

DOCUMENT 3

Time commenced - 6.00 pm
Time finished - 10.28pm

COUNCIL MEETING 28 JANUARY 2015

Present: The Mayor (Councillor Shiraz Khan) (in the Chair)

Councillors Ashburner, Bailey, Banwait, Barker, Bayliss, Bolton, Campbell, Care, Carr, Davis, Dhindsa, Eldret, Graves, Harwood, Hezelgrave, Hickson, Higginbottom, A Holmes, M Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keith, J Khan, MacDonald, Martin, Naitta, Nawaz, Pegg, Poulter, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Troup, Turner, Webb, Whitby, Williams, Wood.

63/14 Apologies for Absence

Apologies for absence were received from Councillors Afzal and Wright.

64/14 Declarations of Interest

There were Declarations of Interest from:

Councillors Jones, Whitby and Webb, as Trustees of Derby Museums, in respect of Item 6b – the petition debate on the Museums Trust

Councillors Rawson and Redfern as Trustees of Revive, in respect of Item 10 – approval of Cabinet Minute 119/14 - Derbyshire County Cricket Club – Investment Programme

65/14 Minutes of the Meeting of 26 November 2014

Resolved that the Minutes of the Meeting of the Council, held on 26 November 2014, be approved as a correct record, confirmed and signed by the Mayor.

66/14 Announcements by the Mayor

The Mayor informed Council that since the last meeting there had been five deaths, which he wished to report.

- Mr Martin duSautoy – a former councillor 1982 – 2002, for Spondon and Allestree Wards and Deputy Mayor in 1993 - 94
- Mr Fred Tagg – the first Chief Executive of Derby City Council, former Housing Director and board member of the Liversage Trust
- Mr Arthur Wenn – a former Chief Environmental Health Officer, who worked for the Borough and City Council from 1934 until 1983
- Mrs June Reedman – Civic Award Winner in 2006 – an award given for community service and fundraising
- Mr Louis Martin – Civic Award Winner in 2000 – for achievements in competitive weightlifting and subsequent coaching work

A number of Members paid tribute to the above named, before Council stood in silence for one minute as a mark of respect.

The Mayor informed Council that he had agreed that a late report be considered on Interim Senior Management Arrangements and that it would be the first item considered after his final announcement.

The Mayor made an announcement about the Civic Award Scheme reminding Members that the Community Champions initiative, a joint venture between the City Council, Derby Telegraph and other key partners, did not run last year, because of the loss of its commercial sponsor.

Since 2008 this initiative had been the source of the Civic Award Winner, adding to those honoured continuously by the city since 1987. Each year the Mayor had presented a Community Champion Award to recognise his or her theme for their term and that individual had become the Civic Award Winner.

The Mayor stated that whilst the search for a new sponsor for Community Champions continued, he was conscious that a civic award winner was needed for 2014 and as previous winners have been selected by the Mayor, he had given thought as to who had brought credit to the city during the past year.

The Mayor proposed that the Civic Award Winner 2014 would be the Derby based artist, Paul Cummins, in recognition of the success of the 'Blood Swept Lands and Seas of Red' ceramic poppy installation at the Tower of London.

Paul Cummins work had attracted worldwide attention and brought a welcome focus on Derby, where the poppies were created, by a business established with the help of the council's regeneration fund. He had been honoured by Her Majesty The Queen with an MBE in the New Year Honours and by the University of Derby, where he studied, with the award of an honorary degree.

The Mayor informed Council that he would write to Mr Cummins to congratulate him, inform him that his name would be added to the distinguished list of Civic Award Winners and invite him to a presentation of scroll and trophy.

Councillor Bayliss paid tribute to the work of Adam Wilkinson, the departing Chief Executive, particularly for his work on regeneration and the transformation agenda.

Councillors Tittley and Repton paid tribute to the work of Cath Roff – Strategic Director for Adults, Health and Housing who would be leaving the Council to take up an appointment at Leeds City Council

67/14 Senior Management – Interim Arrangements

Council considered a report of the Monitoring Officer on interim arrangements following the departure of the Chief Executive.

The Deputy Chief Executive and the Strategic Director of Children and Young People's Services left the Chamber at this point.

