

# City Council

Monday 31 March 2014

## PRESENT:

The Lord Mayor, Councillor Mrs Pengelly, in the Chair.

The Deputy Lord Mayor, Councillor Churchill, Vice Chair.

Councillors Mrs Aspinall, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Gordon, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Morris, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Rennie, Ricketts, Dr. Salter, Singh, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wigans, Williams and Wright.

Also in attendance: Tracey Lee (Chief Executive), David Shepperd (Deputy Monitoring Officer), Denis Cooper (Eversheds Solicitors), Nicola Kirby and Helen Rickman (Democratic Support).

Apologies for absence: Councillors Ball, Fry, Haydon and James.

The meeting started at 2.00 pm and finished at 9.00 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.*

## 103. MINUTES

Agreed that the minutes of the meeting held on 24 February 2014 are confirmed.

## 104. DECLARATIONS OF INTEREST

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

Name	Item	Interest	Reason
Councillor Coker	Minute 109: Review of the Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Disclosable pecuniary interest	Personal licence holder

Councillor Martin Leaves	Minute 109: Review of the Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Private	Taxi driver
Councillor Michael Leaves	Minute 115: Abolition of the Independent Living Fund	Disclosable pecuniary interest	Owner of a residential home
Councillor Sam Leaves	Minute 109: Review of the Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Private	Husband is a Hackney Carriage driver
Councillor John Smith	Minute 109: Review of the Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Private	Hackney Carriage driver

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

The City Council noted the following change in membership notified to the Assistant Director for Law, Democracy and Governance –

<b>Committee</b>	<b>Appointment 2013/14</b>
Co-operative Scrutiny Board	Councillor Kate Taylor to replace Councillor Casey

106. **ANNOUNCEMENTS**

**The Lord Mayor –**

- (a) congratulated Felix Munkuli on being the first winner of the Children and Young Person's Social Worker of the Year and presented the silver cup, purchased in memory of the late former councillors Gladys May and William Tucker, to him. In future the annual presentation would be made at the staff awards;

- (b) thanked councillors for their service prior to the next City Council and European Elections on 22 May 2014. In particular she thanked Councillors David Haydon and Grant Monahan who would not be standing for re-election and paid tribute to them for their many years of service to the City Council. She also wished everyone well who was standing in the local election and encouraged the public to use their vote in both the City Council and European elections.

**Councillor Evans (Council Leader) -**

- (c) referred to the recent publication of Network Rail's Five Year Investment Plan in Railways and highlighted the omission of the far South West of England. Although the existing, Victorian main line at Dawlish was re-opening, the campaign for a fast, resilient railway needed to be continued and he called on every Member of Parliament in the south west to support it;
- (d) announced the completion of 99 of the 100 pledges made by the Labour administration and the other, numerous achievements of the last 12 months. He extended thanks to the Chief Executive and all the staff for their work over the last 12 months and for their great public service to the citizens of Plymouth.

**Cllr Vincent (Cabinet Member for Environment) -**

- (e) announced the commencement of the door step glass collection from 1 May 2014 citywide and asked members of the public to put glass bottles and jars in the green recycling bin from 1 May;
- (f) updated members on the progress of works on the Elphinstone and Quay Point toilets. The toilets at Elphinstone were due to be opened before the Easter Bank Holiday and at Quay Point before the summer period. Members were also advised that the strategic review of the city's toilets was nearing completion.

**Cllr Williams (Cabinet Member for Children and Young People) -**

- (g) reported that Tony Staunton (Child Protection Manager) had received national recognition for his work to combat child sexual exploitation. She expressed her pride in Tony Staunton and his team, together with youth workers in the city and thanked everyone for their valuable work in child social care;

- (h) announced that the Education Catering Team had been shortlisted for Cost Sector Team of the Year. She also referred to the recent increase in the take up of free school meals and congratulated Brad Pearce (Education Catering Manager) and his team on their work.

**Cllr Coker (Cabinet member for Transport)** announced that the results of the consultation on the parking review undertaken in October 2013, had been published on the Council's website.

