

# City Council

Monday 21 September 2015

## PRESENT:

The Lord Mayor, Councillor Dr. Mahony, in the Chair.

Deputy Lord Mayor, Councillor Ball, Vice Chair.

Councillors Mrs Aspinall, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Mrs Bridgeman, Churchill, Coker, Damarell, Dann, Darcy, Philippa Davey, Sam Davey, Deacon, Downie, Drear, Evans, Fletcher, K Foster, Mrs Foster, Fox, Fry, Hendy, Jarvis, Jordan, Kelly, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, McDonald, Morris, Murphy, Nicholson, Mrs Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Dr. Salter, Singh, Smith, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wigans.

Apologies for absence: Councillors James and Sparling.

Also in attendance: Tracey Lee (Chief Executive). David Shepperd (Head of Legal Services), Judith Shore (Democratic and Member Services Manager) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

The meeting started at 2.00 pm and finished at 6.45 pm.

*Note: The full discussion can be viewed on the webcast of the City Council meeting at [www.plymouth.gov.uk](http://www.plymouth.gov.uk). 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.*

## 22. MINUTES

Agreed the minutes of the meeting of the City Council held on 22 June 2015.

## 23. DECLARATIONS OF INTEREST

The Head of Legal Services reported that with regard to agenda item 12 about a Motion on Notice entitled 'Defending the Right to Strike', he did not consider that any councillor would need to declare an interest as a police employee or a member of a trade union as the business being discussed did not affect their well-being or financial position. (Minute 32 refers).

No declarations of interest were made by councillors in accordance with the code of conduct in relation to items under consideration at this meeting.

## 24. APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC

The following changes notified to the Head of Legal Services were noted –

	<b>Committee or Outside Body</b>	<b>Membership</b>
(a)	Constitutional Review Group	Councillor Kate Taylor to replace Councillor Damarell
(b)	Licensing Committee	Councillor Jordan to replace Councillor Drear.

Agreed the following appointment–

<b>Outside Body</b>	<b>Appointments 2015/16</b>
North Yard Community Trust	Councillor Kate Taylor to replace Councillor Stevens.

## 25. **ANNOUNCEMENTS**

### **The Lord Mayor –**

#### **(a) Her Majesty Queen Elizabeth II**

congratulated Her Majesty the Queen on becoming the longest reigning monarch on 9 September 2015 and indicated that on behalf of the Council he had sent a letter offering the Council’s congratulations and best wishes for many more years of service to the country and commonwealth;

#### **(b) Mr Richard Mahony (former councillor)**

referred to the recent death of his father Mr Richard Mahony who served as a Conservative councillor for the Trelawny Ward from 1983 to 1991. The Lord Mayor thanked everyone who had sent kind messages and condolences to both him and his mother;

#### **(c) Mr Ernest Alexander Colley (former councillor)**

reported that Mr Ernest Alexander Colley had recently passed away unexpectedly. Mr Colley had served as a Labour councillor for the Drake Ward from 1991 – 2000. The Lord Mayor indicated that the funeral arrangements would be sent to all councillors and Aldermen as soon as he became aware of them.

The Council stood in silence as a mark of respect for the former councillors;

#### **(d) Filming in the Council House**

referred to the changes to the Council House and the Reception Room which were as a consequence of the Council House and Civic Centre being used as a set for a film by British comedy filmmaker Peter Richardson entitled ‘The Comic Strip Presents...The Red Top!’. Councillors were advised that filming was due to end in early October when the Council

House would return to its normal appearance.

The Lord Mayor also reminded councillors that the Antiques Roadshow filmed in the Royal William Yard had yet to be shown;

**(e) Success of Plymouth's Special Olympians**

congratulated Steven Dodd on his silver medals in the 200m and 500m kayak events and Elizabeth Haywood on her silver medal in the badminton women's doubles event and for coming fourth in the women's singles event in the 2015 Special Olympics World Summer Games in Los Angeles. The Lord Mayor advised that the athletes had had an open top bus tour around the city on 14 September which had been followed by a civic reception.