Resolved -

- 1. To note the decision taken by Leader of the Council on 9 January 2015 to authorise a payment of £140,000 to be made to enable the Chief Executive to exit the organisation by way of voluntary redundancy from 31 January 2015, to be funded through existing salary budgets in 2014-15 and the Redundancy Cost Reserve.**
- 2. To note that the Deputy Chief Executive has been covering the Chief Executive role since 12 January 2015 and therefore to formally appoint the Deputy Chief Executive and Strategic Director of Neighbourhoods, Mr Paul Robinson, as Acting Chief Executive and Interim Head of Paid Service with effect from that date.**
- 3. To appoint the Strategic Director of Children and Young People, Mr Andrew Bunyan, as Acting Deputy Chief Executive with effect from 1 February 2015.**
- 4. To delegate authority to the Acting Chief Executive, following consultation with the group leaders, to:**
 - make an interim appointment to the Strategic Director of Neighbourhoods post, utilising acting up arrangements as necessary, following implementation of the resolution recommended at paragraph 2.2; and to implement interim backfill arrangements where deemed necessary and appropriate and**
 - make an interim appointment to the Strategic Director of Adults, Health and Housing, utilising acting up arrangements as necessary, following the exit of the existing postholder, Ms Cath Roff, at the end of March 2015, and to implement interim backfill arrangements where deemed necessary and appropriate.**
- 5. To note the Acting Chief Executive will oversee the Resources Directorate during the absence of the Strategic Director of Resources and the interim Strategic Director of Neighbourhoods will include day-to-day responsibility for Regeneration and Economic Development, although the Acting Chief Executive will still lead on this area.**
- 6. To delegate authority to the Monitoring Officer to make any necessary changes to the Articles of the Constitution and Scheme of Delegations within the Council Constitution, arising from decisions recommended at paragraphs 2.1 to 2.4.**

The now Acting Chief Executive and the Strategic Director of Children and Young People's Services returned to the Chamber at this point.

There were none

69/14 Consideration of a petition concerning Moorways Pool

The Council's Petition Scheme states that a valid petition, containing at least 4,000 signatures can trigger a Full Council debate. A petition had been received concerning the proposed closure of Moorways Pool and 5,814 signatures had been validated.

The proposition within the petition was that:

'While we agree that Moorways Pool is old and in need of repair, we urge the council to postpone any closure until a replacement facility is ready'

The Mayor explained that the lead petitioner, Audrey Chaplin, would be given five minutes to present the petition and that a maximum of 30 minutes to debate it would then be allowed. The proposition would then become a motion and be put to the vote.

It was proposed by Councillor Rawson and seconded that the motion be amended to read:

'While Council agrees that Moorways Pool is old and in need of repair, Council recognises that there is a continued demand for service.

Council deeply regrets that Government cuts have forced the authority into a position where it must prioritise services, with a further £69m being slashed from the council's budget in 2015/16 – 2017/18.

The Labour administration remains determined to campaign for a Fair Deal for Derby and a Fair Deal for Local Government, in the hope of persuading the Tory-led Government that their reckless, ideologically driven campaign of cuts is destroying public services and damaging communities.

Council agrees to support the Labour administration, in its on-going campaign for a Fair Deal for Derby from the Tory-led Government, as it seeks to find ways to postpone any closure of Moorways until a replacement facility is ready.'

The amendment was approved

Resolved –

'While Council agrees that Moorways Pool is old and in need of repair, Council recognises that there is a continued demand for service.

Council deeply regrets that Government cuts have forced the authority into a position where it must prioritise services, with a further £69m being slashed from the council's budget in 2015/16 – 2017/18.

The Labour administration remains determined to campaign for a Fair Deal for Derby and a Fair Deal for Local Government, in the hope of persuading the Tory-led Government that their reckless, ideologically driven campaign of cuts is destroying public services and damaging communities.

Council agrees to support the Labour administration, in its on-going campaign for a Fair Deal for Derby from the Tory-led Government, as it seeks to find ways to postpone any closure of Moorways until a replacement facility is ready. '

70/14 Consideration of a petition concerning funding for Derby Museums Trust

A petition had been received concerning the proposed funding reduction to Derby Museums Trust and 6,548 signatures had been validated.

The proposition within the petition was that:

'Derby Museums Trust was established two years ago to create new opportunities to develop and sustain your Museums for the future.

We believe that Derby Museums change lives and Derby City Council should not make cuts to the Museums current funding.'

The Mayor again explained that the lead petitioner, Tony Butler, would be given five minutes to present the petition and that a maximum of 30 minutes to debate it would then be allowed. The proposition would then become a motion and be put to the vote.

