

ITEM 3

Time commenced - 6.00pm
Time adjourned - 7:42pm
Time reconvened - 7:47pm
Time finished - 8:47pm

COUNCIL

22 September 2021

Present: The Mayor, Councillor Robin Wood, and Councillors Atwal, Barker, Bettany, Bonser, Care, Carr, Cooper, Dhindsa, Evans, Eyre, Froggatt, Grimadell, A Holmes, M Holmes, Hussain, Ingall, Jennings, J Khan, S Khan, Lind, Lonsdale, Martin, McCristal, Naitta, Nawaz, Pandey, Pattison, J Pearce, T Pearce, Peatfield, Pegg, Potter, Poulter, Prosser, Repton, Roulstone, Shanker, Skelton, Smale, Testro, Webb, West and Willoughby.

36/21 Apologies

Apologies for absence were received from Councillors A J Graves, A W Graves, Hassall, Hezelgrave, Kus, Sandhu and Williams.

37/21 Declarations of Interest

There were none.

38/21 Minutes of the Previous Meeting

The minutes of the meeting of the Council held on 21 July 2021 were moved on the motion of the Mayor, and seconded by Councillor M Holmes.

Resolved that the minutes of the meeting of the Council held on 21 July 2021 be approved as a correct record, confirmed and signed by the Mayor.

39/21 Announcements from the Mayor

The Mayor welcomed councillors and members of the public to the meeting and addressed several housekeeping matters.

It was noted that a late item had been circulated relating to a minute extract from a recent meeting of the Licensing Committee, that required Council approval. It was proposed that the minute would be tabled prior to discussion of the reports and motions included on the published agenda.

The Mayor proceeded to share with councillors a letter from two recent visitors to Derby, who had travelled to the city from Alnwick in Northumberland. The letter commended the city's museums and other cultural attractions, with reference to the newly opened Museum of Making.

Councillor Wood reported that three Derby residents had recently been recognised in the Queen's Birthday Honours for 2021:

- Jasvinder Singh Rai, founder and Chair of the Sikh Recovery Network, received an OBE for services to the Sikh community during the Covid-19 pandemic.
- Dr John Richard Forkin, Managing Director of Marketing Derby, received an MBE for services to International Trade and Investment.
- Linda-Claire Smith, former Head of the Public Protection Team – Crime, Policing and Fire Group at the Home Office, received an MBE for services to public protection and safeguarding of children and vulnerable adults.

The Mayor placed on record the thanks of the Council to the three recipients for their contributions to the city and the nation.

It was noted that two teams at Derby City Council had been recognised at the Association for Public Service Excellence (APSE) Awards. The Highways Team were the winners for ‘Best Service Team: Highways, Winter Maintenance and Street Lighting’, whilst the Grounds Maintenance Team were shortlisted in their category. The Mayor presented two officers with their award, who received a round of applause from councillors in attendance.

The Mayor reported that the Council had received a good outcome from a recent focused visit from Ofsted, examining the quality of services provided to children in care during the Covid-19 pandemic, and paid tribute to those involved.

The recent passing of former Mayoress Gill Fuller was reported to Council. Councillors Repton, Dhindsa and Wood paid tribute to Mrs Fuller, and a minute’s silence was observed.

40/21 Statements from members of the Council Cabinet

There were none.

41/21 Questions from the public

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Adrian Howlett	Cllr M Holmes	A38 Junction Improvements
Mair Perkins		
Dorothy Skrytek	Cllr M Holmes	St Mary’s Bridge flood gates
Brendan Connelly	Cllr Barker	Councillor response times
Simon Bacon	Cllr Pearce	Derby City Council recycling rate
Pauline Inwood	Cllr M Holmes	Climate Emergency Action Plan target date
Dorothy Skrytek	Cllr M Holmes	Raynesway flood evacuation procedures
Mair Perkins	Cllr M Holmes	Use of hydrogen for decarbonisation
Brendan Connelly	Cllr Atwal	Private hire vehicle additional charges
Simon Bacon	Cllr Pearce	Restoration of blue bin recycling services

