

City Council

Monday 30 July 2012

PRESENT:

Councillor Wright, in the Chair.

Councillor Singh, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Browne, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly, Rennie, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wiggins.

Apologies for absence: Councillors Sam Davey, Jordan, Nicholson, Ricketts and Williams

The meeting started at 2.00 pm and finished at 7.15 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.

23. MINUTES

Agreed that the minutes of the Ordinary Meeting of the City Council held on 25 June 2012 are confirmed as a correct record.

24. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the code of conduct in relation to items under consideration at the meeting –

Councillor	Minute	Reason	Interest
Councillor Lowry	31 Combined Heat and Power Plants	Employee of Babcock International	Personal
Councillor J Taylor	34 Regional Pay	Public sector employee	Personal
Councillor Parker	34 Regional Pay	Member of the GMB National Public Services Committee	Personal
Councillor Damarell	30 Local Development Framework: Adoption of Shopping Centres Supplementary Planning Document	Employee of Plymouth Community Homes	Personal
Councillor Damarell	33 Local Development	Employee of Plymouth Community Homes	Personal

	Framework: Adoption of Planning Obligations and Affordable Housing Supplementary Planning Document		
Councillor Fox	34 Regional Pay	User and contributor to the National Health Service	Personal
Councillor Sam Leaves	34 Regional Pay	NHS Employee	Personal

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

The report of the Director for Corporate Services was submitted on current vacancies on committees, outside bodies etc. and changes to committees that have been made.

Following the resignation of Councillor Mrs Dolan from the Conservative group the council noted that –

- (a) the Conservative Group had agreed to give up a seat on the Licensing Committee which will be offered to Councillor Mrs Dolan;
- (b) Councillor Mrs Pengelly will take the seat (previously held by Councillor Mrs Dolan) on the Mount Edgcumbe Joint Committee;
- (c) Councillor Nicholson will take the seat on the Tamar Bridge and Torpoint Ferry Joint Committee;
- (d) Councillor Mrs Dolan will continue to represent the Council on the Olford Bequest (an outside body).

Agreed that the following changes notified to the Assistant Director for Democracy and Governance are noted –

Committee, Outside Body etc	Membership
Devon Audit Partnership	Councillor Stevens will replace Councillor Lowry
Wolseley Trust	Councillor Martin Leaves
Ballard Trust	Councillor Mrs Nicholson
Plymouth City Centre Company	Councillor Lowry to replace Councillor Evans

26. **ANNOUNCEMENTS**

- (i) **The Late Former Deputy Lord Mayor Len Hill**
The Lord Mayor informed Councillors of the death of Len Hill on 11 July 2012. Mr Hill was born on 28 May 1924. He was a Plymouth City Councillor, representing the Labour Party from 1961-68 and 1970-74 and was Deputy Lord Mayor in 1966 to Lord Mayor Stanbury.

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

- (ii) **Large housing development of the year, UK Housing Awards**
The Lord Mayor congratulated Matt Garrett and the Housing Options Team on winning large housing development of the year at the prestigious UK Housing Awards.

George House was commissioned by Plymouth City Council, with the design and development led by Bournemouth Churches Housing Association. It was opened in August last year to provide vital temporary accommodation to Plymouth's most vulnerable people.

- (iii) **Howard League award relating to Youth Offending Service allotments**
The Lord Mayor congratulated the Youth Offending Service for winning the award for their work with young offenders through their allotment project. The service achieved the Howard League for Penal Reforms Community Programme Award 2012 under the category of Unpaid Work for its allotment project.

Young offenders ordered by the courts to carry out work in the community are assigned to the allotment project which plays a big part in efforts to prevent young people from reoffending and to repair damage to the community.

- (iv) **Lesbian, Gay, Bisexual and Transgender Archive Award**
The Lord Mayor congratulated the Community Archives and Heritage Group for being awarded the Plymouth LGBT Archive the title of 'Most Inspirational Community Archive'.

The 'Pride in our Past' project uncovered and celebrated the lesbian, gay, bisexual and transgender history of Plymouth. The project team undertook oral history interviews and collected memorabilia and artefacts to help tell the story.

- (v) **Green Flag Awards**
The Lord Mayor congratulated Street Scene Services for achieving success with all entries gaining a Green Flag award this year.

Devonport Park was a new entry and West Hoe Park, The Hoe and Freedom Fields Park all retained the award.

- (vi) **Olympic Diving**
The Leader informed the Council that, following agreement with the leader of the opposition, there would be an early break in the meeting to allow members to watch Tom Daley compete alongside Peter Waterfield in the Olympic

Games.