It was proposed by Councillor Banwait and seconded that the motion be amended to read:

'Derby Museums Trust was established two years ago to create new opportunities to develop and sustain your Museums for the future. Council believes that Derby Museums change lives.

Council agrees to support the Labour administration in its on-going campaign for a Fair Deal for Derby from the Tory – led Government, as it seeks to find ways to not make cuts to the Museums current funding. '

The amendment was approved

Resolved

Derby Museums Trust was established two years ago to create new opportunities to develop and sustain your Museums for the future. Council believes that Derby Museums change lives.

Council agrees to support the Labour administration in its on-going campaign for a Fair Deal for Derby from the Tory – led Government, as it seeks to find ways to not make cuts to the Museums current funding.

71/14 Public Questions

A list of questions and prepared responses had been circulated prior to the start of the meeting and each questioner was asked in turn if they had a supplementary question arising from the written response. Questions from members of the public were put as follows:

1. By Arron Marsden – concerning The Big Conversation, answered by Councillor Banwait, Leader of the Council.

2. By Dorothy Skrytek – concerning Air Quality Management, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
3. By Simon Bacon – concerning Recovery of Recyclables, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
4. By Helen Oparinde – concerning Moorways Sports Hall, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
5. By Dorothy Skrytek – concerning Particulate Monitoring, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
6. By Simon Bacon – concerning Waste Reduction Spending, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
7. By Helen Oparinde – concerning Moorways Plans answered by Councillor Martin, Cabinet Member for Leisure and Culture.

72/14 Written Questions about the Business or Functions of Derbyshire Fire Authority and Derby Homes Ltd

There were no written questions about the business or functions of Derbyshire Fire Authority or Derby Homes Ltd.

73/14 Written Questions from Non Council Cabinet Members

Written questions from Non Council Cabinet Members to Members of the Council Cabinet or Committee Chairs were asked as follows:

1. By Councillor M Holmes – concerning Purdah restrictions, answered by Councillor Banwait, Leader of the Council.
2. By Councillor Harwood – concerning Assembly Rooms settlement, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
3. By Councillor Davis– concerning Consultancy services, answered by Councillor Banwait, Leader of the Council.
4. By Councillor Ashburner – concerning DRI site preservation, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.
5. By Councillor Poulter – concerning Christmas Bin collections, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
6. By Councillor Naitta – concerning Squash Courts, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
7. By Councillor Carr – concerning Swimming pool heating, answered by Councillor Martin, Cabinet Member for Leisure and Culture.

8. By Councillor Williams– concerning Foster Carer Allowances, answered by Councillor Hussain, Cabinet Member for Children and Young People.
9. By Councillor Wood– concerning Derby Arena opening date, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
10. By Councillor M Holmes – concerning SDDC Local Plan Judicial Review, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.
11. By Councillor Williams – concerning Investment in Foster Carers, answered by Councillor Hussain, Cabinet Member for Children and Young People.
12. By Councillor M Holmes – concerning Derby Arena revenue and expenditure forecast, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
13. By Councillor Williams – concerning Specialised Care, answered by Councillor Hussain, Cabinet Member for Children and Young People.

74/14 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet dated 10 December 2014 and 21 January 2015, requiring the approval of the Council, being;

119/14 Derbyshire County Cricket Club – Investment Programme

139/14 Council tax Base for 2015/16

Resolved to approve the minutes and recommendations of the Council Cabinet of 10 December 2014 and 21 January 2015.

75/14 Notices of Motion

1) *Neighbourhood Community Staff*

It was proposed by Councillor Graves and seconded that

'Neighbourhood community staff are front line staff and very important in providing local resident support for a variety of issues raised on a daily basis. In the current financial climate this resource is more important, where many front line services are being affected. Cabinet on Patrol is not an important front line service.

To take Neighbourhood staff away from their duties to prop up what in essence is a political activity is questionable.

Council calls on the Cabinet to refrain from using Council staff resources in their Cabinet on Patrol sessions.'

It was moved by Councillor Banwait and seconded that the motion be amended to read:

'Neighbourhood community staff are frontline staff and very important in providing local resident support for a variety of issues raised on a daily basis. In the current financial climate this resource, which was introduced by Labour, is more important, where many frontline services are being affected as a result of government cuts.'

The amendment was approved.