42/21 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

43/21 Questions from non-Council Cabinet members

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Cllr Prosser	Cllr Smale	Raw sewage in rivers
Cllr Carr	Cllr Smale	Responsible use of fireworks
Cllr Skelton	Cllr Roulstone	Allestree Golf Course
Cllr Bonser	Cllr Webb	Care home staff
Cllr Repton	Cllr McCristal	City centre swimming pool
Cllr Dhindsa	Cllr Smale	Anti-Slavery Charter
Cllr Shanker	Cllr Roulstone	Financial matters
Cllr Peatfield	Cllr Smale	Incinerator costs
Cllr Prosser	Cllr McCristal	Council operated cafes in parks
Cllr Skelton	Cllr Roulstone	Consulting with Historic England
Cllr Martin	Cllr Williams	Catch up funding
Cllr Dhindsa	Cllr Pearce	Compactor days
Cllr Peatfield	Cllr M Holmes	Decarbonisation
Cllr Prosser	Cllr Webb	Council response to Covid-19 policies
Cllr Martin	Cllr Roulstone	Social care budget
Cllr Dhindsa	Cllr Pearce	Pavement repairs
Cllr Martin	Cllr Webb	Empty homes assistance loan

44/21 Minute extract 11/21 of the meeting of the Licensing Committee held on 16 September 2021.

A minute extract from the meeting of the Licensing Committee held on 16 September 2021 was presented to Council. The minute recommended that the Local Government (Miscellaneous) Provisions Act 1982 was re-adopted within the Council Constitution, to allow a revised Street Trading Policy to be developed.

The Mayor reported that they had agreed to consideration of the late item, to expedite a twelve-week public consultation process, to allow a new policy to be determined by the Licensing Committee before 1 April 2022.

It was moved by Councillor Atwal and seconded by Councillor Skelton that the minute be approved. The recommendation was put to the vote and carried.

Resolved to approve minute 11/21 of the Licensing Committee.

45/21 Local Government Boundary Review – Council Size Submission

Council considered a report of the Strategic Director of Corporate Resources, in relation to a review of the Local Government Boundary Commission for England (the Commission) of the local authority area. It was reported that the previous review of the Council's area had taken place in 2001; the Commission held a statutory duty to review the electoral arrangements of all councils from time to time, and the Council had recently been notified that a review would be undertaken.

The report noted that the review would take place in two stages. The first stage involved determining the council size and the total number of councillors required to discharge the Council's functions and represent residents effectively. The second stage would examine warding patterns based on three statutory criteria of delivering electoral equality for local voters; protecting interests and identities of local communities; and, ensuring effective and convenient local government.

It was noted that the Council was required to make an evidence-based proposal for a suggested Council size to the Commission by 5 October 2021. A draft submission had been prepared, examining a wide range of electoral and demographic data, which was presented to Council for approval.

In formulating the submission and following consultation with councillors, four points of principle had been proposed:

- The Council would not support any reduction in the number of councillors.
- The Council would not oppose a recommendation from the Commission to maintain the current Council size.
- The Council would support a small increase in the number of councillors.
- The Council supports maintaining three member wards.

The Council Size submission therefore concluded that the Council would favour an increase in Council Size to either 54 or 57 councillors, from the current number of 51.

The recommendations contained in the report were moved by Councillor Barker and seconded by Councillor Poulter, subject to clarification that the Council favoured 57 councillors.

It was noted that since the publication of the Council agenda, the Commission had provided feedback on the draft submission, stating that if the Council wished to propose an increase in council size then the preferred number of councillors should be specified in the submission. It was stated that the proposed council size was in line with the median average amongst Derby's comparator authorities and ensured that the ratio of councillors to electors would remain sustainable for the foreseeable future.

The recommendations were put to the vote and carried.

Resolved:

1. To note the report and commit the support of the Council to the Local Government Boundary Commission for England for the duration of the boundary review.
2. To agree the following points of principle:
 - i. The Council would not support any reduction in the number of councillors.
 - ii. The Council would not oppose a recommendation from the Commission to maintain the current Council size.
 - iii. The Council would support a small increase in the number of councillors.
 - iv. The Council supports maintaining three member wards.
3. To approve the draft Council Size proposal attached at Appendix 1 of the report, subject to clarification that the Council favoured 57 councillors.
4. To request that the Director of Legal, Procurement and Democratic Services amend the draft proposal accordingly prior to final submission to the Commission.

