Mrs Aspinall, Jordan, Nicholson and Stark declared a personal interest in the above item.)

63. **Localities and Neighbourhood Working Review**

Councillor Jordan (Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Sport and Culture)) submitted the recommendations for the City Council, from Localities and Neighbourhood Working Review. (Cabinet minute 50a refers).

The recommendations were seconded by Councillor James who reported that the Council had replaced area committees in February 2010 and the Overview and Scrutiny Management Board had undertaken a review of the new arrangements after 12 months in operation. He indicated that, of the witnesses who had attended the panel, not one had suggested a return to area committees.

Following a query on the minute submitted to the City Council, the Assistant Director for Democracy and Governance reported that some of the recommendations in the Cabinet minute were Cabinet decisions and others required approval by the City Council. He undertook to circulate a copy of the Cabinet and City Council decisions to all councillors.

Agreed -

- (1) to discontinue Locality Teams, set up as part of Locality and Neighbourhood Working arrangements in February 2010 and rescind the lead ward councillor decision. A member of the Council's Senior Management Team (SMT) should be nominated for each ward within the city, with designated duties with respect to support for ward councillors and neighbourhood working, subject to the SMT Members' role being to support and guide Neighbourhood Liaison Officers and not overlap their role (scrutiny recommendation 2);
- (2) to commend revised arrangements to Plymouth 2020 partnership and, subject to agreement, to publicise to and brief relevant stakeholders from all agencies and residents (scrutiny recommendation 6);

- (3) subject to Health and Wellbeing Board arrangements being confirmed, that the Shadow Health and Wellbeing Board takes responsibility for ensuring that neighbourhood level interaction takes place with key health agencies (scrutiny recommendation 9);
- (4) that plans are put in place to adopt the proposed boundary changes set out in the overview report (Appendix A and Figure 1 in the officer's report refers) (scrutiny recommendation 10);
- (5) that the Constitution is updated to reflect revised member and officer accountability arrangements for neighbourhoods and wards (scrutiny recommendation 13).

ITEM REFERRED FROM THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD

64. Overview and Scrutiny Annual Report 2010/11

Councillor James (Chair of the Overview and Scrutiny Management Board) presented the Overview and Scrutiny Annual Report 2010/11 to the City Council and thanked all those involved for their time and effort.

The 2010/11 Annual Report was noted.

MOTIONS ON NOTICE

65. Planning Application 11/00750/FUL - Motion on Notice 11 (11/12)

Councillor Stevens moved the following motion on notice for approval –

Planning Application 11/00750/FUL

Plymouth City Council notes that planning application 11/00750/FUL is scheduled to be considered by the Planning Committee on 22 December 2011, just three days before Christmas Day. We recognise that this is among the most controversial planning applications in Plymouth for many years, with hundreds of Plymothians wanting to witness the decision. Three days before Christmas Day is wholly unsuitable for Plymothians, especially those with young families, to have to attend a Planning Committee meeting.

We note the confusion surrounding the decision to choose 22 December. Our Constitution states that the Chair of the relevant Committee shall decide, but the Chair of the Planning Committee states "The decision was not made by me. It was put to me by Paul Barnard, the Council's head of planning".

We further note that every four weeks the Chair of the Planning Committee states he is "keen to receive feedback" on the workings of the Planning Committee and that this feed back is "invaluable".

We therefore urge the Chair of the Planning Committee to consult with all Planning Committee members to find an alternative date which would show a willingness to allow as many Plymothians as possible to observe this important decision.

Councillor Nicholson declared a prejudicial interest and withdrew from the meeting as the proposal had implications for his employer, Babcock. Following discussion, the Assistant Director for Democracy and Governance confirmed that the interest did not apply to this motion which related to the date of the Planning Committee and Councillor Nicholson subsequently returned to the Council Chamber.

The motion was seconded by Councillor Wildy.

During the debate, the issues raised, included –

- that it was important that the committee was seen to be open and transparent;
- that although it may be difficult to bring the date forward, the meeting could be held in the New Year, if the Chair agreed;
- reference to Councillor Lock's response to the question by Mr Keats, referred to in minute 58 above;
- that the Chair would always take the advice of the officers;
- that many representations had been received from the public with regard to the proposed meeting date;
- that the Council worked for the whole year and the date of the meeting was a normal working day;
- the planning application would be dealt with in an efficient and effective manner.

Councillor Stevens summed up and the motion was put to the vote.

Following a request from ten councillors for a recorded vote, there voted –

For the motion (24)

Councillors Mrs Aspinall, Bowie, Casey, Coker, Evans, Gordon, Haydon, Lowry, McDonald, Murphy, Mrs Nelder, Penberthy, Rennie, Singh, John Smith, Peter Smith, Stevens, Tuffin, Tuohy, Vincent, Wheeler, Wildy, Williams and Wright.