**Cllr Penberthy (Cabinet Member for Co-operatives and Community Development)** gave an update on the work relating to the establishment of a Community Economic Development Trust in the north of the city. A Steering Group of 12 stakeholders had been elected, including five councillors and business representatives together with support officers from the City Council and the business community. A business plan would be developed and the Steering Group would consider feasibility studies on properties made available to it from the Council. The first study related to the former Whitleigh Care Home which would become the headquarters for the Four Greens Community Trust together with business spaces. He thanked all the members of the Steering Group with special mention of Councillor Jon Taylor who had taken the day to day lead on the project and he wished them well in the development of their first property.

#### 107. **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.

Councillor Lowry responded as follows and in the absence of Mr Sharpe. the response would be sent to him following the meeting –

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
Q13/ 13-14	Mr Sharpe	Councillor Lowry (Cabinet Member for Finance)	Downham Special Needs School
Plymouth City Council plans to dispose of the site of the former Downham Special School in Plymstock. Will the Council take any notice of comments sent by the public regarding what should go on that site in future?			
<p><b>Response:</b></p> <p>The Council will always take notice of any comments made by the public on any matter including the former Downham Special School site in Plymstock. In this case we acknowledge the representations received in relation to potential future uses of the site; however I would confirm that the site has been identified to provide much needed housing for our City as part of the 'Plan for Homes'.</p>			

The successful bidder will be encouraged to carry out consultation with the public prior to submitting a planning application and the public will have the opportunity to comment on the application in the usual democratic way through the planning process.

## **RECOMMENDATIONS FROM CABINET AND OTHER COMMITTEES**

### 108. **Local Economic Strategy**

Councillor Evans (Council Leader) presented a refresh of the Local Economic Strategy for adoption (Cabinet minute 120 referred). Members also considered the Cabinet report together with the draft strategy and were advised that a summary document was also available.

The proposal was seconded by Councillor Lowry (Cabinet Member for Finance).

During the debate reference was made to the transport infrastructure, with particular reference to the Forder Valley Road link road, and members were advised that the scheme had been identified as a priority for funding by the Heart of the South West Local Transport Board.

Following some personal remarks, the Lord Mayor reminded members to have respect for each other and to address others with politeness.

The members thanked David Draffan and the Economic Development Team for their work, with particular reference to Stephen Bashford who had led the work on the refresh.

Following a vote, agreed to adopt Plymouth's Local Economic Strategy.

### 109. **Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy**

Councillor Vincent (Cabinet Member for Environment) presented the Statement of Licensing Policy, including the Cumulative Impact Policy for adoption (Cabinet minute 119 referred). Members also considered the Cabinet report.

Councillor Vincent highlighted the changes to the policy including -

- (a) to clarify the expectations of the City Council to applicants;
- (b) to reduce glass injuries;
- (c) to provide a detailed explanation of responsible retailing of alcohol;
- (d) to add the control of adult entertainment;

- (e) to provide for greater flexibility in the Cumulative Impact Policy for protection for local communities and to balance the need to allow businesses to prosper but protect people and local businesses.

The proposal was seconded by Councillor Rennie.

An amendment was moved by Councillor Dr Mahony and seconded by Councillor Darcy to defer consideration of the item to the next meeting of the City Council, as the papers for this item had arrived late and the Conservative Group had not had an opportunity to debate them in their group meeting.

Councillor Peter Smith indicated that the Cabinet report had been available on the Council's website since 18 March 2014.

Following a request from Councillor Nicholson, Mr Shepperd (Deputy Monitoring Officer) confirmed that he had received representations from members of the opposition group with regard to the lateness of the papers and the number of supplements for the City Council meeting today.

During the debate, members were reminded of the IT equipment provided to them and that they had the opportunity to take up IT training as required.

The Lord Mayor asked that the Head of ICT reissue to all councillors, the policy listing the IT equipment that was available to councillors.

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

For the amendment (20)

*Councillors Mrs Beer, Bowyer, Mrs Bowyer, Churchill, Darcy, Drean, Foster, Mrs Foster, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Ricketts, Dr Salter, Stark and Wigens.*

Against the amendment (31)

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

Abstentions (1)

*Lord Mayor (Chair).*

The following members were absent (5)

*Councillors Ball, Coker, Fry, Haydon and James.*

The Lord Mayor reported that the amendment was not agreed.