The Leader informed the Council that a contingent of athletes who lived worked or studied in Plymouth were competing in the Olympic and Paralympic games. The Leader wished all the competitors success in their efforts at the games.

The Leader invited members of the Council to watch the competition during the adjournment, on the 'Big Screen' on the Piazza.

(vii) Plymouth Airport

The leader announced that the closed airport operation at Roborough would be subject to further debate. The leader would be inviting private sector solutions which met the following five tests –

- It must acquire ownership of the airport and associated infrastructure.
- There must be no need for public subsidy.
- It must have an on-going commitment to airport services.
- It must have a fully funded business plan.
- It must be able to provide clear evidence of demand for Plymouth air services.

The land remained protected as an airport, but should there be no private sector solution, consideration would be given to how the land could be used for jobs and the growth of Plymouth as part of the Plymouth Plan.

27. **QUESTIONS BY THE PUBLIC**

One question had been received from a member of the public in relation to a matter which in the opinion of the Lord Mayor, was relevant to the business of the meeting, in accordance with paragraph 10 of the Constitution

Question No	Question By	Cabinet Member	Subject
Q3/12-13	Mr Sharpe	Councillor Smith, Deputy Leader	Plymstock Swimming Pool – consultation with residents
Please could it be disclosed when Plymstock residents were consulted by the City Council regarding having a possible Plymstock Swimming Pool connected to Sherford?			
A suggestion Councillors view comments on web site http://www.petition.co.uk/plymstock-swimming-pool-site/			

Response:

1) The local planning policy document for this area clearly sets out the need for Sherford to provide a Sports Hub north of Elburton incorporating a swimming pool and the policy document was the subject of extensive public consultations for three years between 2005 and 2007 during which a range of public comments were carefully considered.

- The local planning policy is the North Plymstock Area Action Plan and the issues and Options public consultation on the required planning policies for the area took place between the 7th March and 18th April 2005.
- Having considered public comments the next stage was to invite public comment on the Preferred Options version This took place in the period July- September 2005. The result of the public response to the question relating to the possible provision of the sports centre/swimming pool, outdoor pitches etc here to meet needs of Sherford residents and to offset any loss of playing field land due to transport proposals was 20% Strongly agree, 6% agree, 59% nil response or no opinion, 4% disagree and 11% strongly disagree.
- An Elburton EDRA public presentation and exhibition took place on 19th May 2006 and the public consultation on the Action Plan ran for a period of 6 weeks from 22 August and ending on 3 October 2006.
- The planning policy was adopted in August 2007, following public examination. Hearings held on the 13 February and 28 March 2007.

It is evident that the local planning policy was adopted following consideration of public opinion and following extensive public consultations.

2) The planning applications for the development of this area with a Sports Hub north of Elburton incorporating a swimming pool was the subject of extensive public consultations for five years between 2006 and 2011 during which a range of public comments were carefully considered by the relevant Planning Committees.

- The planning applications for the Sherford development submitted in 2006 reflected the need for the Sports Hub north of Elburton. All the statutory publicity and public notices required for an application accompanied by an Environmental Statement were carried out in association with the two local planning authorities (SHDC and PCC). In addition 3 local public exhibitions on the applications were held in October 2007.
- In 2008/2009/2012 The applicant's submitted additional information and these were the subject of public consultation and comment. The Planning Committees of both authorities considered the public views and the merits of the planning applications in 2008 and 2009. The PCC

Planning Committee again met to consider the latest situation in March 2012 when the views of local people were again considered together with those of consultees (the report is available to see on the PCC planning website for 06/02036).

- The Planning Committees of the two local planning authorities (together with Devon County Council) have agreed the framework for a possible legal agreement –a Section 106 Agreement. The required S106 would ensure (amongst other things) that there would be the phased delivery of community facilities including the sports centre (of a minimum of 2,140 square metres) north of Elburton and this would incorporate a 4 lane heated swimming pool.

It is evident that the Planning Committee's decision was made following consideration of public opinion and following extensive public consultations.

In the absence of the questioner, the question and response were circulated and a written response would be sent to Mr Sharpe.

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

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

(Due to the adjournment the agenda was reordered. Items were taken in the order noted below)

29. **APPOINTMENT OF THE CHIEF EXECUTIVE**

Councillor Evans submitted a report of the Chief Officer Appointments Panel to full council and recommended to appoint the Chief Executive and designate her as Head of Paid Service.

Councillor Mrs Pengelly seconded the motion.