Against the motion (29)

Councillors Ball, Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Churchill, Delbridge, Mrs Dolan, Drean, Foster, Mrs Foster, Fry, James, Jordan, Martin Leaves, Mike Leaves, Sam Leaves, Lock, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Mrs Pengelly, Reynolds, Ricketts, Dr Salter, Stark, Thompson and Wiggins.

Abstentions (2)

Mrs Bragg and the Lord Mayor.

The following Members were absent (2)

Councillors Browne and Davey.

The Lord Mayor declared that the motion was lost.

66. **Proposed Repeal of the Activity Centre (Young Persons Safety) Act 1995 - Motion on Notice No 12 (11/12)**

Councillor Williams moved the following motion on notice for approval –

Proposed Repeal of the Activity Centre (Young Person's Safety) Act 1995

This Council Notes

In March 1993 four teenagers from Southway School died in Lyme Bay. They died as a result of the criminal neglect of the people running the St. Alban's activity centre. Following this tragedy the local Labour MP David Jamieson, working with the parents and other organisations tabled a Private Members Bill, introducing the a licensing scheme for adventure activities. The Bill was accepted by the Government and gained Royal Assent in June 1995, as "The Activity Centres (Young Persons Safety) Act 1995.

The Government proposes to remove the licensing of adventure activities (trekking, water sports, caving and climbing) for young people under the age of 18 and instead introduce a code of practice that the HSE will oversee and monitor.

This Council requests:-

That a Council Officer be identified to work with the appropriate Portfolio Holder to prepare a response to the HSE and Minister on the proposals to repeal the Activity Centres (Young Person's safety) Act 1995.

That within the response this Council should strongly make the case for the retention of the licensing regime for adventure activities established under the Activity Centres (Young Person's safety) Act 1995.

With the agreement of the Council, an extension was moved and seconded to allow Councillor Williams a further five minutes to finish her speech.

The motion was seconded by Councillor John Smith.

During the debate, the issues raised included that –

- there was a need to mitigate risks;
- the introduction of a voluntary code was unlikely to be as effective as the current licensing arrangements;

- a chair of school governors had written to a councillor with regard to the proposed reduction of standards.

An amendment was moved by Councillor Sam Leaves and seconded by Councillor Mrs Beer that the final paragraph of the motion was amended to read -

'That ~~within the response~~ subject to the result of consultation, this Council should strongly make the case for the retention of the licensing regime for adventure activities established under the Activity Centres (Young Person's safety) Act 1995.'

During the debate on the amendment, the issues raised included that –

- the Outdoor Education Advisor within services for children and young people had been identified as the officer to work with the portfolio holder to consider the response to the Health and Safety Executive and Minister on their proposals to abolish the Adventure Activities Licensing Authority;
- consultation on the proposal had opened in June and closed in September 2011;
- the views of the health and safety executive and the minister were yet to announced following the outcome of the consultation;
- the Council took safety issues very seriously;
- the response of the City Council to the consultation exercise was unknown by councillors;
- a high quality of certification was needed for activity centres which would allow parents and schools to make an informed choice.

During the debate, Councillor Sam Leaves undertook to circulate the City Council's response to the consultation exercise, to all councillors.

The amendment was put to the vote and declared carried.

Councillor Peter Smith moved and Councillor Evans seconded a further amendment to add the following words to the end of the motion –

'and will strongly oppose the replacement by a voluntary code.'

The Leader (Councillor Mrs Pengelly) and Councillor Williams indicated that they were happy to accept the amendment and following a vote the amendment was carried.

Councillor Williams summed up on the substantive motion, as amended, and following a vote, the motion was carried as follows -

This Council notes

In March 1993 four teenagers from Southway School died in Lyme Bay. They died as a result of the criminal neglect of the people running the St. Alban's activity centre. Following this tragedy the local Labour MP David Jamieson, working with the parents and other organisations tabled a Private Members Bill, introducing the a licensing scheme for adventure activities. The Bill was accepted by the Government and gained Royal Assent in June 1995, as "The Activity Centres (Young Persons Safety) Act 1995.

The Government proposes to remove the licensing of adventure activities (trekking, water sports, caving and climbing) for young people under the age of 18 and instead introduce a code of practice that the HSE will oversee and monitor.

This Council requests:-

That a Council Officer be identified to work with the appropriate Portfolio Holder to prepare a response to the HSE and Minister on the proposals to repeal the Activity Centres (Young Person's safety) Act 1995.

