

Time commenced	-	6.00pm
Adjourned	-	6.37pm
Recommended	-	6.40pm
Time finished	-	10.03pm

COUNCIL MEETING 23 NOVEMBER 2011

Present: The Mayor (Councillor Allen) (Chair)
Councillors Afzal, Ashburner, Atwal, Banwait, Bailey, Barker, Bayliss, Bolton, Campbell, Davis, Dhindsa, Graves, Harwood, Hickson, Higginbottom, Hillier, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keith, J Khan, S Khan, Leeming, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Russell, Sandhu, Shanker, Skelton, Troup, Tuplin, Webb, Whitby, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Carr, F Khan, Turner and Williams.

48/11 Declarations of Interest

Councillors Holmes, Hillier and Rawson declared a personal interest in item 16 (1) as employees of the NHS. Councillor Dhindsa declared a personal interest in those public and member questions to Cabinet members relating to arts and culture. Councillor Sandhu declared a personal interest in public and member questions to Cabinet members relating to the voluntary sector as a member of the committee of the Indian Community Centre. Councillor Higginbottom declared a personal interest in public and member questions to Cabinet members relating to the voluntary sector as a director of the Furniture Project and Steps for the Future.

49/11 Minutes of the previous meeting

Resolved that the minutes of the meeting of the Council held on 12 September 2011 be approved as a correct record, confirmed and signed by the Mayor.

50/11 Announcements by the Mayor

The Mayor informed Council of the recent death of Margaret McGlade, former Director of Social Services at Derby City Council. The Mayor stated that he had been able to represent the Council at Mrs McGlade's funeral. Council observed a minute's silence in memory of Mrs McGlade.

The Mayor gave Council an update on the progress of Councillor Turner who had been seriously injured during a visit to Portugal in September. At this point the Mayor proposed that the motion at item 16 (5) be moved. Councillor Bayliss seconded this motion.

Resolved to:

- 1) Agree that Councillor Turner, under Section 85 of the Local Government Act 1972, be permitted to be absent from Council meetings for the remainder of the municipal year without being subject to automatic disbarring, following his serious and unfortunate accident in Portugal.**
- 2) Appoint the following substitute members to outside bodies in place of Councillor Turner:**
 - **Compact Forum – Councillor Russell**
 - **Derby Dance Centre, Development Board – Councillor Repton**
 - **Derby Racial Equality Council – Councillor Hillier**

The Mayor congratulated Councillor Higginbottom for successfully completing a fundraising fire walk.

51/11 Statements by Members of the Council Cabinet

Councillor Hickson, Leader of the Council, made a statement on initiatives and achievements. Councillor Bayliss responded.

Councillor Holmes, Council Cabinet Member for Planning and Environment, made a statement on the Sustainable Cities Project. Councillor Dhindsa responded.

52/11 Public Questions

Questions from members of the public were asked as follows:

1. By Jamie Tann, concerning fly tipping in Normanton, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

(In the absence of Ms Tann the question was put by the Mayor).

2. By Karen Williams, concerning reward scheme to deter fly-tipping in Normanton, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

(In the absence of Ms Williams the question was put by the Mayor).

3. By Dorothy Skrytek, concerning waste treatment facility, answered by Councillor Wood, Chair of the Planning Control Committee.
4. By Rebecca Stirrup, concerning arts provision in Derby, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
5. By Corey Mwamba, concerning decrease in arts staffing and funding, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
6. By Paula Moss, concerning strategy for arts provision, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
7. By Reg Hand, concerning the Climate Change Board, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.

At this point, it was proposed by Councillor Bayliss and seconded that council procedure rule CP19 be waived to enable an extension of the time allowed for public questions.

Resolved to waive council procedure rule CP19 to extend the time available for public questions.

8. By Rosie Townsend, concerning the Carbon Reduction Commitment Energy Efficiency Scheme, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
9. By Simon Bacon, concerning household waste transfer site, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
10. By Dawn Foote, concerning investments in arts organisations, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
11. By Rebecca Stirrup, concerning establishing the city centre as a leisure, cultural and festival destination, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
12. By Simon Bacon, concerning changes to brown bin collections, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

13. By Dawn Foote, concerning impact of cultural savings on future progress, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.