46/21 Constitutional Amendments – Councillors’ Code of Conduct and Procedure for consideration of complaints against councillors

A report of the Strategic Director of Corporate Resources was considered recommending several constitutional amendments relating to the Councillors’ Code of Conduct and the Procedure for consideration of complaints against councillors.

The recommendations in respect of the Code of Conduct followed the publication of a Model Code of Conduct by the Local Government Association (LGA) in December 2020. Following consultation with the Standards Committee, where the Model Code was compared to the Council’s existing provisions, several alterations had been proposed, which were summarised within the report and provided guidance on the application of the code. The report also recommended the lowering of the limit above which gifts and hospitality must be declared to £50, in line with the LGA Model Code.

The report also proposed amendments to the Articles of the Constitution and the Scheme of Delegations, to align the Council Constitution with the procedure for assessment and review of allegations of breaches of the Councillors’ Code of Conduct. It was reported that Council had previously approved changes to the procedure in July 2020, following an external review by Weightmans LLP.

The previously agreed changes introduced a pre-hearing process and hearing procedure for complaints that progressed to a hearing following an investigation. The proposed alterations to the Constitution proposed that a Hearings Panel Sub-Committee was constituted for consideration of complaints heard under the procedure. The proposed amendments were detailed at Appendix 4 of the report.

The recommendations were moved by Councillor S Khan and seconded by Councillor Atwal, put to the vote and carried.

Resolved:

1. To agree amendments to the Councillors' Code of Conduct as detailed at Appendix 2 of the report, incorporating elements of the Local Government Association Model Member Code of Conduct, as recommended by the Standards Committee.
2. To constitute a Hearings Panel Sub-Committee for the consideration of complaints against councillors that have progressed to a hearing, following an investigation.
3. To adopt amendments to the Articles of the Constitution and Scheme of Delegations, as detailed at Appendix 4 of the report.

47/21 Annual Report of the Standards Committee 2020-21

The Annual Report of the Standards Committee for 2020-21 was presented to Council for approval.

The Annual Report summarised the role of the Standards Committee and that of the Monitoring Officer. It was reported that during 2020-21, eight complaints had been received: five complaints had been dismissed; one proceeded to an investigation where no breach was found; one complaint was referred to the relevant group, in accordance with the complaints procedure; and, one complaint was carried over to 2021-22. The report also detailed any incidents of councillor contact with the Licensing Service in relation to taxi licensing; no instances required reporting to the Standards Committee in 2020-21.

It was moved by Councillor S Khan and seconded by Councillor Atwal that the recommendations in the report were received. The matter was put to the vote and carried.

Resolved to receive the Annual Report of the Council's Standards Committee for the 2020-21 municipal year.

48/21 Annual Report of Overview and Scrutiny 2020-21

The Annual report of Overview and Scrutiny for 2020-21 was presented to Council for approval.

The report provided a summary of the activity of the Executive Scrutiny Board and the council's five Scrutiny Review Boards during the preceding municipal year, detailing the role and remit of each Board and the outcomes that had been achieved.

It was moved by Councillor Repton and seconded by Councillor Naitta that the Annual Report of Overview and Scrutiny for 2020-21 be received. The matter was put to the vote and carried.

Resolved to receive the Annual Report of Overview and Scrutiny for the 2020-21 municipal year.

49/21 Motion: Access to Raynesway Household Waste Recycling Centre

The following motion was moved by Councillor Dhindsa, and seconded by Councillor Bonser:

Despite all the hard work of Council Officers, the problem of fly tipping and keeping our neighbourhoods clean and green is being hampered by over £500,000 cuts to Raynesway Household Waste Recycling Centre (HWRC). If you are in a poor neighbourhood, can't access online services or are a new tenant who can't pre-book a visit to the recycling centre, it has been made very difficult to recycle and remove bulky waste and general household rubbish easily.