Resolved that -

'Neighbourhood community staff are frontline staff and very important in providing local resident support for a variety of issues raised on a daily basis. In the current financial climate this resource, which was introduced by Labour, is more important, where many frontline services are being affected as a result of government cuts.'

2) City Boundary Review

It was proposed by Councillor Holmes and seconded that

'Council notes that Derby City's boundary continues to be a target for developers to site housing schemes that significantly extend established communities. The impact of these developments on infrastructure and local services will be significant and wide-ranging.

Council also notes that authorities cannot change their own boundary as this is the responsibility of the Secretary of State for Communities & Local Government based on recommendations of the Local Government Boundary Commission for England.

Council therefore agrees to instruct officers, via the appropriate scrutiny commission(s) and consultation, to prepare a case to be submitted to the Local Government Boundary Commission for England for a Principal Area Boundary Review (PABR) and, if required, a case for amended electoral arrangements.

The PABR would seek to demonstrate the benefits of a proposal against statutory criteria, together with evidence of local support and that a boundary change would improve the effectiveness of local government. It would also seek to demonstrate that Derby City's plans for economic and subsequent population growth, also lends weight to a review / expansion of its boundary.'

It was moved by Councillor Rawson and seconded that the motion be amended to read:

'Council notes that Derby City's boundary continues to be a target for developers to site housing schemes that significantly extend established communities. The impact of these developments on infrastructure and local services will be significant and wide-ranging.

Council also notes that authorities cannot change their own boundary as this is the responsibility of the Secretary of State for Communities & Local Government based on recommendations of the Local Government Boundary Commission for England.

Council therefore agrees to refer the matter of Derby's city boundary to the appropriate overview and scrutiny board to investigate further. The board should

examine the benefits and additional responsibilities, such as providing adult social care and children's services that an extension of the boundary would bring.'

The amendment was approved

Resolved –

'Council notes that Derby City's boundary continues to be a target for developers to site housing schemes that significantly extend established communities. The impact of these developments on infrastructure and local services will be significant and wide-ranging.'

Council also notes that authorities cannot change their own boundary as this is the responsibility of the Secretary of State for Communities & Local Government based on recommendations of the Local Government Boundary Commission for England.

Council therefore agrees to refer the matter of Derby's city boundary to the appropriate overview and scrutiny board to investigate further. The board should examine the benefits and additional responsibilities, such as providing adult social care and children's services that an extension of the boundary would bring.'

3) Devolved Neighbourhood Budgets

It was proposed by Councillor Poulter and seconded that

'Streetpride and Community Devolved Budgets were reallocated by the current administration, to greatly increase monies available to 'Wards in greatest need', according to an index of deprivation. In many of those wards, major issues remain unresolved and the quality of life and the environment for residents has actually deteriorated.

Neighbourhood Boards in the areas concerned have not specified their aims or goals for the allocation of this significant amount of extra funding and as a result there is little evidence of measurable outcomes against which this administration's 'targeted funding' policy can be evaluated.

In the light of this, there is an unarguable case for an audit of how this extra allocation has been spent and an evaluation of any subsequent outcomes.

Council therefore calls on the Cabinet to require Neighbourhood Boards that continue to receive increased funding above the £36,000 that all areas previously received in 2012/13, to produce specific spending plans to ensure that objectives and outcomes can be measured and evaluated.'

The motion was lost.

At this point the Leader of the Council moved that under Council Procedure Rule 42m the duration of the meeting go beyond four hours. The motion was approved.

4) Minimum Wage

It was proposed by Councillor Naitta and seconded that

'The only way to transform the economy is to put up the minimum wage.

The minimum wage was a key Labour pledge in the 1997 election campaign and came into effect on 1 April 1999. At that time it was £3.60 per hour for those aged over 22 and £3.00 for those 18 to 22.

Lower rates were later introduced for younger workers and apprentices. The qualifying age for basic minimum wage was lowered to 21 in 2010.

- It is now £6.50 an hour for those aged 21 and over. The amount is raised every October and the government is advised on its level by the Low Pay Commission. Last year it was £6.31. The latest increase was the first real term rise since 2008.
- About a million adults are paid the minimum wage; another two million earn no more than 50p an hour extra.
- The UK minimum is slightly lower than that in Germany, where it stands at £6.67, and much lower than in France, where it is £7.48. But it is higher than Spain (£3.69) and Greece (£3.35) at current exchange rates. A number of European countries, including Italy, Austria and Denmark have no minimum wage.
- Some critics argue the minimum wage is insufficient to live on. The Living wage Foundation claims that £7.65 (or £8.80 in London) is the real amount needed.

