

# ITEM 3b

Time commenced - 19.10  
Time finished - 22:16

## COUNCIL

### 23 September 2020

Present: The Mayor, Councillor Frank Harwood, and Councillors Ashburner, Atwal, Barker, Bettany, Carr, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, A J Graves, A W Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, J Khan, S Khan, Kus, Lind, Marshall, McCristal, Naitta, Nawaz, Pattison, Pearce, Peatfield, A Pegg, P Pegg, Potter, Poulter, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Testro, Webb, West, Williams, Willoughby and Wood.

#### 36/20 Apologies

Apologies for absence were received from Councillors Anderson and Repton.

#### 37/20 Declarations of Interest

There were none.

#### 38/20 Minutes of the Previous Meeting

**Resolved that the minutes of the meeting of the Council held on 22 July 2020 be approved as a correct record, confirmed and signed by the Mayor.**

#### 39/20 Announcements from the Mayor

The Mayor welcomed councillors to the meeting, as well as members of the public viewing proceedings online via the Derby City Council YouTube channel. It was noted that Council was again meeting remotely, owing to the on-going Covid-19 pandemic. The Mayor also addressed several housekeeping matters relating to the administration of remote meetings.

The passing of former councillor Finbar Richards, who had served as a representative of Darley Ward between 2004 and 2012 and more recently as a member of the Derby Homes Board, was reported to Council. The Mayor also noted the passing of former Derby County footballer Reg Harrison. Mr Harrison was the last surviving member of the club's 1946 FA Cup winning team and had been awarded Honorary Freedom of the City in 2019, in recognition of his work as part of Derby City Council's Youth Service and for promotion of grassroots football in Derby.

Councillors Skelton, S Khan, Webb and Harwood shared their recollections of Mr Richards; Councillors P Pegg and Harwood offered their condolences to the family of Mr Harrison. A minute's silence was then held out of respect.

## 40/20 Statements from members of the Council Cabinet

There were none.

## 41/20 Questions from the public

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Dorothy Skrytek	Cllr Smale	Allotment rentals
Emily Lonsdale	Cllr Williams	Access to IT equipment for young people
Nathalie Hollingworth	Cllr Barker	Process for consideration of complaints against councillors
Alison Martin	Cllr M Holmes	Markeaton Park tree felling
Timothy Prosser	Cllr Wood	Moorways opening date and project cost
Michael Siveyer	Cllr M Holmes	Midland Hotel planning regulations
Dorothy Skrytek	Cllr Poulter	Derby Economic Recovery team
Nathalie Hollingworth	Cllr Webb	Protection of children from Coronavirus
Timothy Prosser	Cllr Wood	Field Lane Football Club

## 42/20 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

## 43/20 Questions from non-Council Cabinet members

The Mayor noted the large volume of questions received. It was moved by Councillor Harwood and seconded that Council Procedure Rule CP24, requiring published questions and answers to be put verbally, was suspended.

The consent of the meeting was granted without debate.

Supplementary questions and answers were put and responded to as follows:

Questioner	Respondent	Summary
Cllr A W Graves Cllr Willoughby	Cllr Smale	Raynesway Household Waste Recycling Centre
Cllr A J Graves	Cllr Smale	Field Lane highway maintenance
Cllr Willoughby	Cllr Roulstone	Budget gap
Cllr Carr	Cllr Smale	Sinfin Waste Treatment Facility
Cllr Evans	Cllr M Holmes	Assembly Rooms car park
Cllr Cooper	Cllr Hussain	Adults & Health Scrutiny Review Board
Cllr McCristal Cllr Potter	Cllr Atwal	Taxi & Private Hire vehicle standards
Cllr Lind	Cllr Williams	Home to school transport
Cllr West	Cllr Wood	Culture and Leisure income

Cllr Shanker	Cllr Poulter	Assembly Rooms cost
Cllr Hussain	Cllr Webb	Adult Social Care support
Cllr P Pegg	Cllr Smale	Operation of Raynesway Household Waste Recycling Centre
Cllr Peatfield	Cllr Holmes	Climate change spending
Cllr S Khan	Cllr Webb	Extra Care homes
Cllr Hezelgrave	Cllr Williams	Youth unemployment
Cllr Care	Cllr Webb	Vitamin D levels
Cllr Bettany	Cllr Smale	Matthew Street drainage
Cllr Evans	Cllr M Holmes	Cycle lanes
Cllr A Graves	Cllr Atwal	Fly-tipping incident involving taxi driver
Cllr Lind	Cllr Williams	ICT for SEND children
Cllr Shanker	Cllr Poulter	Local Government Review
Cllr Peatfield	Cllr Barker	Market Hall project
Cllr Hezelgrave	Cllr Williams	Children's Services budget review
Cllr A W Graves	Cllr Barker	Asylum distribution
Cllr Care	Cllr Holmes	Emergency Highways changes consultation
Cllr Shanker	Cllr Holmes	Temporary use of Assembly Rooms site
Cllr Care	Cllr Williams	Primary School places

#### 44/20 Minute extract 28/19 of the Corporate Parenting Committee held on 18 February 2020

The Mayor introduced a minute extract from the Corporate Parenting Committee held on 18 February 2020, requesting Council's endorsement of a revised Corporate Parenting Strategy.