53/11 Written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

There were no written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited.

54/11 Written questions from non-Council Cabinet Members

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

- 1 By Councillor Naitta, concerning Indian day care services, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.

At this point it was proposed by Councillor Dhindsa and seconded that in accordance with Council procedure rule CP39D, this issue be referred to the Adults Health and Housing Scrutiny Commission.

Resolved to refer the issue of Indian day care services to the Adults Health and Housing Scrutiny Commission.

- 2 By Councillor Tuplin, concerning blue bin recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 3 By Councillor Higginbottom, concerning Markeaton Park toilets, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 4 By Councillor Naitta, concerning Derby Local Studies Library, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
- 5 By Councillor Sandhu, concerning voluntary sector support, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
- 6 By Councillor Naitta, concerning Bombardier, answered by Councillor Hickson, Leader of the Council.

- 7 By Councillor L Winter, concerning grant funding for mature students, answered by Councillor Skelton, Council Cabinet Member for Adults Social Care and Health.
- 8 By Councillor Dhindsa, concerning air quality monitoring, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
- 9 By Councillor Dhindsa, concerning arts and culture funding, answered by Councillor Jones, Council Cabinet Member for Leisure and Culture.
- 10 By Councillor Dhindsa, concerning voluntary sector support, answered by Councillor Skelton, Council Cabinet Member for Adults Social Care and Health.

55/11 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet of 18 October and 22 November 2011 requiring approval of the Council, namely:

- 90/11 Contract and Financial Procedure Matters
- 112/11 Quarter 2 Capital Monitoring 2011/12

Resolved to approve the minutes and recommendations of the Council Cabinet dated 18 October and 22 November 2011.

56/11 Minutes and Recommendations of the Governance Committee

The Council considered the minutes and recommendations of the Governance Committee of 11 November 2011 requiring the approval of the Council, namely:

- 5/11 Review of Polling Districts and Polling Places
- 6/11 Procedure for the removal of the Executive Leader
- 7/11 Review of Members' Allowances.

Resolved to approve the minutes and recommendations of the Governance Committee dated 11 November 2011.

57/11 Minutes and Recommendations of the Audit and Accounts Committee

The Council considered the minutes and recommendations of the Audit and Accounts Committee of 29 September 2011 requiring the approval of the Council, namely 27/11 Corporate Prosecution Policy.

Resolved to approve the minutes and recommendations of the Audit and Accounts Committee dated 29 September 2011.

58/11 Employee Code of Conduct and resultant changes to the Council Constitution

The Council considered a report of the Strategic Director of Resources relating to a revision of the employee Code of Conduct. It was proposed by Councillor Barker and seconded that the motion to adopt the revised employee Code of Conduct and to accept resultant changes to the Council Constitution be amended to read “to refer the revised employee Code of Conduct to the Scrutiny Management Commission for further comment or revision prior to it being formally adopted by the Council”. The amendment was carried.

Resolved to refer the revised employee Code of Conduct to the Scrutiny Management Commission for further comment or revision prior to it being formally adopted by the Council.

59/11 Public and Member Questions

The Council considered a report of the Monitoring Officer relating to proposed changes in the procedure for Public and Member Questions at Council meetings (Council procedure rules 11-31). It was moved by Councillor Wood and seconded “to support the adoption of the model set out in 4.12 to 4.16 of the attached report and resultant amendments to the Council Constitution.

To support the removal of Public and Member Questions at the budget setting Council meeting as detailed in 4.17 and 4.18 of the attached report.”

It was proposed by Councillor Bayliss and seconded that the motion be amended by the deletion of the word ‘public’ in the second paragraph of the motion. The effect if the amendment was approved was that paragraph 2 of the resolution would read as follows, “to support the removal of member questions at the budget setting Council meeting as detailed in 4.17 and 4.18 of the attached report”. In accordance with council procedure rule CP68 it was demanded by at least 10 members that a recorded vote be taken on the amendment.

The following members voted for the amendment, Councillors Afzal, Banwait, Bayliss, Bolton, Campbell, Dhindsa, Graves, Higginbottom, Hillier, Hussain, Jackson, J Khan, S Khan, Rawson, Redfern, Repton, Roberts, Russell, Sandhu, Shanker, Whitby, L Winter (22).