Agreed to -

- (1) appoint Tracey Lee as the Chief Executive of Plymouth City Council;
- (2) designate Tracey Lee as Head of Paid Service on commencing her employment with the Council;
- (3) designate Tracey Lee as the electoral registration officer and returning officer with effect from 16 November 2012.

(This item was moved up the agenda to enable good management of the meeting.)

30. **Local Development Framework: Adoption of Shopping Centres Supplementary Planning Document**

Councillor Vincent submitted a report on the Local Development Framework: Adoption of Shopping Centres Supplementary Planning Document and recommended its adoption to Council (Cabinet minute 24 referred).

Councillor Lowry seconded the motion.

During summing up, Councillor Vincent requested any Ward Member who wished that their local shopping centres to be considered for inclusion in the document, to contact him directly and their requests would be discussed with officers.

Agreed –

- (1) that the Shopping Centres Supplementary Planning Document First Review be formally adopted;
- (2) to delegate authority to the Assistant Director of Development (Planning Services) to approve the final publication version of the Supplementary Planning Document;
- (3) to instruct the officers to implement as soon as practicable all the statutory procedures associated with the adoption process;
- (4) that officers from the Economic Development Service be encouraged to work on the development of shopping centres in vulnerable communities in order to maximise regeneration opportunities.

31. **MOTION ON NOTICE - Combined Heat and Power Plants**

Councillor Evans moved the following motion on notice –

COMBINED HEAT AND POWER PLANTS

In view of the on-going, serious and deeply felt concerns of many residents regarding the location of the proposed waste plant at North Yard, the Council should fully investigate the options available which would prevent the plant being constructed in its current location. To this end the Council instructs the Interim Chief Executive to seek independent legal advice on the implications of the Council terminating the current contractual arrangements and revoking the current planning consent and for this advice to be considered by Cabinet and the Planning Committee respectively as a matter of urgency.

Irrespective as to the outcome of this review, the Council remains committed to acting in the best long term interests of all our residents – particularly where public health and the environment is concerned. We, therefore, ask that scrutiny should undertake a review of all the most recent evidence regarding the health and environmental impact of CHP plants on local communities in built up areas with the aim of advising the Cabinet on any action which might be appropriate.

The motion was seconded by Councillor Damarell.

Issues raised during the debate included that –

- (a) the administration would be seeking the best possible advice on what options were available regarding the waste incinerator;
- (b) joint work with other local authorities had been excellent and work of officers had been exemplary; they had however reached the wrong conclusion;
- (c) The Incinerator was suitably located on an industrial site, secured the future of HM Dockyard and was a good deal for the people of Plymouth;
- (d) of most concern was the health implications of the plant, in particular the health impact of particulates which were not adequately monitored in the United Kingdom;
- (e) the environment agency had issued an environmental permit and the plant would reduce the city's carbon footprint;
- (f) seeking further legal advice would be a significant cost to the authority and was a waste of public money;
- (g) observers at the South West Devon Waste Partnership were not permitted to consider all of the information available, scrutiny committees had only been provided with redacted information and the process had not been open and transparent.

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

For the motion (29)

Councillors Mrs Aspinall, Bowie, Casey, Coker, Damarell, P. Davey, Mrs Dolan, Evans, Fox, Gordon, Haydon, Jarvis, McDonald, Murphy, Nelder, Parker, Penberthy, Rennie, Singh, J. Smith, P. Smith, Stevens, J. Taylor, K. Taylor, Tuffin, Tuohy, Vincent, Wheeler and Lowry

Against the motion (21)

Councillors Ball, Mrs Beer, Bowyer, Mrs Bowyer, Churchill, Darcy, Drean, Foster, Mrs Foster, Fry, James, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Mrs Nicholson, Mrs Pengelly, Dr Salter, Stark, Wiggins.

Abstentions (1)

The Lord Mayor

The following members were absent (5)

Councillor S. Davey, Jordan, Nicholson, Ricketts and Williams.

Following the vote the motion was carried.

32. **Revised Corporate Plan 2012 - 2015**

Councillor Evans submitted the report on the revised Corporate Plan and recommended its adoption to Council.

Councillor Penberthy seconded the motion.

Agreed the adoption of the revised Corporate Plan 2012-15.

33. **Local Development Framework: Adoption of Planning Obligations and Affordable Housing Supplementary Planning Document**

Councillor Vincent submitted a report on the Local Development Framework: Adoption of Planning Obligations and Affordable Housing Supplementary Planning Document and recommended its adoption to Council (Cabinet minute 25 referred).

Councillor Lowry seconded the motion.