Council therefore urges the Leader of the Council, Cllr Banwait, unions, comrades to write to the Low Pay Commission to increase the minimum wage to £9.00 per hour, stating this increase is long overdue. By increasing the minimum wage the government would increase spending, collect more tax and reduce the benefits bill. '

The motion was lost

5) *Minimum Wage*

Resolved on the motion of Councillor Russell and seconded that

'Council notes the growing national awareness of the Living Wage and the increasing number of organisations recognising the significant business benefits it can bring. As well as improving standards for low paid workers, Council recognises the Living Wage can increase productivity, reduce absenteeism and improve recruitment and retention.

Council is proud of the work undertaken by the Labour-led administration to deliver on its commitment to pay the authority's employees the Living Wage, and its successful implementation last year.

Council endorses the concept of Derby as a Living Wage City, and pledges to lobby businesses and organisations across the city to support this vision by also making a Living Wage commitment to their employees.'

6) *Fair Deal for Local Government*

It was proposed by Councillor Banwait and seconded that

'Council unanimously agreed to demand a Fair Deal for Derby at its meeting on 19 September 2012. In making that decision, Council noted the cumulative impact of in-year cuts to funding in 2011-12 and 2012-13 of £75.77 per person in Derby. This was opposed to cuts of a few pounds, or even pence, in other parts of the country.

Council is dismayed to note that the cumulative impact between 2010-11 and 2015-16 now stands at £379.01 per Derby dwelling. This is in the context of a mean average across unitary authorities of £219.41 per dwelling.

Council notes that of the nine unitary authorities least impacted by the Government cuts, with a net change below £100 per dwelling, eight are Tory controlled. Council deplores the use of Government funding settlements as a tool to place targeted pressure on local authorities in order to disproportionately disrupt or close services for political gain.

Council reiterates its demands for a Fair Deal for Derby and remains deeply concerned that the Government's current ruinous funding regime threatens to destroy public services. Council therefore agrees to additionally lobby for a Fair Deal for Local Government.'

It was proposed by Councillor Carr and seconded that the motion be amended to read:

'Council unanimously agreed to demand a Fair Deal for Derby at its meeting on 19 September 2012. In making that decision, Council noted the cumulative impact of in-year cuts to funding in 2011-12 and 2012-13 of £75.77 per person in Derby. This was opposed to cuts of a few pounds, or even pence, in other parts of the country.

Council wholeheartedly supports the LGA campaign for reform of the formula used to determine the Central spending review and calls on the government to ensure that all local authorities are treated fairly'.

The amendment was not approved

Resolved that -

'Council unanimously agreed to demand a Fair Deal for Derby at its meeting on 19 September 2012. In making that decision, Council noted the cumulative impact of in-year cuts to funding in 2011-12 and 2012-13 of £75.77 per person in Derby. This was opposed to cuts of a few pounds, or even pence, in other parts of the country.

Council is dismayed to note that the cumulative impact between 2010-11 and 2015-16 now stands at £379.01 per Derby dwelling. This is in the context of a mean average across unitary authorities of £219.41 per dwelling.

Council notes that of the nine unitary authorities least impacted by the Government cuts, with a net change below £100 per dwelling, eight are Tory controlled. Council deplores the use of Government funding settlements as a tool to place targeted pressure on local authorities in order to disproportionately disrupt or close services for political gain.

Council reiterates its demands for a Fair Deal for Derby and remains deeply concerned that the Government's current ruinous funding regime threatens to

destroy public services. Council therefore agrees to additionally lobby for a Fair Deal for Local Government.'

7) *Governance arrangements*

It was proposed by Councillor Care and seconded that

'Council notes

- that the Localism Act 2011 permits councils to change from one form of governance to another, including a return to a non-cabinet committee system
- that committees are a more democratic form of decision making, and
- that other councils have already returned to committee based structures.

Council therefore asks officers to prepare a report, to explain in detail, how the committee system could be re-introduced to Derby City Council, including staffing and financial implications, with a view to a recommendation being made to Full Council, in time to agree a return to a committee system of governance during the 2015/16 municipal year.'

The motion was lost.

Mayor