The following members voted against the amendment: Councillor Allen (the Mayor), Ashburner, Atwal, Bailey, Barker, Davis, Harwood, Hickson, Holmes, Ingall, Jennings, Jones, Keith, Leeming, Marshall, Naitta, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, Wood (24).

Councillor F Winter was not in the room when the recorded vote was taken. The amended was declared lost.

Resolved:

- **To support the adoption of the model set out in 4.12 to 4.16 of the report and resultant amendments to the Council Constitution.**
- **To support the removal of public and member questions at the budget setting Council meeting as detailed in 4.17 and 4.18 of the report.**

60/11

The Council considered a report of the Director of Legal and Democratic Services, relating to a Designation of Public Places Order for Mackworth. It was proposed by Councillor Higginbottom and seconded to approve the introduction of a DPPO in respect of land in Mackworth listed in Appendix 2 of the attached report and to authorise the Director of Legal and Democratic Services to make the DPPO and make arrangements for it to be advertised in a local newspaper and for signs to be erected in the designated area.

Resolved to approve the introduction of a DPPO in respect of land in Mackworth to authorise the Director of Legal and Democratic Services to make the DPPO and make arrangements for it to be advertised in a local newspaper and for signs to be erected in the designated area.

61/11

The Council considered a report of the Monitoring Officer relating to the appointment of Mr Peter Berry to Spondon Relief In Need. It was proposed by Councillor Poulter and seconded to approve the appointment of Mr Peter Berry to Spondon Relief In Need.

Resolved to approve the appointment of Mr Peter Berry to Spondon Relief In Need.

62/11 Notices of Motion

1. NHS

It was proposed by Councillor Rawson and seconded that ...

‘The NHS is one of the greatest public services in the world – free to all at the point of need. Derby residents who rely on the NHS, and do not have access to private healthcare, are concerned that the Health and Social Care Bill, proposed by the Con-Dem Government, will break up the NHS and damage patient care. Council therefore calls on the Leader of the Council and the Cabinet Member for Adult Social Care and Health, to write to the Prime Minister and Deputy Prime Minister, opposing the NHS Health and Social Care Bill.’

It was proposed by Councillor Hickson and seconded that the motion be amended by the deletion of the words 'are concerned' and their replacement with 'have understandable concerns'. Also the replacement of 'Con-Dem Government' with 'Coalition Government' and deletion of 'opposing the NHS Health and Social Care Bill' replaced with 'to emphasise the need to ensure that any changes to the NHS improve the health care offer for all of the people we represent'. The amended was carried and the amended motion was put to the vote. In accordance with Council procedure rule CP68 it was demanded by at least 10 members that a recorded vote be taken on the amended motion.

The following members voted for the motion, Councillors Allen (the Mayor), Ashburner, Atwal, Bailey, Barker, Davis, Graves, Harwood, Hickson, Holmes, Ingall, Jennings, Jones, Keith, Leeming, Marshall, Naitta, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, F Winter, Wood (26)

The following members voted against the motion: Councillors Afzal, Banwait, Bayliss, Bolton, Campbell, Dhindsa, Higginbottom, Hillier, Hussain, Jackson, J Khan, S Khan, Rawson, Redfern, Repton, Roberts, Russell, Sandhu, Shanker, Whitby, L Winter (21)

Resolved that Council considers that the NHS is one of the greatest public services in the world free to all at the point of need. Derby residents who rely on the NHS and do not have access to private health care, have understandable concerns that the Health and Social Care Bill proposed by the Coalition Government, will breakup the NHS and damage patient care. Council therefore calls on the Leader of the Council and the Cabinet Member for Adult Social Care and Health to write to the Prime Minister and Deputy Prime Minister, to emphasise the need to ensure that any changes to the NHS improve the health care offer for all of the people we represent.

2. Green Deal

It was proposed by Councillor Naitta and seconded that ...