Agreed to –

- (1) formally adopt the Planning Obligations & Affordable Housing Supplementary Planning Document;
- (2) delegate authority to the Assistant Director for Planning to approve the final publication version of the SPD;
- (3) instruct officers to implement as soon as practicable all the statutory procedures associated with the adoption process.

34. **MOTION ON NOTICE - Regional Pay**

Councillor Peter Smith proposed the following motion on notice –

REGIONAL PAY

Plymouth City Council notes the announcement by George Osborne of plans to widen the system of local public sector pay structures and his request to pay review bodies to report on the issue from June 2012.

The Chancellor has stated that public sector pay should mimic the private sector and be more reflective of local economies.

Plymouth City Council believes that a move to regional or local pay schemes will lead to a large reduction in pay and spending power and ultimately a skills drain out of Plymouth. For highly skilled people Plymouth will become a less attractive destination and this will inevitably make it more difficult for local organisations to recruit the talent required to lead and overcome the huge and immediate challenges facing the public sector.

With Plymouth highly dependent on the public sector for employment, any attempt to drive down wages in local public sector organisations can only be considered counterproductive and will have profound consequences for the local economy. Limiting people's spending power will reduce demand in the economy and will come as a bitter blow to local businesses.

Plymouth City Council therefore resolves to resist any attempts to introduce local or regional pay schemes and ask the Leader of the Council to write to the Prime Minister, the Chancellor, Plymouth's MPs, pay review bodies and local public sector employers setting out the council's opposition to a regionalised pay and the severe consequences that any such scheme will have on the economy of Plymouth.

Councillor Jon Taylor seconded the motion.

During the debate issues raised included that –

- (a) regional pay undermined national agreements;
- (b) regional pay would be damaging for the economy and would have economic consequences for the people of Plymouth;
- (c) this was part of the Chancellor's plan to externalise the public sector and would result in a "brain drain" from the south west.

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

For the motion –

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Browne, Casey, Churchill, Coker, Damarell, Darcy, P Davey, Mrs Dolan, Drean, Evans, Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Michael Leaves, Sam Leaves, Lowry, Dr Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly, Rennie, Dr Salter, Singh, John Smith, Peter Smith, Stark, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wiggins.

Abstentions (1)

The Lord Mayor

The following members were absent (6)

Councillor S. Davey, Jordan, Martin Leaves, Nicholson, Ricketts and Williams.

Following the vote the motion was carried.

35. **PROBITY IN PLANNING: PLANNING COMMITTEE CODE OF PRACTICE AND MATTERS SPECIFICALLY DELEGATED TO THE PLANNING COMMITTEE**

Councillor Peter Smith submitted the report on Probity in Planning and the Planning Committee Code of Practice and matters specifically delegated to the Planning Committee.

Councillor Penberthy seconded the motion.

Agreed that -

- (1) the City Council incorporates the “Probity in Planning” Code of Practice within Part G of the City Council Constitution as set out in Appendix 1 of the report;
- (2) paragraph 2.2.2 (d) in Planning and the Planning Committee Part E of the City Council Constitution be amended as set out in Appendix 2 of the report.

36. **QUESTIONS BY COUNCILLORS**

In accordance with Part B, paragraph 12 of the Constitution, the following questions were asked of the Leader, Cabinet members and Committee Chairs covering aspects for their area of responsibility –

	From	To	Subject
1	Councillor Sam Leaves	Councillor Evans	Will you undertake to publish minutes of Cabinet Planning meetings and invite the public to attend?
	Councillor Evans explained that Cabinet Planning was a pre-meeting with Council Officers before the Cabinet Meeting to plan the agenda. These were not public meetings and as such meeting notes were not provided.		
2	Councillor Mike Leaves	Councillor Vincent	Can you confirm that you wish to extend the Garden Waste collection pilot into November?
	Councillor Vincent advised that once an evaluation was complete Councillor would report the results to Council.		
3	Councillor Mrs Bowyer	Councillor McDonald	Do you propose to implement your pledge to encourage the voluntary sector to provide independent advocacy services to vulnerable customers?
	Councillor McDonald reported that this was part of encouraging all sectors across the city to contribute to advice, information and advocacy focused on vulnerable people. We will encourage independent advocacy from the best providers. The tendering exercise will soon be complete. The budget earmarked for advice and information would be in the region of £550,000.		
4	Councillor Browne	Councillor McDonald	How will the Older People’s Charter add value to safeguarding adults in the city?
	The Older People’s Charter was a statement setting out what the council would do for older people so there was clarity in expectations. Older people had been invited to contribute through a consultation process. It was hoped that the Charter would be presented to Cabinet in October.		
5	Councillor Darcy	Councillor Coker	Are you satisfied that you are achieving your pledge to keep streets clean and drains clear?
	Councillor Coker explained that a review was underway to look at how drainage was maintained. A schedule of maintenance works would soon be published on the council’s website.		