Councillors continued to debate the substantive motion and the issues raised included –

- (a) the need to report of any illegal activity seen on the streets to the police;
- (b) the need to link this policy with the Taxi Licensing Policy, car park security and night buses.

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

For the motion (31)

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

Against the motion (0)

Abstentions (19)

*Councillors Mrs Beer, Bowyer, Churchill, Darcy, Foster, Mrs Foster, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Ricketts, Dr Salter, Stark and Wiggins and the Lord Mayor (Chair).*

The following members were absent (7)

*Councillors Ball, Mrs Bowyer, Coker, Drean, Fry, Haydon and James.*

The motion was agreed as follows –

- (1) the Licensing Statement of Policy (Appendix 2 to the report) is adopted;
- (2) based on the concerns about crime and disorder and public nuisance, the special policy on Cumulative Impact is retained for each of the following areas –
  - Union Street (including Derry's Cross)
  - Barbican
  - North Hill
  - Mutley Plain
  - Stoke

(Councillor Coker having declared an interest in the above item withdrew from the meeting during consideration of the item.)

(Councillors Martin Leaves, Sam Leaves and John Smith declared interests in the above item.)

110. **Delegated Authority to Commit to Capital Schemes**

Councillor Evans (Council Leader) presented the Cabinet recommendation seeking Council's approval to delegate authority to the Leader to add schemes and remove schemes from the capital programme and determine the priority of all schemes in the programme, provided that the total value of the capital programme as agreed by Council should not be exceeded. Members also considered the Cabinet report.

The proposal was seconded by Councillor Lowry (Cabinet Member for Finance).

Councillor Bowyer moved and Councillor Darcy seconded a proposal to amend recommendation (1) as follows -

'add after the word 'finance', the words 'and the Leader of the Opposition'.

The Deputy Monitoring Officer confirmed that the amendment was in order.

Following a request for the amendment to be put in writing, the City Council agreed a short adjournment.

The City Council reconvened and Councillor Bowyer indicated that he should be added as a consultee to provide transparency and openness. Following a debate, the amendment was put to the vote and the Lord Mayor reported that the amendment was not agreed.

Following a debate on the substantive motion, the motion was put to the vote.

The motion was agreed as follows –

- (1) delegated authority is given to the Leader, in consultation with the Cabinet Member for Finance, to add schemes and remove schemes from the capital programme and determine the priority of all schemes in the programme, provided that the total value of the capital programme as agreed by Council should not be exceeded;
- (2) any changes made by the Leader will be supported by a sound business case;
- (3) any addition and/or amendments made to capital schemes under delegated authority will be reported in the Council financial monitoring report and quarterly to full Council;
- (4) the relevant sections of the constitution are amended accordingly.

111. **Lord Mayoralty 2014/15**

Councillor Evans (Chair of the Lord Mayor's Selection Committee) presented the recommendation of the Lord Mayor's Selection Committee (Lord Mayor's Selection Committee minute 4 referred).

The proposal was seconded by Councillor Peter Smith.

Following a vote, agreed that the nomination of Councillor Fox as Lord Mayor designate for 2014/15 is forwarded to the Council's AGM.

At the invitation of the Lord Mayor, Councillor Fox responded and thanked members for the nomination. He indicated that in his opinion, the role of the Lord Mayor was to promote Plymouth and improve the life of Plymouth's citizens which had also been his aims as a former Chief Officer of the City Council and now as an elected councillor.

## 112. **SENIOR MANAGEMENT RESTRUCTURE**

Councillor Evans (Chair of the Appointments Panel) provided an update on the decision of the Appointments Panel held on 20 March 2014 relating to the post of Director of Public Health and the process for the recruitment and dismissal of staff reporting direct to the post holder. Councillor Peter Smith seconded the proposals.

Following a vote, agreed to –

- (1) establish the post of Director of Public Health as part of a distinct Public Health Directorate reporting directly to the Chief Executive, and
- (2) delegate the function of appointing and dismissing staff who report direct to the Director of Public Health, to the Director of Public Health.