The Lord Mayor also acknowledged the tremendous support, hard work and dedication of Alan and Maureen Stockdale who had given continuous support and encouragement throughout and Steven Dodd on behalf of the Special Olympians, addressed councillors and presented flowers and gifts to Alan, Maureen and Adrian Stockdale;

**(f) Royal Town Planning Institute Award for the Plymouth Plan**

congratulated all those involved in the development of the Plymouth Plan on the award of the National Royal Town Planning Institute Award for Excellence in Plan Making Practice and the South West Regional Planning Award and presented the awards to Jonathan Bell (Head of Development Planning), Richard Grant (Local Planning Team Manager), Hannah Sloggett (Neighbourhood Planning Team Manager) and Caroline Marr (Policy and Business Planning Officer) who were representing everyone involved;

**(g) Observer Ethical Award for Plymouth Energy Community**

congratulated Plymouth Energy Community on the national award to the city of the Observer Ethical Award, in the Community Energy Project category and presented the award to Alistair MacPherson (Low Carbon City Team Leader) who was representing Plymouth Energy Community;

**(h) Refuse Re-Routing Project Award**

thanked everyone within the Council and outside of the Council (including Plymouth Octopus Project, Plymouth University and voluntary sector organisations such as Barne Barton Timebank and Plymouth Area Disability Action Network) who had been involved in the projects to set up new refuse and recycling routes across Plymouth which had been recognised as the Best Efficiency and Transformation Initiative in the recent Association of Public Service Excellence National Service Awards. The Lord Mayor congratulated John Simpson (Waste Manager), Danny Skyrme (Supervisor Waste Collection) and Sophie Humphreys (Programme /Project Support Officer) and Peter Staples (DELT) who were representing the Waste Management and Recycling Team;

(i) **Dementia Friendly Award**

congratulated Plymouth City Council and the Plymouth Dementia Action Alliance on their award by the National Alzheimer's Society, as finalists for the Best Dementia Friendly Community 2015. The Lord Mayor thanked the staff in Co-operative Commissioning Department for their work and presented the award to Rachel Silcock (Commissioning Manager) and Claire Puckey (Commissioning Assistant), who were representing the service;

(j) **Brathay Apprentice Challenge 2015**

congratulated the Council's team of nine apprentices who had jointly won the Community Project Award for their orchard project in Ernesettle and were joint runners up for Apprentice Team of the Year in the Brathay Apprentice Challenge 2015, raising more than £3,300 for Epilepsy UK, and were represented by Lee Bond and John Horler at the meeting;

(k) **Customer Service Excellence Award for Libraries and Customer Services**

announced that Customer Services and Libraries had retained their Customer Service Excellent accreditation for another year demonstrating staff's commitment to customer service standards throughout Customer Services and Libraries. The Lord Mayor presented Customer Service Excellence certificates to Kim Cook and Lucy Allen, representing Customer Services, and to Amanda Macdonald, Darrell Clegg and Claire Back representing the Library Service;

(l) **Best Small Business Engagement Programme**

congratulated the Economy, Enterprise and Employment Team on their award as 'Best Small Business Engagement Programme' category at the Devon Local Authority Small Business Friendly Awards 2015 which were organised by the Federation of Small Businesses. The Lord Mayor presented the award to Sheldon Ryan (Senior Economic Development Officer) and Joe McCarthy (Economic Development Officer) who were representing the team;

(m) **Our Stars' Awards 2015**

congratulated the winners of Our Stars' Awards 2015 as follows –

•	Apprentice of the Year Award	Ashley Piggott
•	Children and Young Person's Social Worker of the Year Award	Mike Wilkinson

• Colleague of the Year Award	Di Byrne (Executive Assistant to Strategic Director for Place)
• Cooperative Values Award	CaterEd
• Customer Service Award	Thomas Cox
• Leadership Award	Darren Stoneman (Senior Community Protection Officer)
• Local Hero Award	Nicola White (Sports Development Administrative Officer)
• Our Partners Star Award	Peter Nash (Plymouth Association of Primary Headteachers)
• Plymouth City Council's Got Talent Award	Mabel Edge (Family and Community Solutions Manager)
• Promoting Plymouth Award	Liz Slater (Leisure Partnership Manager)
• School Staff Star Award	Jo Mathews and Sarah Curtin
• Star Award	Mohammed Sajjad (Lawyer, Legal Services)
• Team Award	Deputyship Team (Finance Services)
• Leader's Award	David Draffan (Assistant Director for Economic Development)