The decision to continue to open Raynesway Recycling Centre, in 2021-22 and beyond, with reduced hours; limiting slots available to each resident householder; and requiring prebooking online is having a serious and negative impact. Whilst this was necessary at the height of the COVID 19 Pandemic to protect the health of our communities it is unnecessary and unacceptable to continue this now when fly tipping, bulky waste dumping continues to increase and blight our neighbourhoods and City. This policy decision is undermining the green and clean aspirations of the Council, and us all, and contributes to increased concerns of rats and pungent smells being reported in more and more neighbourhoods.

Council therefore resolves to request that Council Cabinet reverse this policy/budget decision and ensure that Raynesway HWRC is brought back to working at least as efficiently and effectively as before COVID 19 emergency measures were introduced by:

- 1. Re-instating access to the site to at least pre pandemic opening hours*
- 2. Removing the requirement to having access to recycling only through online prebooked slots*
- 3. Removing the limit of slots available for domestic households per year*

The motion was put to the vote and carried.

Resolved:

Despite all the hard work of Council Officers, the problem of fly tipping and keeping our neighbourhoods clean and green is being hampered by over £500,000 cuts to Raynesway Household Waste Recycling Centre (HWRC). If you are in a poor neighbourhood, can't access online services or are a new tenant who can't pre-book a visit to the recycling centre, it has been made very difficult to recycle and remove bulky waste and general household rubbish easily.

The decision to continue to open Raynesway Recycling Centre, in 2021-22 and beyond, with reduced hours; limiting slots available to each resident householder; and requiring prebooking online is having a serious and negative impact. Whilst this was necessary at the height of the COVID 19 Pandemic to protect the health of our communities it is unnecessary and unacceptable to continue this now when fly tipping, bulky waste dumping continues to increase and blight our neighbourhoods and City. This policy decision is undermining the green and clean aspirations of the Council, and us all, and contributes to increased concerns of rats and pungent smells being reported in more and more neighbourhoods.

Council therefore resolves to request that Council Cabinet reverse this policy/budget decision and ensure that Raynesway HWRC is brought back to working at least as efficiently and effectively as before COVID 19 emergency measures were introduced by:

- 1. Re-instating access to the site to at least pre pandemic opening hours**
- 2. Removing the requirement to having access to recycling only through online prebooked slots**
- 3. Removing the limit of slots available for domestic households per year**

50/21 Motion: Universal Credit uplift

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

Council notes that in March this year the chancellor extended the £20 per week uplift to Universal Credit for six months.

Council notes that, despite the real potential of increased redundancies following the end of furlough, the rise in National Insurance and significant levels of deprivation in the city due to 10 years of austerity, the increase in Universal Credit is due to be withdrawn by the government at the end of September.

This Council notes that the total number of claimants in the city receiving Universal Credit is approximately 7000 and that each of these will lose £1040 per annum if the £20 per week uplift is withdrawn.

This Council believes that the removal of the £20 per week uplift to Universal Credit would lead to a huge increase in poverty and deprivation within our local communities and also have a detrimental impact upon the economy of our city.

This Council, therefore, resolves to:

- Request that the Leader of the Council write to chancellor Rishi Sunak demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.*
- Urge the Government to end the five week wait for Universal Credit by converting advances into grants instead of loans.*
- Continue to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times.*

It was moved by Councillor Roulstone and seconded by Councillor Smale that the motion be amended by:

The addition of the following words to the first sentence: "in direct response to the Covid Pandemic, at a cost to the taxpayer of approximately £5-6 billion per year".

The addition of the following words to the second sentence: "government's well received furlough scheme there is a" and "along with".

The deletion of the words “10 years of austerity, the increase” from the second sentence and the addition of “pressures, the temporary increases” in their place.

The deletion of the words: “lose £1040 per annum if the £20 per week uplift is withdrawn” from the third paragraph and the addition of the words: “receive £1040 less per annum by returning to the original allowance” in their place.

The deletion of the words “would lead to a huge” and the addition of the words “at this time could lead to an” in the first sentence of the fourth paragraph.