It was moved by Councillor Williams, and seconded by Councillor Roulstone, that minute 28/19 of the Corporate Parenting Committee be approved.

**Resolved to approve minute 28/19 of the Corporate Parenting Committee.**

#### 45/20 Minute extract 08/20 of the Council Cabinet held on 15 July 2020

Council considered a minute extract from the Council Cabinet meeting of 15 July 2020, which requested approval to increase the Council's borrowing requirement, in order to invest in a New Performance Venue in the Becketwell regeneration area.

It was moved by Councillor M Holmes, and seconded by Councillor Poulter, that minute 08/20 of the Council Cabinet be approved.

**Resolved to approve minute 08/20 of the Council Cabinet.**

## 46/20 Minute extract 08/20 of the Children and Young People Scrutiny Review Board held on 7 September 2020

A minute extract from a meeting of the Children and Young People Scrutiny Review Board held on 7 September 2020 was presented for consideration. The Board sought Council approval for the appointment of two co-opted members, following the recent retirement of co-opted members representing Catholic and Other Faiths.

It was moved by Councillor Lind, and seconded by Councillor Hezelgrave, that minute 08/20 of the Children and Young People Scrutiny Review Board be approved.

**Resolved to approve minute 08/20 of the Children and Young People Scrutiny Review Board.**

## 47/20 Annual Report of the Standards Committee 2019-20

A report of the Strategic Director of Corporate Resources, presenting the annual report of the Standards Committee, was introduced. The Annual Report provided a summary of the activity of the committee during the preceding municipal year in respect of complaints considered.

It was moved by Councillor A Holmes and seconded by Councillor M Holmes that the recommendations in the report be agreed.

**Resolved to approve the Annual Report of the Council's Standards Committee for the 2019/20 municipal year.**

## 48/20 Motion: Fair and proportional allocation of constitutional appointments

The following motion was moved by Councillor Shanker, and seconded by Councillor Peatfield:

*Derby City Council's political control has had a history of regular change and long periods of no over control by any one Political Group: this must always be respected as it is the will of the people that Councillors are here to serve.*

*During these times we must always ensure that good, sound decisions are being made to move the City forward and protect the interests of our communities, residents and businesses. To achieve this, there is a need for robust governance that includes effective scrutiny and regulatory decision-making, based at all times on principles of openness and transparency.*

*The period leading up to an AGM is characterised by difficult and most often secret negotiations that do not support these principles. A fairer and more defined process should be sought to improve decision making.*

*Council therefore requests that the Monitoring Officer and the Democratic Services team review the current arrangements for appointing Chairs and Vice Chairs to the*

*various Scrutiny Boards and Regulatory Committees and to propose options to amend constitutional rules that will lead to a fairer and more proportional distribution of these positions based on the “Widdicombe” principles of political proportionality. These options should be brought back to a meeting of Full Council prior to the 2021 AGM for debate and a vote.*

It was moved by Councillor Poulter and seconded by Councillor M Holmes that the motion be amended by the addition of: ‘in consultation with the Group Leader, Deputy Group Leader or chosen representative of each political group’ to the first sentence of the final paragraph.

The amendment was put to the vote and carried.

The motion was put to the vote and carried.

**Resolved:**

**Derby City Council’s political control has had a history of regular change and long periods of no over control by any one Political Group: this must always be respected as it is the will of the people that Councillors are here to serve.**

**During these times we must always ensure that good, sound decisions are being made to move the City forward and protect the interests of our communities, residents and businesses. To achieve this, there is a need for robust governance that includes effective scrutiny and regulatory decision-making, based at all times on principles of openness and transparency.**

**The period leading up to an AGM is characterised by difficult and most often secret negotiations that do not support these principles. A fairer and more defined process should be sought to improve decision making.**

**Council therefore requests that the Monitoring Officer and the Democratic Services team review the current arrangements for appointing Chairs and Vice Chairs to the various Scrutiny Boards and Regulatory Committees and, in consultation with the Group Leader, Deputy Group Leader or chosen representative of each political group, to propose options to amend constitutional rules that will lead to a fairer and more proportional distribution of these positions based on the “Widdicombe” principles of political proportionality. These options should be brought back to a meeting of Full Council prior to the 2021 AGM for debate and a vote.**

## **49/20      Motion: Public Protection Officers**

Under Council Procedure Rule CP53, Councillor P Pegg requested that he amend the motion of which they had given notice by the addition of ‘The Council also agrees to protect all PPO positions from any budget cuts proposed to balance future years’ budgets in the MFTP’ at its conclusion. The approval of the meeting was signified without discussion.