## The Leader -

### (n) **Devolution**

reported that a letter of intent had been signed by representatives of local authorities, public bodies and other organisations in the south west region who were participating in discussions on devolution and that three principal areas had been agreed on skills; health and social care integration and physical infrastructure. He emphasised that at this stage, no agreement had been sought or given in relation to the transfer of any powers, which may or may not be needed in the longer term;

(o) **Syrian Refugee Crisis**

outlined the role that the Council may be expected to take in the UK response to the Syrian refugee crisis, including the Council's capacity to respond, the associated costs and the offers of support from the general public;

(p) **Rail Infrastructure in the South West**

reported that the Peninsula Rail Task Force had published their draft interim report 'On Track' which was being submitted to stakeholders for review prior to completion in early October 2015 and set out the aims to secure rail resilience and the case for investment over the next 20 years;

(q) **Ping Plymouth**

reported that the city had hosted the national launch event of the Ping! initiative on 13 June 2015 which was followed by a successful eight week street festival of table tennis. He congratulated the Sports Development Team on their tremendous achievement and their continuing work to maintain the enthusiasm generated by the event.

**Councillor Smith** reported on the success of the MTV Crashes event that had been held over three days in July 2015 which had received global coverage and on behalf of the City Council, thanked the Events Team for their hard work. The City Council viewed a video of the event.

**Councillor Philippa Davey** announced that the City Council had submitted a response to the Government's consultation on the future of police funding, agreeing that the current police funding formula was outdated and needed reform but not supporting the proposals for change which were fundamentally flawed and unfair and could result in a reduction of £24 million in the Devon and Cornwall funding allocation. She reported that the Council was joining with the Devon and Cornwall Police and Crime Commissioner to oppose the changes proposed and to put forward an alternative which was fairer and gave due recognition to the circumstances in Devon and Cornwall.

26. **QUESTIONS BY THE PUBLIC**

Three questions were submitted by members of the public for this meeting, in accordance with Part B, paragraph 11 of the Constitution.

Mr Seaman attended the meeting and asked the following question. Councillor Evans responded as set out below –

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
Q 5 (15/16)	Mr John Seamons	Councillor Evans (Council Leader)	Use of Mobility Scooters
<p>Disability and the use of mobility scooters has increased, whilst many drivers have little/no training causing a danger to themselves and the public. Enforcing speed limits, compulsory training and dealing with offenders appropriately will encourage the sensible use, keeping users and the public safer.</p> <p>What are PCCs plans regarding this?</p>			
<p><b>Response</b></p> <p>There is no legal requirement for someone to have undertaken training, or undertake any exam, in relation to the use of mobility scooters. The Council encourage all users of mobility scooters take the opportunity to develop their knowledge and skills around the safe use of mobility scooters, for both themselves and other people.</p> <p>Shop Mobility in Plymouth, located within Mayflower East and Drakes Circus car parks, provide mobility scooters and train users before the customer take the scooters. Customers can contact Lesley Hargreaves at Access Plymouth, Mayflower East Car Park on telephone number 600633 or email <a href="mailto:lesleypctsm@gmail.com">lesleypctsm@gmail.com</a> for <a href="#">details</a>.</p>			

The following question and response were circulated and Ms Casey having declined to ask the question at the meeting, was advised that the written response would be set out in the minutes of the meeting -

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
Q 6 (15/16)	Ms Alison Casey	Councillor Evans (Council Leader)	Planning Committee Joint Chairs
<p>I see now joint political leadership which will help towards the council's commitment to Planning Committee being non-political.</p> <p>However, can I ask why in the past have the chairperson and vice-chair been of the same political party and an extra member on the committee from the ruling group?</p>			
<p><b>Response</b></p> <p>There is no political alliance between the two largest political parties on Plymouth City Council as suggested by your question.</p>			

In the absence of Mr Kerswell, the following question and response were circulated and a written response would be sent to him after the meeting -