That subject to the result of the consultation this Council should strongly make the case for the retention of the licensing regime for adventure activities established under the Activity Centres (Young Person's safety) Act 1995 and will strongly oppose the replacement by a voluntary code.

67. **STATUTORY REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS**

The Assistant Director for Democracy and Governance submitted a written report on the Statutory Review of Polling Districts, Places and Stations, in accordance with the Electoral Administration Act 2006.

The Leader (Councillor Mrs Pengelly) moved the recommendations in the written report and Councillor Mrs Dolan seconded the proposal.

The Council was advised that, during campaigning last year, it was discovered that, where families had been moved from their homes as a result of regeneration or improvement works, those families were without a vote in the elections. Councillors were of the opinion that there should be a mechanism for Plymouth Community Homes either to advise the electoral office of new addresses or to send out new registration forms to the families.

The Assistant Director for Democracy and Governance undertook to look at the issue and respond to Councillor Evans.

Following a vote, it was agreed to implement the Plymouth City Council Polling Arrangements Schedule 2011 (copy at Appendix A to the written report) with effect from 1 December 2011.

68. **REVISED CONSTITUTION**

Further to minute 49, the Assistant Director for Democracy and Governance submitted a written report on the progress of the review of the City Council Constitution.

Following concern expressed by councillors, the Assistant Director for Democracy and Governance reported that, where there was a conflict between the constitution and the law, the law would be followed.

The members of the working party had been provided with a marked up copy of the constitution showing the areas that conflicted with the law and other proposed amendments and following a request, the Assistant Director for Democracy and Governance undertook to provide Councillor Evans with a marked up copy of the constitution.

The report was noted.

69. **APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES etc**

Agreed the following appointments –

	Committee	Membership	Appointments
1.	Joint Consultative Committee	Three councillors - two Conservative councillor vacancies	Councillors Browne and Dr Salter

In accordance with minute 84 of the City Council meeting held on 1 February 2011, the following nomination was agreed –

	Panel	Membership	Appointment
2.	Independent Remuneration Panel	Three panel members - Paul Woods, Duncan Currall and Alan Wooderson	Fourth panel member - Sarah Lee - University of Plymouth, Peninsula Medical School

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

	Committee	Change of Membership
3.	Licensing Committee Hackney Carriage	Councillor Mrs Nicholson had replaced Councillor Mrs Dolan
4.	Children and Young People Overview and Scrutiny Panel	Councillor Mrs Dolan had replaced Councillor Mrs Nicholson

QUESTIONS FROM MEMBERS

70. 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 Mrs Beer	Leader (Councillor Mrs Pengelly)	What are the rules if a councillor has a permanent residence outside the UK?
	The Leader responded that she was not aware of the specific rules but as far as she was concerned, councillors must be able to meet residents.		
2	Councillor Wildy	Councillor Wiggins	At a meeting with Amey, and the utilities, with regard to road works in her ward, she was told that the road outside the Welcome Hall would take about one week to complete. It had been dug up, to date, for three weeks. What redress do residents have if roads are dug up for longer than advised?
	Councillor Wiggins responded that he was not familiar with the land and he was not aware of any redress in these circumstances. Sometimes works were quicker than anticipated and sometimes they were longer.		
3	Councillor Penberthy	Councillor Ricketts	A Freedom of Information request made through the 'what do you know' website, showed that 30 per cent of the requests received by the Council had not been answered within the statutory 20 working days. What action was being taken to improve performance?
	Councillor Ricketts undertook to investigate and provide a written response.		
4	Councillor McDonald	Councillor Michael Leaves	With regard to the West Hoe pier item in the capital report, clarity was sought on whether the sum was from supported or unsupported borrowing, whether it could be outlined more clearly and whether the money was ring fenced.
	Councillor Michael Leaves responded that he was waiting for the survey. The money was in the capital receipts and in the budget to go forward this year. It was ring fenced for the pier.		

