

ITEM 4

Time commenced - 7.13pm
Time finished - 10.12pm

COUNCIL 23 NOVEMBER 2013

Present: The Mayor (Councillor Winter), Councillors Afzal, Anderson, Ashburner, Banwait, Barker, Bayliss, Bolton, Care, Carr, Dhindsa, Eldret, Evans, Froggatt, Grimadell, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, Jackson, Keith, J Khan, Marshall, Naitta, Nawaz, Pegg, Potter, Poulter, Raju, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Turner, Webb, West, Whitby, Wood and Wright.

68/16 Apologies

Apologies for absence were received from Councillors Graves and Williams

69/16 Declarations of Interest

Councillor Nawaz declared an interest in Item 12 – Review of Taxi Licensing, stating that he would leave the room during consideration of the matter. Councillor Afzal had declared such an interest to the Monitoring Officer in advance of the meeting. Both councillors' interests were already included in their published Disclosable Pecuniary Interest forms.

70/16 Minutes of the meeting held on 14 September 2016

The minutes were approved as a correct record.

71/16 Minutes of the meeting held on 3 October 2016

The minutes were approved as a correct record.

72/16 Announcements from the Mayor

The Mayor advised councillors of the deaths of two former Civic Award winners. John Hughes had won the Civic Award in 1992, and Peter Summerfield had received the honour in 1997. The Mayor reported that both had been recognised for their community work, particularly in the scouts movement. The condolences of the Mayor and Council were recorded.

Councillors were advised that His Honour Judge John Burgess had retired as resident judge at Derby Crown Court, and that he had been succeeded as Honorary Recorder of Derby by Her Honour Judge Nirmal Shant. The Mayor advised that Her Honour Judge Shant had accepted an invitation to attend the next meeting of Council and extended a warm welcome to her.

Members were advised that Item 14 had been removed from the agenda but that an additional item on Constitutional Appointments and Outside Bodies had been added.

It was also advised that an extract from the Licensing Committee meeting commenced on 10 November 2016 then adjourned and concluded on 16 November 2016 had been circulated for noting. Members were advised that a public question had been omitted from the agenda front sheet, but that Kate Mosley's question would be included immediately following that asked by David Gale.

The Mayor the provided an update from Councillor Pegg on his ongoing work to build an orphanage in Nepal following the success of his charitable work during his time as Mayor of Derby. It was reported that work was progressing well and the land for the orphanage had been cleared. It was also reported that the anonymous donor of £50,000 to the Mayor's Charity in 2015/6 had now been identified as Ms Joanna Lumley.

73/16 Statements from Council Cabinet Members

There were none.

74/16 Questions from the Public

Written questions from the public to members of the Council Cabinet were put and responded to as follows:

Questioner	Respondent	Subject
Gaurav Pandey	Councillor Afzal	Boulton Ward Neighbourhood Board
Dorothy Skrytek	Councillor Shanker	Hazardous Waste
Simon Bacon	Councillor Banwait	Councillor Social Media Policy
Rob Cooper	Councillor Banwait	Communications Costs
Brendan Connelly	Councillor Rawson	Mad Hatter's Tea Room Savings
Lynn Lambert	Councillor Repton	Sustainability Transformation Plan
David Gale	Councillor Bolton	Records Management Infrastructure
Kate Mosley	Councillor Banwait	Declarations of Interest
Gaurav Pandey	Councillor Shanker	New Pool
Dorothy Skrytek	Councillor Rawson	Central Library
Simon Bacon	Councillor Afzal	Raynesway Tip
Rob Cooper	Councillor Banwait	Hefei Delegation
Brendan Connelly	Councillor Rawson	Mad Hatter's Tea Room Opening Hours

75/16 Questions from the Non-Council Cabinet Members

Written questions from non-Council Cabinet member to members of the Council Cabinet were put and responded to as follows:

Questioner	Respondent	Subject
Councillor Graves	Councillor Rawson	Mad Hatters Tea Room
Councillor Webb	Councillor Banwait	Registration Services
Councillor M Holmes	Councillor Banwait	Derby Arena Business Rates
Councillor Poulter	Councillor Banwait	Urgent Leader Meetings
Councillor Barker	Councillor Afzal	City Centre Anti-Social Behaviour
Councillor Harwood	Councillor Rawson	Derby Live Festive Entertainment
Councillor Skelton	Councillor Russell	Ivy House EHCPs
Councillor Graves	Councillor Banwait	Council Communications

Councillor M Holmes	Councillor Afzal	Impact of New Homes
Councillor Graves	Councillor Banwait	Disclosure of Information

76/16 Questions to Derby Homes or Derbyshire Fire Authority

There were none.