'This Council notes:

- That British households currently spend more on heating their homes than their counterparts in Sweden, where winter temperatures are far lower
- That this means a legacy of draughty, cold homes that are expensive to heat - leaving vulnerable local residents facing serious health risks
- An over reliance on fossil fuels, leaving households and businesses exposed to soaring world energy prices
- That the previous government left office with Britain at 25th place in Europe for renewable energy generation

This Council recognises the role played by Liberal Democrats in Government in securing:

- The Warm Homes Discount, to give an extra £120 each year to the least well off pensioners in Derby to keep warm this winter
- A commitment from energy companies to help with free loft and cavity wall insulation for Derby's poorest households

- From October 2012, the Green Deal will aim to insulate all domestic and commercial properties to high standards **at no upfront cost to consumers**

This Council resolves:

- To support the Green Deal locally, by ensuring local residents in Derby know about the opportunities and helping direct them towards providers
- To investigate how else the Council can help with supporting home insulation work – for instance by acting as a Green Deal provider itself
- To write to the Local Government Association and other appropriate national bodies with details of Derby City Council's plans to keep our residents warm and to tackle climate change
- To investigate ways that the Council can assist local residents to save money and keep warm through the provision of information and advice, including through working with partner agencies
- This Council resolves to write to the Energy Minister, Chris Huhne, urging him to continue his campaign to put pressure on the energy companies to cut soaring energy prices'

It was proposed by Councillor Hickson that the motion be altered by the deletion of the words 'Liberal Democrats in Government after bullet point 4 to be replaced with 'Coalition Government'. Under rule CP50, Councillor Naitta agreed this change with the consent of the meeting. The motion as altered was then put to the vote and carried.

Resolved that Council notes:

- **That British households currently spend more on heating their homes than their counterparts in Sweden, where winter temperatures are far lower**
- **That this means a legacy of draughty, cold homes that are expensive to heat - leaving vulnerable local residents facing serious health risks**
- **An over reliance on fossil fuels, leaving households and businesses exposed to soaring world energy prices**
- **That the previous government left office with Britain at 25th place in Europe for renewable energy generation**

This Council recognises the role played by Coalition Government in securing:

- **The Warm Homes Discount, to give an extra £120 each year to the least well off pensioners in Derby to keep warm this winter**
- **A commitment from energy companies to help with free loft and cavity wall insulation for Derby's poorest households**
- **From October 2012, the Green Deal will aim to insulate all domestic and commercial properties to high standards at no upfront cost to consumers**

This Council resolves:

- **To support the Green Deal locally, by ensuring local residents in Derby know about the opportunities and helping direct them towards providers**
- **To investigate how else the Council can help with supporting home insulation work – for instance by acting as a Green Deal provider itself**

- **To write to the Local Government Association and other appropriate national bodies with details of Derby City Council's plans to keep our residents warm and to tackle climate change**
- **To investigate ways that the Council can assist local residents to save money and keep warm through the provision of information and advice, including through working with partner agencies**
- **This Council resolves to write to the Energy Minister, Chris Huhne, urging him to continue his campaign to put pressure on the energy companies to cut soaring energy prices'**

3. Feed in Tariff

It was proposed by Councillor Troup and seconded ...

'Council notes that:

- Increasing numbers of households have been installing photovoltaic (PV) panels on their roofs, meaning that a growing proportion of electricity used during the day in Derby is now zero carbon and free for the householder
- This investment has resulted in the creation of new green jobs, increasing skills in the workforce and new apprenticeships
- Where social landlords have installed PV panels, on homes for rent, the tenants are able to use the electricity generated on their home at no cost, reducing fuel poverty

Council further notes the government consultation on changes to the 'Feed in Tariff' scheme, which is helping to fund these installations and is concerned that:

- The abrupt halving of the tariff paid will make systems unaffordable to many households
- The reduction in systems being installed will result in job losses and companies folding
- 'Stop start' policy changes undermine the government's aim to create new green industry and low carbon energy supplies
- The proposal to apply a lower tariff to multi-installations will exclude further tenants from the benefits of PV installations on their homes

Council does however support the proposal to expect homes receiving Tariff payments to also meet a reasonable standard of energy efficiency.