6	Councillor Beer	Councillor Lowry	How far have we got in transferring Plympton St Maurice Guildhall to a Board of Trustees made up of local residents?
	Councillor Lowry was not aware of the request for a community asset transfer and requested that Councillor Mrs Beer forwarded more details to him.		
7	Councillor Bowyer	Councillor Smith	Given the experiences in Stoke-on-Trent and Coventry with webcasting would you take more time to consider this issue before deciding to confirm or extend the current network in Plymouth?
	Councillor Smith explained that this was the first webcast and there had already been 600 people viewing. Councillor Smith confirmed that the Council would not pay the amounts Councillor Bowyer quoted from Stoke-on-Trent Council and that webcasting costs would be met within current budgets.		
8	Councillor Churchill	Councillor Vincent	You have not invited the waste project team to this meeting to be recognised for their work, why is that?
	Councillor Vincent informed the Council that officers were on holiday and could not attend the City Council meeting. Councillor Vincent had arranged for a presentation to the team by the Lord Mayor at the last South West Devon Waste Partnership Meeting.		
9	Councillor Mrs Pengelly	Councillor Evans	When will the bid for Central Park to be a Jubilee Park be submitted?
	Councillor Evans responded that nobody was aware of the bid for a Jubilee Park. Councillor Evans referred to letter written by Councillor Mrs Pengelly which offered Central Park to the 'Fields In Trust' group. There was no bid going forward to designate Central Park as a Jubilee Park.		
10	Councillor Monahan	Councillor McDonald	How will you deliver more support for people to stay in their own home?
	Councillor McDonald informed the council that the policy of keeping people in their homes includes supporting carers and the extension of information and advice services. The adult social care restructure was complete, staff were fully trained on the personalisation agenda and feedback from users was good. Councillor McDonald was confident that they could deliver on the pledge to help support people to stay in their own homes despite the ageing demographic and reducing budgets.		
11	Councillor Michael Leaves	Councillor Lowry	Could you confirm that you have received £500,000 from the £2,000,000 for a district heating system provided through planning obligations relating to the Energy from Waste Plant?
	Councillor Lowry informed the Council that the money had not been received due to applications for judicial review. The money when received would be used for a district heating system as required in the section 106 agreement.		
12	Councillor Churchill	Councillor Vincent	Had there been a reduction in the amount of grass cutting in the city? Please could you arrange

			the removal of the dangerous Ragwort plant from the verge of Novorossik Road?
	Councillor Vincent asked to be informed of any issue relating to dangerous plants immediately, and that he would arrange the removal of the plant immediately after the meeting. There had been some redeployment of staff that would normally cut grass to deal with the back log of tree maintenance.		
13	Councillor Darcy	Councillor Coker	When will you update us on what is being done to alleviate of congestion on Cot Hill?
	Councillor Coker would provide Councillor Darcy with a written response.		
14	Councillor Bowyer	Councillor Lowry	Have Cabinet agreed capital investment in ICT and customer service improvements business cases within three month deadline that you set in your amendment of 16 April 2012?
	Councillor Lowry confirmed that the business cases had not been agreed. This was because further work had been requested to identify tangible savings and benefits, business cases will go to Cabinet in September. When agreed, work would be frontloaded to deliver improvements as soon as possible.		
15	Councillor Parker	Councillor Evans	What would have been the consequences to the community of Plymouth and the financial impact, had the designation of Central Park as a Jubilee Park taken place?
	Councillor Evans responded that the community would have suffered a negative impact as the council would have lost control of Central Park and the financial implications would have been incalculable.		
16	Councillor Stark	Councillor Coker	What number or proportion of parking contravention notices (PCN) have resulted in formal representations and of those representations which have resulted in PCNs being cancelled? Was Councillor Coker aware that Plymouth City Council is not following guidance on the enforcement of the Traffic Management Act 2004 and what did he propose to do about it?
	Councillor Coker understood that guidance was being followed. Councillor Coker undertook to provide Councillor Stark with a written response and invited Councillor Stark to join him in a meeting with officers to discuss the matter.		
17	Councillor Ball	Councillor Vincent	Is it a policy to keep pavements clear of wheelie bins? If so why does one of your officers say that this policy will not be enforced?
	Councillor Vincent responded it remained a policy of the council to keep pavements clear of wheelie bins and requested that Councillor Ball provided details of the officer concerned.		

37. **EXEMPT BUSINESS**

There were no items of exempt business.