The removal of the following words from the first sentence of the final paragraph: “demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits”.

And, the addition of the following words in their place: “requesting that the £20 increase to Universal Credit be replaced with an alternative to address increases in fuel prices and general living costs for the most vulnerable in our city”.

The addition of the words “considering” and “partial” to the second sentence of the final paragraph.

The amendment was put to the vote and lost.

The substantive motion was put to the vote. As required under Council Procedure Rule CP71a, it was requested by at least 10 members that a recorded vote be taken. The voting was as follows:

For the motion:

Councillors Atwal, Bettany, Bonser, Care, Carr, Dhindsa, Evans, Hussain, J Khan, S Khan, Lind, Lonsdale, Martin, Naitta, Nawaz, Peatfield, Prosser, Repton, Shanker, Skelton, Testro, West and Willoughby (23).

Against the motion:

None (0).

Abstentions:

Councillors Barker, Cooper, Eyre, Grimadell, A Holmes, M Holmes, Jennings, McCristal, Pandey, Pattison, J Pearce, T Pearce, A Pegg, Potter, Poulter, Roulstone, Smale, Webb and Wood (19).

Resolved:

Council notes that in March this year the chancellor extended the £20 per week uplift to Universal Credit for six months.

Council notes that, despite the real potential of increased redundancies following the end of furlough, the rise in National Insurance and significant levels of deprivation in the city due to 10 years of austerity, the increase in Universal Credit is due to be withdrawn by the government at the end of September.

This Council notes that the total number of claimants in the city receiving Universal Credit is approximately 7000 and that each of these will lose £1040 per annum if the £20 per week uplift is withdrawn.

This Council believes that the removal of the £20 per week uplift to Universal Credit would lead to a huge increase in poverty and deprivation within our local communities and also have a detrimental impact upon the economy of our city.

This Council, therefore, resolves to:

- **Request that the Leader of the Council write to chancellor Rishi Sunak demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.**
- **Urge the Government to end the five week wait for Universal Credit by converting advances into grants instead of loans.**
- **Continue to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times.**

51/21 Motion: Tackling Knife Crime

The following motion was moved by Councillor Atwal, and seconded by Councillor Dhindsa:

Council notes with concern the growing numbers of young people, across the UK, affected by knife and gang-related crime.

Two years ago in Derby we welcomed the Knife Angel installation next to the Cathedral as part of its tour across the UK. It sent out a clear message against knife crime.

This message needs to be repeated and the Council commends Derby resident Calvin Bowler for recently starting a campaign called The Walk Against Knife Crime.

Nationally, the Council also acknowledges the efforts being made to tackle knife crime and the work of the Police, through projects such as Operation Sceptre, to reduce the number of knives being carried by young people.

Council commits to working closely with Derbyshire Police and other local partners to support efforts to raise awareness about the impact of knife crime and to help those who have been affected by it.

Council further commits to calling on the Government to invest more in community policing and a proper public health approach, bringing together youth services, community groups, schools and the NHS, to tackle knife and gang-related crime in the UK.

The motion was put to the vote and carried.

Resolved:

Council notes with concern the growing numbers of young people, across the UK, affected by knife and gang-related crime.

Two years ago in Derby we welcomed the Knife Angel installation next to the Cathedral as part of its tour across the UK. It sent out a clear message against knife crime.

This message needs to be repeated and the Council commends Derby resident Calvin Bowler for recently starting a campaign called The Walk Against Knife Crime.

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Council commits to working closely with Derbyshire Police and other local partners to support efforts to raise awareness about the impact of knife crime and to help those who have been affected by it.

Council further commits to calling on the Government to invest more in community policing and a proper public health approach, bringing together youth services, community groups, schools and the NHS, to tackle knife and gang-related crime in the UK.

52/21 Closure

Following the conclusion of the previous item of business, it was moved by Councillor Atwal and seconded that a minute's silence be observed in respect of the victims of knife crime. The Mayor accepted the request under Council Procedure Rule CP42r for the matter to be considered immediately; the motion was put to the vote and carried.

The Mayor led Council in a minute's silence before drawing the meeting to a close.

MAYOR