## 113. **AMENDMENT TO PAY POLICY STATEMENT 2014/15**

Councillor Smith (Deputy Leader) presented the recommendations of the Chief Executive and Head of Paid Service contained in the report to Council on an amendment to the Pay Policy Statement 2014/15. The City Council was advised that since the approval of the 2014/15 Pay Policy Statement in January 2014, it had been recognised that there was a gap in relation to temporary and interim staff which needed to be amended.

The proposal was seconded by Councillor Evans (Council Leader).

Councillor Bowyer moved an amendment to add an additional recommendation as follows -

- ' (2) Council refers this report to the Co-operative Scrutiny Board for an urgent review within the next four weeks.'

The City Council agreed a short adjournment whilst the amendment was printed and circulated.

The City Council reconvened and Councillor Bowyer presented the amendment.

Following a point of order, the Deputy Monitoring Officer reminded members that the discussion should be confined to the pay policy and that reference should not be made to individuals in the public part of the meeting.

Councillor Bowyer continued and indicated that, in his opinion, members should be involved in all director and assistant director level appointments and those where salaries were likely to be in excess of the pay policy statement.

The amendment was seconded by Councillor Nicholson.

During the debate on the amendment, reference was made to the lateness of reports.

During the debate the Lord Mayor reminded members about their behaviour.

Following a vote, the Lord Mayor reported that the amendment was not agreed.

Councillor Evans summed up the substantive motion.

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

For the motion (31)

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

Against the motion (17)

*Councillors Mrs Beer, Bowyer, Mrs Bowyer, Churchill, Darcy, Foster, Mrs Foster, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Nicholson, Mrs Nicholson, Dr Salter and Wogens.*

Abstentions (1)

*Lord Mayor (Chair).*

The following members were absent (8)

*Councillors Ball, Mrs Dolan, Drean, Fry, Haydon, James, Ricketts and Stark.*

The motion was agreed as follows –

the amended pay policy statement for 2014/15 is approved, to improve transparency in respect of arrangements for staff engagement under contracts for services and relevant data for 2013/14 is noted in compliance with the Council's amended policy statement.

## **MOTIONS ON NOTICE**

### 114. **Garden Grabbing**

Councillor Nicholson proposed and Councillor Mrs Beer seconded the following motion -

'This Council notes that:

- The National Planning Policy Framework, at paragraph 53, contains a specific reference to 'garden grabbing' where it states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".
- Another reference to development in residential gardens can be seen in paragraph 48 of the National Planning Policy Framework which states that "Local planning authorities may make allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens" [emphasis added].
- Whilst the National Planning Policy Framework, paragraph 17, states that planning should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value", the definition of previously developed land "excludes... land in built up areas such as private residential gardens" (Annex 2).
- Strategic Objective 10 (Delivering Adequate Housing Supply) in the adopted Plymouth Core Strategy prioritises the use of brownfield land for housing and Policy CS16 (Spatial Distribution of Housing Sites) sets out a target of at least 80% of the city's planned housing provision is to be delivered on previously developed land. The latest Authority Monitoring Report highlights that since 2006 90% of homes completed in the city have been on brownfield sites.
- Planning applications for housing in residential gardens are currently considered on their own merits as there is no specific local planning policy in relation to garden grabbing.

This Council resolves to request the Portfolio Holder for the Environment to consider an appropriate policy response to the issue of garden grabbing and to consider the provisions of the National Planning Policy Framework paragraph 53 in the preparation of the Plymouth Plan.'

During the debate, the issues raised included -

- (a) that in November 2013, the City Council had supported the 'Yes to Homes' campaign;
- (b) planning applications for housing development would be considered on their merits and in accordance with the adopted Core Strategy;

- (c) the benefit of gardens to the occupant, children and the environment.

Councillor Rennie moved and Councillor Evans seconded that the vote was taken. Following a vote, the motion was carried. Councillor Nicholson summed up and the vote was taken on the main motion.

The motion was agreed and the Portfolio Holder for the Environment is requested to consider an appropriate policy response to the issue of garden grabbing and to consider the provisions of the National Planning Policy Framework paragraph 53 in the preparation of the Plymouth Plan.