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
Q 7 (15/16)	Mr A Kerswell	Councillor Evans (Council Leader)	Legal Action against OPOB (our place our base)
<p>How much money did the council spend on the court case by taking legal action against OPOB (our place our base), along with what was the outcome of such action to have any benefit to the residents of Plymouth, and why compensation had to be paid out of the council's coffers.</p>			
<p><b>Response</b></p> <p>The Council can issue a Community Protection Notice ( a CPN ) to any individual aged over 16 years of age, or a body such as a Company, if satisfied on reasonable grounds that</p> <p>(1) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and</p> <p>(2) the conduct is unreasonable.</p> <p>A CPN is not to be confused with a PIN – which is a Police Information Notice. A PIN can be served by the Police on individuals whose course of conduct towards another is considered by the Police to be such as to cause that person to feel afraid, alarmed or distressed. The conduct complained of must be such that a reasonable person would think it amounted to or involved harassment.</p> <p>Whilst it would be inappropriate to publicly discuss details surrounding the legal proceedings, I can confirm that the Council issued a CPN against Mr Gibson and OPOB News Limited resultant from their persistent and numerous on – line activities which was having a detrimental effect on the lives of some Council employee's and was causing alarm and distress to members of the public.</p> <p>The Council incurred costs of less than £500 in acting as Respondent to Appeals against the CPNs bought by Mr Gibson and OPOB News Limited. The Appeals against the CPNs were withdrawn by Mr Gibson and OPOB News Limited and there was no compensation awarded as has been suggested by the questioner. Accordingly, the CPN's remain in place against Mr Gibson and OPOB News Limited.</p>			

## 27. **CORPORATE PLAN SECOND YEAR REVIEW**

Councillor Evans (Leader) moved and Councillor Smith (Deputy Leader) seconded the Corporate Plan Second Year Review which had been amended following Cabinet on 8 September 2015 and was submitted to the City Council. (Cabinet minute 28 was also submitted).



Councillor Evans also referred to the visit by some councillors to the newly completed Closed Circuit Television centre prior to this meeting and indicated that an alternative date would be offered to those councillors who were unable to attend today.

Agreed that the second year update of the Corporate Plan 2013/14 – 2016/17 is approved.

28. **CAPITAL AND REVENUE MONITORING REPORT 2015/16 QUARTER ONE**

Councillor Lowry (Cabinet Member for Finance) presented the Capital and Revenue Monitoring Report 2015/16 for Quarter One which had been submitted to Cabinet. (Cabinet minute 30 was also submitted).

The report was noted.

29. **ANNUAL SCRUTINY REPORT 2014/15**

In the absence of Councillor James (Chair of the Co-operative Scrutiny Board), Councillor Mrs Aspinall (Vice Chair of the Board) presented the Annual Scrutiny Report 2014/15 which set out the work of the Board and the panels over the past year and areas that would be looked at in the near future. (Co-operative Scrutiny Board minute 8 was also submitted).

Councillor Mrs Aspinall thanked the Chairs, Vice Chairs, councillors and co-opted members for their work on scrutiny and also thanked the Democratic Support Officers and lead officers for their dedication to scrutiny.

The report was noted.

30. **PLYMOUTH PLAN PART ONE**

Councillor Coker (Cabinet Member for Strategic Transport and Planning) moved the Cabinet recommendation for approval and indicated that the Plymouth Plan Part One would provide one single strategic plan for the city with one vision and had been developed following an extensive consultation exercise, the results of which had been published as a background paper to the Cabinet report. (Cabinet minute 29 and the Cabinet report were also submitted). Councillor Coker also acknowledged the cross party work that had been undertaken by the Plymouth Plan Working Group and invited everyone to participate in the development of part two of the plan.

Councillor McDonald seconded the proposal.

The Council thanked the communities who had contributed to the plan, Paul Barnard (Assistant Director for Strategic Planning and Infrastructure) and his team and all those in other services who had worked hard on this plan.

Agreed to formally approve the Plymouth Plan Part One as part of the Council's Policy Framework.

(The meeting adjourned for a break and reconvened after 30 minutes to consider the remainder of the agenda.)

31. **CONSTITUTIONAL CHANGES IN RELATION TO CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS**

Councillor Lowry (Cabinet Member for Finance) moved and Councillor Smith (Deputy Leader) seconded the proposed constitutional changes to Contract Standing Orders and Financial Regulations. (Audit Committee minute 12, Constitutional Review Group minute 7 and a condensed version of the Audit Committee report were also submitted).

Agreed that –

- (1) the Contract Standing Orders, which form Part H of the Constitution, are updated in line with the Public Contracts Regulations 2015 and in support of our localism agenda, as detailed in appendices 1 and 2;
- (2) the Financial Regulations, which form Part H of the Constitution, are updated in line with purchase order authorisation and purchase card limits, as detailed in appendices 3 and 4.