The following motion was moved by Councillor P Pegg, and seconded by Councillor S Khan:

*Through the effectiveness of strong scrutiny, it has been brought to the attention of this Council that the Public Protection Officer team is not functioning as it was assured it would be two years ago. Plans to allocate one PPO per ward with powers to issue fixed penalty notices for fly tipping, dog fouling, parking on grass verges, bins on streets, flytipping and infringements of the Road Traffic Act have not come to fruition.*

*Last month the Neighbourhoods Scrutiny Board received reports on the powers the PPOs had to deal with anti-social behaviour, environmental crime, community protection and issuing fixed penalty notices.*

*Currently the PPOs have no powers to issue enforcement notices for parking on verges or any forms of road traffic offences; under devolved powers this needs addressing as a matter of urgency to allow them to carry out their duties.*

*The PPO team is supported by all councillors who wish to see them successfully carry out their duties and work towards to betterment of Derby and our communities.*

*This Council therefore agrees to urgently support the PPO team in providing them with the correct tools, equipment and give them the necessary authority to allow them to carry out their duties effectively.*

*The Council also agrees to protect all PPO positions from any budget cuts proposed to balance future years' budgets in the MFTP.*

The motion was put to the vote and carried.

**Resolved:**

**Through the effectiveness of strong scrutiny, it has been brought to the attention of this Council that the Public Protection Officer team is not functioning as it was assured it would be two years ago. Plans to allocate one PPO per ward with powers to issue fixed penalty notices for fly tipping, dog fouling, parking on grass verges, bins on streets, flytipping and infringements of the Road Traffic Act have not come to fruition.**

**Last month the Neighbourhoods Scrutiny Board received reports on the powers the PPOs had to deal with anti-social behaviour, environmental crime, community protection and issuing fixed penalty notices.**

**Currently the PPOs have no powers to issue enforcement notices for parking on verges or any forms of road traffic offences; under devolved powers this needs addressing as a matter of urgency to allow them to carry out their duties.**

**The PPO team is supported by all councillors who wish to see them successfully carry out their duties and work towards to betterment of Derby and our communities.**

**This Council therefore agrees to urgently support the PPO team in providing them with the correct tools, equipment and give them the necessary authority to allow them to carry out their duties effectively.**

**The Council also agrees to protect all PPO positions from any budget cuts proposed to balance future years' budgets in the MFTP.**

## **50/20      Motion: Planning proposals**

The following motion was moved by Councillor Care, and seconded by Councillor Carr:

*This Council notes:*

- 1. The publication by Government of the White Paper, 'Planning for the Future' on 6 August 2020, which set out proposals on reforms to the planning process for the future.*
- 2. That the vast majority of planning applications are given the go ahead by local authorities, with permission granted to around 9 out of 10 applications.*
- 3. That research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started.*

*This Council is concerned that the proposals seek to:*

- 1. Reduce or remove the right of residents to object to applications near them.*
- 2. Grant automatic rights for developers to build on land identified as 'for growth'.*
- 3. Remove section 106 payments for infrastructure and their replacement with a national levy.*

*This Council further notes:*

- 1. The Royal Institute for British Architects called the proposals 'shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes'. RIBA also said that proposals could lead to the next generation of slum housing.*
- 2. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.*

*This Council believes:*

- 1. That existing planning procedures, as currently administered by our own team in Derby, allow for local democratic control over future development and give local people a say in planning proposals that affect them.*
- 2. That proposals for automatic rights to build in 'growth' areas, and increased permitted development rights, risk unregulated growth and unsustainable communities.*
- 3. That local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.*

*This Council resolves to:*

- 1. Take part in the consultation in the planning proposals, and to make representations against the proposals as outlined in this motion.*
- 2. Write to and lobby all our Members of Parliament, urging them to oppose these proposals and to circulate their replies to members.*
- 3. Highlight its concerns over these proposals with the public and local residents.*

The motion was put to the vote and carried.

**Resolved:**

**This Council notes:**

- 1. The publication by Government of the White Paper, 'Planning for the Future' on 6 August 2020, which set out proposals on reforms to the planning process for the future.**
- 2. That the vast majority of planning applications are given the go ahead by local authorities, with permission granted to around 9 out of 10 applications.**
- 3. That research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started.**

**This Council is concerned that the proposals seek to:**

- 1. Reduce or remove the right of residents to object to applications near them.**
- 2. Grant automatic rights for developers to build on land identified as 'for growth'.**
- 3. Remove section 106 payments for infrastructure and their replacement with a national levy.**

**This Council further notes:**

- 1. The Royal Institute for British Architects called the proposals 'shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes'. RIBA also said that proposals could lead to the next generation of slum housing.**
- 2. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.**

**This Council believes:**

- 1. That existing planning procedures, as currently administered by our own team in Derby, allow for local democratic control over future**



development and give local people a say in planning proposals that affect them.

2. That proposals for automatic rights to build in 'growth' areas, and increased permitted development rights, risk unregulated growth and unsustainable communities.
3. That local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.

**This Council resolves to:**

1. Take part in the consultation in the planning proposals, and to make representations against the proposals as outlined in this motion.
2. Write to and lobby all our Members of Parliament, urging them to oppose these proposals and to circulate their replies to members.
3. Highlight its concerns over these proposals with the public and local residents.

MAYOR