5	Councillor Evans	Councillor Bowyer	In May, Councillor Smith was replaced on the Devon Investment and Pension Fund Committee by Councillor Bowyer. How many meetings had Councillor Bowyer attended and would he like to resign?
Councillor Bowyer responded that he had attended all those where he had been available to do so and that he would not like to resign.			
6	Councillor Rennie	Councillor Michael Leaves	Was he planning to use the powers under the new Police and Reform Act, where there is provision for Councils to raise night time levies on nightclubs and pubs? Further, the Bill stated that in the event of an elected Police Commissioner, the Commissioner would take away the powers of the Council and that person could propose a levy.
Councillor Michael Leaves responded that he had no plans to put a levy on clubs or pubs and undertook to provide a written response.			
7	Councillor McDonald	Councillor Fry	What action was going to be taken following the collapse of The Grand Theatre Hotel, with some brick work in the road and temporary traffic lights?
Councillor Fry responded that he would raise the issue at a meeting with Assistant Directors tomorrow and a written response would be provided.			
8	Councillor Singh	Councillor Wigens	As a result of the road works at Welcome Hall, the income at the hall had reduced. Could he ask the manager to email Cllr Wigens to ascertain how long the works were going to take?
Councillor Wigens responded that he would ask Clive Perkin (Assistant Director for Transport) to contact Councillor Singh.			
9	Councillor Williams	Councillor Sam Leaves	She was concerned that there was no longer nursery provision in the north west of the City although one of the aspirations of the children's centre was to get people back to work. What was Councillor Leaves' doing about it?
Councillor Sam Leaves responded that if Councillor Williams contacted her by email, or discussed it with her, after the meeting, she would investigate and provide a response.			

10	Councillor Penberthy	Councillor Sam Leaves	He felt that there was still some work to be done on the child poverty action plan re addressing gaps, timings, resources and milestones. Also there was no monitoring by scrutiny. When would this be addressed?
	Councillor Sam Leaves responded that the report would be presented on an annual basis and that all councillors could feed into the process through a self assessment workshop.		
11	Councillor Coker	Leader (Councillor Mrs Pengelly)/ Councillor Michael Leaves	Was it correct that councillors were told that the monies given to them to spend on communities could not be spent on items with revenue implications? Further, Amey had said that were unaware of the provision and there was no money to fill the bins.
	The Leader responded that they could spend the funding on grit bins and Councillor Michael Leaves indicated that the bins would be filled and funded from the community monies.		
12	Councillor Evans	Leader (Councillor Mrs Pengelly)	He understood that the capital environment fund could not be used in this way and asked for an investigation and remedy?
	The Leader responded that she had asked for a grit bin, funded from the capital environment fund, and that it would be filled with monies from the fund. She agreed to ask the law officer to provide a ruling.		

71. Forward Plan

The Leader introduced the Forward Plan.

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

	From	To	Subject
1.	Councillor Evans	Leader (Councillor Mrs Pengelly)	Seeking an assurance that items would not appear in the Forward Plan days after the Council meeting.
	The Leader responded that there was no intention to mislead or withhold information.		
2.	Councillor Penberthy	Councillor Fry	Visitor Plan: would the decision, due to be considered on 15 November, be deferred again?
	Cllr Fry responded that a lot of people had been consulted and he anticipated that there would be presentations to groups. The report would then be presented.		

3.	Councillor McDonald	Councillor Michael Leaves	Plymouth's Local Carbon Framework: was the carbon trading information omitted or is it part of the plan?
	Cllr Michael Leaves responded that it was part of the consultation and he was committed to the carbon framework.		
4.	Councillor Rennie	Councillor Michael Leaves	Sex Establishments Licensing Policy: what does public (in the consultees) mean?
	Cllr Michael Leaves responded that public meant that everyone could write in and the proposal was on the Council's web page.		
5.	Councillor Rennie	Councillor Michael Leaves	Sex Establishments Licensing Policy: Seeking a guarantee that he would read the Localities Act on consultation and respond.
	Cllr Michael Leaves agreed to provide a written answer.		
6.	Councillor Mrs Aspinall	Councillor Michael Leaves	Sex Establishments Licensing Policy: Use of the internet only was not advised for consultation, as it was not accessible to everyone.
	Cllr Michael Leaves responded.		

72. **JOINT PERFORMANCE AND FINANCE REPORT - DEPARTMENTAL DELIVERY PLANS AND BUDGETS**

Councillor Bowyer (Cabinet Member for Finance, Property and People) presented the extract from the Joint Performance and Finance Report, as agreed at the previous meeting, for noting.

The next report would be submitted to the meeting of the City Council on 5 December 2011. Each monitoring report was also submitted to scrutiny for challenge.

A concern was raised on the narrative in relation to adult social care (page 118 of the Council agenda referred).

The extract from the Joint Performance and Finance Report was noted.

73. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be 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 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

74. **SENIOR MANAGEMENT RESTRUCTURE**

The Chief Executive presented his written report on the senior management restructure.

The Leader (Councillor Mrs Pengelly) moved the recommendations as set out in the report and the proposal was seconded by Councillor Bowyer.

The Chief Executive undertook to respond to the queries raised from councillors outside of the meeting.

Agreed that –

- (1) the proposals for changes to the Council's Management Team are approved;
- (2) the timetable for consultation and further proposals for chief officer positions and their direct reports, are noted;
- (3) an Appointments Panel is established for the purposes of the appointment and / or dismissal of chief officers by means of redundancy.

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