**MOTION ON NOTICE**

32. **Defending the Right to Strike**

Councillor Kate Taylor proposed and Councillor Jon Taylor seconded a motion on defending the right to strike.

Following a request from 10 councillors for a recorded vote the motion was agreed and Council agreed to –

- (1) write to the Secretary of State for Business, Innovation and Skills stating this Council's opposition to their Trade Union Bill and to participate in any consultations;
- (2) support the South West Trades' Union Congress and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill;
- (3) continue to value the importance of meaningful workforce engagement and representation.

The vote was -

*For the motion (30)*

*Councillors Mrs Aspinall, Bowie, Mrs Bridgeman, Coker, Damarell, Dann, Philippa Davey, Sam Davey, Evans, Fox, Hendy, Jarvis, Lowry, McDonald, Morris, Murphy, Parker-Delaz-Ajete, Penberthy, Rennie, Riley, Singh, Smith, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent and Wheeler.*

*Against the motion (24)*

*Councillors Ball (Deputy Lord Mayor), Mrs Beer, Bowyer, Mrs Bowyer, Churchill, Darcy, Deacon, Downie, Drean, Fletcher, Foster, Mrs Foster, Fry, Jordan, Kelly, Martin Leaves, Mike Leaves, Mrs Leaves, Mrs Nicholson, Nicholson, Mrs Pengelly, Ricketts, Dr Salter and Wiggins.*

Abstentions (1)  
Lord Mayor (Chair)

(See also minute 23 in relation to declaration of interest)

33. **QUESTIONS BY COUNCILLORS**

The following questions were asked and responses were given by the Leader and Cabinet Members -

	<b>From</b>	<b>To</b>	<b>Subject</b>
(1)	Councillor Evans	Councillor McDonald	Free school meals.  (Councillor McDonald undertook to report to Cabinet on the implications of the government announcement).
(2)	Councillor Bowyer	Councillor Evans	Council tax freeze next year
(3)	Councillor Rennie	Councillor Philippa Davey	Action by the Sshhh Team to improve anti-social behaviour by University students.  (Councillor Davey undertook to put contact details for reporting incidents on the website).
(4)	Councillor Mrs Bridgeman	Councillor Evans	Council action following an emergency landing by a light aircraft at the former Plymouth Airport and future use as an airport.
(5)	Councillor Jordan	Councillor Smith	Re-opening of the Plymouth Pavilions ice rink following an electrical fault.  (A written response to be provided)
(6)	Councillor Sam Leaves	Councillor Lowry	External Auditors Report to the Audit Committee.
(7)	Councillor Fletcher	Councillor Jon Taylor	Remote access to emails by councillors.
(8)	Councillor Mrs Beer	Councillor Vincent	Replacement of LED lights in street lamps at Plympton St Maurice.  (A written response to be provided)

(9)	Councillor Downie	Councillor Vincent	Removal of recycling facilities at Whiteleigh Green.
(10)	Councillor Martin Leaves	Councillor Vincent	Road closure as a result of the resurfacing programme at Outland Road during a Plymouth Argyle match.
(11)	Councillor Fry	Councillor Vincent	Refuse bins on pavements in the Mutley area and Section 137 of the Highways Act.  (A written response to be provided)
(12)	Councillor Stevens	Councillor Vincent	Devils Point and Richmond Walk toilets.
(13)	Councillor Nicholson	Councillor Vincent	Notification of ward councillors on street services initiatives.  (Councillor Vincent undertook to ensure that officers notified ward councillors in future).
(14)	Councillor Kelly	Councillor Smith	Involvement of a local celebrity in switching on Christmas lights.
(15)	Councillor Bowyer	Councillor Evans	Preparation of Cabinet Members to respond to questions.  (The Chair of the Constitutional Review Group was asked to request a paper on the submission of questions from councillors in advance of Council meetings).
(16)	Councillor Jordan	Councillor Vincent	Lack of action following report of broken refuse bin and nuisance by seagulls.  (Councillor Vincent undertook to raise the issue with officers).
(17)	Councillor Morris	Councillor Vincent	Seagulls and food waste from refuse bins.