77/16 Minutes of the meeting of Council Cabinet on 9 November 2016

The Mayor advised Council that the first resolution of Council Cabinet 93/16, which had been circulated with the agenda, required Council approval.

It was moved by Council Banwait, and seconded by Councillor Shanker, that the Council Cabinet minute be approved as printed.

This was put to the vote and carried.

Resolved to approve the Council's Medium Term Financial Strategy for 2017/8 and 2019/20.

78/16 Minutes of the Licensing Committee of 10 November 2016 and concluded on 16 November 2016

A minute extract had been circulated.

It was moved by Councillor Sandhu, and seconded by Councillor Pegg, that the minute be noted.

This was put to the vote and carried.

Resolved to note the minutes of the Licensing Committee commenced on 10 November 2016 and concluded on 16 November 2016.

Councillors Afzal and Nawaz left the room during consideration of the next item.

79/16 Review of Taxi Licensing

A report of the Cabinet Member for Regulatory Services was considered. It stated that following an extensive public consultation, a review had been undertaken in accordance with the request for such a review made by Council at its meeting on 18 May 2016.

It was moved by Councillor Shanker, and seconded by Councillor Jackson, that:

1. *Council extends to 30 June 2017 the previous mandate of 18 May 2016, approving constitutional changes to transfer to Council the Licensing*

- Committee's taxi licensing policy-making powers, to determine the principles of an administrative licensing system;*
- 2. Council instructs officers to review and present a further report to Council, not later than 12 months after first implementation of these proposals, that considers among other matters the operational effectiveness of the measures introduced; and*
 - 3. Council approves the introduction of a licensing administration system for the council in accordance with the principles of the 'Second Proposal' together with the implementation of the minimum application threshold criteria set out in paragraphs 4.17-4.20 of the report, by 30 June 2016.*

It was moved by Councillor Ashburner, and seconded by Councillor Care, that the motion be amended by the deletion in its entirety to be replaced with the following words:

To return the entire Taxi Licensing Review back to the Licensing Committee to be agreed with officers, residents and the taxi industry in Derby regarding how to progress this proposal to benefit the citizens of Derby and the Derby taxi industry.

The amendment was put to the vote and lost.

The substantive motion was put to the vote and carried.

Resolved:

- 1. Council extends to 30 June 2017 the previous mandate of 18 May 2016, approving constitutional changes to transfer to Council the Licensing Committee's taxi licensing policy-making powers, to determine the principles of an administrative licensing system;**
- 2. Council instructs officers to review and present a further report to Council, not later than 12 months after first implementation of these proposals, that considers among other matters the operational effectiveness of the measures introduced; and**
- 3. Council approves the introduction of a licensing administration system for the council in accordance with the principles of the 'Second Proposal' together with the implementation of the minimum application threshold criteria set out in paragraphs 4.17-4.20 of the report, by 30 June 2016.**

Councillors Afzal and Nawaz returned to the meeting.

80/16 Employee of Code of Conduct

A report on proposed changes to the Employee Code of Conduct was presented for endorsement as this document formed a section of Part 6 of the Council Constitution, for which Council reserved authority to agree amendments. It was reported that the matter had already been approved by Personnel Committee.

It was moved by Councillor Raju, and seconded by Councillor Bolton, that the recommendation in the report be approved.

This was put to the vote and carried.

Resolved to approve the revised Employee Code of Conduct for adoption into the Council Constitution.

81/16 Constitutional Appointments and Outside Bodies

A report of the Monitoring Officer was considered relating several matters in relation to Constitutional Appointments and Outside Bodies.

It was proposed by Councillor Bolton, and seconded by Councillor Eldret, that the recommendations in the report, and proposed appointments, be agreed.

This was put to the vote and carried.

Resolved to:

- 1) Note that Dr Richard Crowson had been statutorily appointed to the Health and Wellbeing Board;**
- 2) Approve the appointment of Councillor Anderson to Derby and Sandiacre Canal Trust;**
- 3) Approve the appointment of Councillor Hezelgrave to the Midland Railway Trust;**
- 4) Approve the appointment of Councillor Bolton as Chair of Chaddesden Neighbourhood Board.**

82/16 Neighbourhood Delegations

A report of the Monitoring Officer proposed changes to the delegations to Neighbourhood Boards, Forums, Ward Committees, Neighbourhood Chairs and Councillors On Patrol (COPs).