#### 115. **Abolition of the Independent Living Fund**

Councillor Jon Taylor proposed and Councillor McDonald seconded the following motion –

‘Last month DWP minister Mike Penning announced that, following a new equality impact assessment, the government is going to press ahead with closing the independent living fund by June 2015. The government’s own equality impact assessment notes that ‘it is almost certain that closure of the ILF will mean that the majority of users will face changes to the way their support is delivered, including the real possibility of a reduction to the funding they currently receive.

Plymouth City Council deplores the Government’s proposal to close down the ILF which currently provides a vital lifeline for a significant number of those in our city with the highest support needs. We believe that recipients of the fund have the right to make choices equal to others that allow them to participate fully in the community.

The Council regrets that the Government proposals to transfer the responsibilities of providing this support to local authorities without any commitment to maintain the current level of support. This will inevitably lead to an increase in isolation and segregation for many adults and the loss of independence and unnecessary admission of many others into residential care. With the governments vicious cuts already devastating our local health and social care system, the abolition of this fund will further increase the pressure on other health and social care budgets.

Plymouth City Council calls on the Government to immediately review this regressive step and look at ways of safeguarding the Independent Living Fund; a fund which is valued and relied upon by many severely disabled people in Plymouth. ‘

During the debate, the issues raised included -

- (a) to continue with the present arrangements would not be an option in the light of the changes required by legislation;

- (b) that local authorities would be taking direct responsibility in line with statutory obligations and would be able to decide how best to support disabled people;
- (c) that the fund had already closed to new applicants;
- (d) that the funding would be transferred from the government but that there was no commitment to the ongoing level of funding in the future.

Following a vote, the motion was agreed and the City Council calls upon the government to immediately review the regressive step (of closing the Independent Living Fund by June 2015) and look at ways of safeguarding the Independent Living Fund; a fund which is valued and relied upon by many severely disabled people in Plymouth.

(Councillor Michael Leaves having declared an interest in the above item, withdrew from the meeting during consideration of the item.)

#### 116. **Car Parking Charges**

Councillor Sam Leaves proposed and Councillor Mrs Bowyer seconded the following motion –

‘Plymouth City Council acknowledges that Plymouth is aspiring to being one of Europe’s most vibrant waterfront cities. Essential to this is a strong economy creating a range of jobs where Plymouth can demonstrate that it is an attractive place for investment.

At the meeting of the City Council on 27 January, Members were advised that a consultation on the proposed car parking charges had finished before Christmas and that officers were finalising a report which would be considered by Cabinet Members imminently.

Council notes the on-going delay in making a decision is creating continuing uncertainty on business, visitors, and local residents.

The City Council agrees to –

Recommend that a decision is made within seven days of this meeting to help alleviate further speculation and uncertainty within the Plymouth economy.’

Councillor Coker proposed and Councillor Evans seconded the following amendment –

To amend the motion as follows –

Recommend that a decision is made ~~within seven days of this meeting to alleviate further speculation and uncertainty within the Plymouth economy.~~ at the July 2014 Cabinet meeting to enable proper consideration of the consultation responses.

The Deputy Monitoring Officer confirmed that the amendment was in order.

Councillor Coker advised members that some initiatives had been introduced including 15 minutes' free parking in the West End and a 30 minute shopper's tariff. The officers had had continuing discussions with the business community and the final document would form a parking strategy which required a considered approach.

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

- (a) that further delay would impact on businesses and the local economy;
- (b) that the strategy would address a number of issues including dual use bays and residents' parking;
- (c) that following an announcement by the Leader, there would be a freeze on parking charges until at least October 2014.

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

For the amendment (31)

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

Against the amendment (14)

*Councillors Mrs Beer, Bowyer, Mrs Bowyer, Darcy, Foster, Mrs Foster, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Nicholson and Mrs Nicholson.*

Abstentions (1)

*Lord Mayor (Chair)*

The following members were absent (11)

*Councillors Ball, Churchill (Vice Chair), Mrs Dolan, Drean, Fry, Haydon, James, Ricketts, Dr Salter, Stark and Wiggins.*

The Lord Mayor reported that the amendment was agreed.