Council therefore agrees to write to the Prime Minister, the Secretary of State for Energy and Climate Change, and relevant Ministers of State asking that:

- They announce immediately that there will be no change to the 'Feed in Tariff' rules until the consultation period has ended, as an issue of trust in consultation
- The Tariff is reduced progressively over a longer period (say 6 to 18 months) to enable the industry and householders to adjust
- Social Housing providers are excluded from the lower tariff proposed for the multi-installations, so that more householders in fuel poverty can benefit from free

electricity'

It was proposed by Councillor Dhindsa and seconded that the motion be amended such that the first bullet point of the final paragraph be changed to read 'they announce immediately that there will be no change to the 'Feed in Tariff' rules until at least there months after the consultation period has ended, as an issue of trust in consultation', and that the second bullet point of the final paragraph be amended by the deletion of the figures 6 and 18 and the insertion of the figures 12 and 24. The amended was put to the vote and carried. The motion as amended was put to the vote and carried.

Resolved that Council notes that:

- **Increasing numbers of households have been installing photovoltaic (PV) panels on their roofs, meaning that a growing proportion of electricity used during the day in Derby is now zero carbon and free for the householder**
- **This investment has resulted in the creation of new green jobs, increasing skills in the workforce and new apprenticeships**
- **Where social landlords have installed PV panels, on homes for rent, the tenants are able to use the electricity generated on their home at no cost, reducing fuel poverty**

Council further notes the government consultation on changes to the 'Feed in Tariff' scheme, which is helping to fund these installations and is concerned that:

- **The abrupt halving of the tariff paid will make systems unaffordable to many households**
- **The reduction in systems being installed will result in job losses and companies folding**
- **'Stop start' policy changes undermine the government's aim to create new green industry and low carbon energy supplies**
- **The proposal to apply a lower tariff to multi-installations will exclude further tenants from the benefits of PV installations on their homes**

Council does however support the proposal to expect homes receiving Tariff payments to also meet a reasonable standard of energy efficiency.

Council therefore agrees to write to the Prime Minister, the Secretary of State for Energy and Climate Change, and relevant Ministers of State asking that:

- **They announce immediately that there will be no change to the 'Feed in Tariff' rules until at least there months after the consultation period has ended, as an issue of trust in consultation'.**
- **The Tariff is reduced progressively over a longer period (say 12 to 24 months) to enable the industry and householders to adjust**
- **Social Housing providers are excluded from the lower tariff proposed for the multi-installations, so that more householders in fuel poverty can benefit from free electricity'**

4. Budget Setting Meeting

It was proposed by Councillor Hickson and seconded that ...

'In view of the importance of the decisions to be made on the Budget, Council Procedure Rules be suspended for the meeting of the Council on 15 December 2011 so that the only items on the agenda are:

- a) to receive apologies
- b) to receive declarations of interest from Members
- c) to approve the minutes of the last meeting
- d) to receive announcements from the Mayor
- e) to consider minutes or reports from the Council Cabinet on the General Fund Revenue Budget 2012/13, Capital Programme 2012/13, Council Tax Base 2012/13 and to pass resolutions on these matters.'

It was proposed by Councillor Bayliss and seconded that the motion be amended such that point 'e' became '30 minutes of public question time' and the existing point 'e' be re-annotated to point 'f'. The amendment was put to the vote and lost.

Resolved

'In view of the importance of the decisions to be made on the Budget, Council Procedure Rules be suspended for the meeting of the Council on 15 December 2011 so that the only items on the agenda are;

- a) to receive apologies**
- b) to receive declarations of interest from Members**
- c) to approve the minutes of the last meeting**
- d) to receive announcements from the Mayor**
- e) to consider minutes or reports from the Council Cabinet on the General Fund Revenue Budget 2012/13, Capital Programme 2012/13, Council Tax Base 2012/13 and to pass resolutions on these matters.'**

5. VAT

It was moved by Councillor Shanker and seconded that...

'Derby residents are having their finances squeezed with the rising cost of living and local economic growth is being stifled by excessive and indiscriminate cuts by the Con-Dem government. Council therefore calls on the Con-Dem administration, to lobby their ministerial colleagues in government, to reverse January's damaging VAT rise for a temporary period, to provide immediate help for struggling Derby families and pensioners, and our high streets.'

It was moved by Councillor Bayliss and seconded that the question now be put, in accordance with council procedure rule CP39J. The motion was lost.

In accordance with council procedure rule CP10 the meeting was adjourned immediately at 10.03pm.

Mayor