Councillor Sam Leaves summed up the substantive motion, as amended.

Following a vote, the motion was agreed and the City Council recommends that a decision is made at the July 2014 Cabinet meeting to enable proper consideration of the consultation responses.

117. **ADJOURNMENT OF THE MEETING**

During the above item and following a proposal from Councillor Peter Smith and seconded by Councillor Rennie, it was agreed to amend Council Procedure Rule 10 to extend the time for adjournment from 7.30pm to 8.30pm to conclude the business for the meeting.

118. **DRAFT CALENDAR OF MEETINGS OF THE COUNCIL AND COMMITTEES 2014/15**

Councillor Peter Smith (Deputy Leader) proposed and Councillor Kate Taylor seconded the draft Calendar of Meetings of the Council and Committees for 2014/15 for approval.

Members were asked to slip the Planning Committee scheduled for 11 September 2014 by a week to avoid a clash with the pre Council Conservative Group. Also concern was expressed at the Planning Committee scheduled for the week before the City Council elections in 2015.

Following a vote, agreed that the Calendar of Meetings of the Council and Committees 2014/15, subject to further consideration by Councillor Peter Smith of the points raised.

119. **REPORT OF THE LEADER ON URGENT CABINET AND KEY DECISIONS**

Councillor Evans presented the written report on urgent Cabinet and key decisions taken since May 2013.

The report was noted subject to the amendment of the date of Cabinet to 10 December 2013 for the decision on Future Accommodation Requirements.

(With the agreement of the City Council, the Chair amended the order of business as set out below).

120. **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.

121. **REPORT OF THE MONITORING OFFICER (EI)**

The City Council considered the statutory report of the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

The report referred to the process of appointing chief officers and suggested that some appointments had taken place without reference to the legislative framework and the Council's Pay Policy.

Tracey Lee (Chief Executive and Head of Paid Service) presented the response together with a draft action plan which had been amended following the Appointments Panel held on 31 March 2014. The Chief Executive was supported in presenting the response by Denis Cooper one of the country's leading local government solicitors, who is a Consultant with Eversheds Solicitors. During his presentation to the Council, Mr Cooper advised that –

- the decision of the Monitoring Officer to issue a statutory report was his personal responsibility following consultation and he was entirely responsible for its content;
- following the receipt of a statutory report from its Monitoring Officer the Council had a legal duty to consider the report at a Council meeting and to determine its response;
- this response could be acceptance or rejection of the report wholly or partially and include proposals for responsive action on the report;
- since receipt of the report, the Chief Executive and Head of Paid Service had worked with members and senior officers to prepare a response to the report for consideration at this meeting;
- this response included some actions by the Appointments Panel;
- it was for Council to consider the report, determine its response to the report and act accordingly;
- there was no legislative decision or guidance of the requirement to consider the report;
- accordingly, the proposed response and the decisions of this meeting were subject to the local government principles of reasonableness and proportionality and assessment of risk;
- the legislation which governed the appointment of Chief Officers was complex;
- to the extent that the report highlighted failures of process, adequate steps were proposed or had been taken to deal with those matters;
- the report of the Chief Executive and actions taken by the Appointments Panel and Council subsequent to its receipt, in his view, comprised a reasonable and proportionate response to the matters raised in the Monitoring Officer's report;

- whilst risk of challenge could never be eliminated, in his view, the risk of successful challenge to the decisions of the Council if the recommendations of the Chief Executive were adopted was low;
- the Action Plan should therefore be the basis of the Council's response to the statutory report.

The Chief Executive and Denis Cooper responded to questions from members on technical and legal issues.

Councillor Evans (Council Leader) proposed and Councillor Peter Smith (Deputy Leader) seconded the recommendations of the Chief Executive and Head of Paid Service in response to the report of the Monitoring Officer.

Cllr Bowyer moved and Councillor Nicholson seconded the following amendment to recommendation (2) -

‘A full, independent and external review is undertaken to learn lessons from these matters.’

The meeting adjourned for a short period for the amendment to be printed and circulated.

Following a vote, the amendment was not agreed.

Councillor Evans summed up on the substantive motion and following a request from ten councillors for a recorded vote, there voted –

For the motion (31)

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

Against the motion (0)

Abstentions (16)

*Councillors Mrs Beer, Bowyer, Mrs Bowyer, Churchill (Vice Chair), Darcy, Foster, Mrs Foster, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Monahan, Nicholson, Mrs Nicholson and Lord Mayor (Chair)*

The following members were absent (10)

*Councillors Ball, Mrs Dolan, Drean, Fry, Haydon, James, Ricketts, Dr Salter, Stark and Wiggins.*

The motion was agreed as follows -

- (1) the Council agrees the actions set out in the action plan (amended following the meeting of the Appointments Panel held on 31 March 2014). This will ensure that the Council corrects any failures in process in a proportionate way, having considered all the risks;
- (2) a full review is undertaken to learn the lessons from these matters.

The Lord Mayor thanked Mr Cooper for his advice and attendance at the meeting.

(At the conclusion of this item the meeting continued in public.)

## 122. **ADJOURNMENT OF THE MEETING**

During the above item and following a proposal from Councillor Evans and seconded by Councillor Bowyer, it was agreed to waive Council Procedure Rule 10 to enable the conclusion of the business on the agenda.

## 123. **QUESTIONS BY COUNCILLORS**

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Bowyer	Councillor Evans	The vice chair of the Planning Committee wore a Labour badge at the last meeting of the Planning Committee. Did he feel that this was inappropriate and an abuse of her position? It was a matter of public confidence in the committee and was he taking any steps to restore confidence?
	Response: No, there was no dress code in place. No confidence had been lost.		
2	Councillor Martin Leaves	Councillor Murphy	At the meeting of the Working Plymouth Overview and Scrutiny Panel on 5 March 2014, Councillor Murphy said that she was disappointed in Councillor Coker's decision not to approve the park and ride proposal to charge at the car parks. Was that still the case today?
	Response: It was Cabinet's decision to make.		
3	Councillor Sam Leaves	Councillor Coker	At a recent tribunal on traffic penalties, an appeal was allowed on the basis of procedural improprieties. What were these improprieties and could she have assurances that this would not occur again?
	Response: He would ensure that a report was provided by the end of the following day (Tuesday).		

4	Councillor Darcy	Councillor Peter Smith	Why was the webcast of the Planning Committee held last week not on the Council's website yet?
	Response: A written response would be provided.		
5	Councillor Bowyer	Councillor Peter Smith	Would he provide a written report on what went wrong with the papers for the Council meeting? How much did it cost the taxpayers?
	Response: Staff were under pressure and he expected that a report would be provided to him so that lessons could be learnt. A written response would be provided on the costs.		
6	Councillor Dr Mahony	Councillor Peter Smith	Did he agree that the preparation for the Council meeting was an omni- shambles? Would he look into providing iPads and updated computer systems for all councillors in addition to a pa system in the Council Chamber that works?
	Response: No, he did not agree. Nothing was wrong with the pa system and IT requirements were being reviewed.		
7	Councillor Jordan	Councillor Coker	What action was being taken on faded yellow lines and road markings? What was the timeframe?
	Response: He was aware of the problems but this had not been given priority over many years. He was looking at white lines in strategic areas. Although he was looking into the issue, he could not put a timescale to it.		
8	Councillor Darcy	Councillor Peter Smith	Was the preparation for this meeting now going to be the acceptable norm?
	Response: No.		
9	Councillor Kate Taylor	Councillor Tuohy	Was Councillor Tuohy wearing a rosette unacceptable?
	Response: No.		
10	Councillor Martin Leaves	Councillor Coker	Was he taking any action following the bus accident at Royal Parade? Would the report be shared with the scrutiny panel?
	Response: He was aware of the accident and consideration would be given to the report from Vospa, when received. The report would be a public document and he would consult with the chair of the scrutiny panel.		
11	Councillor Churchill	Councillor Coker	The organisation was VOSA not Vospa?
	No response given.		

*Please note that questions, answers, supplementary questions and supplementary answers have been summarised.*

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