It was moved by Councillor Banwait, and seconded by Councillor Repton, that the proposed changes be adopted.

This was put to the vote and carried

Resolved to approve proposed changes to neighbourhood delegations as detailed in Appendix 3 of the report and to authorise the Monitoring Officer to make necessary constitutional amendments.

83/16 Annual Report of Overview and Scrutiny 2015-6

The Annual Report of Overview and Scrutiny for 2015-6 was considered.

It was moved by Councillor Stanton, and seconded by Councillor Bayliss, that Council receive the report.

This was put to the vote and carried.

Resolved to receive the Annual Report of Overview and Scrutiny 2015-6.

84/16 Motion: Global Compact

It was moved by Councillor Dhindsa, and seconded by Councillor Turner, that:

Council looks for ways in which the ambitions of its vision and values can be furthered for the people and businesses of Derby and aspires to be a truly international city, recognised for its enterprise, development and ethical treatment of people. These are in line with the United Nations Global Development Goals.

We are proud to be a city known internationally for its industry and heritage. Seeking to build on this reputation, Council moves that the city subscribes as a United Nations Global Compact City, enjoying the support of the University of Derby in underpinning the relationship between Derby and the UN.

As the UK's only Global Compact City, we would join some of the great cities of the world, as well as other corporate partners involved in the broader Global Compact, thereby promoting Derby's efforts to create a vibrant, tolerant and successful city and sharing the experience and knowledge of other international partners.

We would further seek to explore the opportunities to become an Innovator City, highlighted and supporting the unique and important work done by our communities in tackling Modern Day Slavery.

Engagement with the Global Compact will allow us to further build and develop the work being done by the Police and Crime Commissioner's Office, the Bishop of Derby and the University of Derby, together with other partners in actively leading in the combatting of Human Trafficking and Modern Day Slavery.

The Council resolves that the Mayor of Derby writes to the Secretary General of the United Nations to signal our intent to enter into the Global Compact.

The motion was put to the vote and carried.

Resolved:

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Compact, thereby promoting Derby's efforts to create a vibrant, tolerant and successful city and sharing the experience and knowledge of other international partners.

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The Council resolves that the Mayor of Derby writes to the Secretary General of the United Nations to signal our intent to enter into the Global Compact.

85/16 Motion: Safe and Well Visits

It was moved by Councillor Banwait, and seconded by Councillor Shanker, that:

Council welcomes an initiative by Derbyshire Fire and Rescue Service to prioritise the most vulnerable residents for home fire safety inspections.

Safe & Well visits provide residents with actions and advice to help make their homes safer from the risk of fire. This includes the installation of smoke alarms or other additional safety equipment free of charge.

Council notes the latest statistical release from the Home Office, which shows that in 2014/15, 41 per cent of all fire fatalities in England were over 65 years old. In the same period, there were 4.8 fire related fatalities per million people in England, compared to 17.8 for those aged 80 years and over.

Council recognises that data-sharing between partner agencies will allow the Fire Service to prioritise the most vulnerable residents for home visits. Derby City Council is already providing anonymised information on those addresses in receipt of assisted bin collections to assist with this important initiative.

Council resolves to write to every resident in the city in receipt of an assisted bin collection to notify them of their entitlement to a free Safe & Well visit by Derbyshire Fire and Rescue Service.

It was moved by Councillor Skelton, and seconded by Councillor Carr, that the motion be amended by the deletion of the second sentence in the penultimate paragraph and the deletion of the final paragraph in its entirety and the addition of the words:

So that data can be legally handed over to Derbyshire Fire & Rescue Service, Council instructs officers to gain the consent of people on the assisted bin collection service for their data to be given to DFRS.

Council also instructs officers to systematically check that those addresses on the assisted bin collection service still need to be on the scheme.

Council further instructs officers to update the Fair Processing Notice for this scheme, so that future users who sign up for it will know that their data could be passed to appropriate partner organisations.

The amendment was put to the vote and lost.

The substantive motion was put to the vote and carried.

Resolved:

Council welcomes an initiative by Derbyshire Fire and Rescue Service to prioritise the most vulnerable residents for home fire safety inspections.

Safe & Well visits provide residents with actions and advice to help make their homes safer from the risk of fire. This includes the installation of smoke alarms or other additional safety equipment free of charge.

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Council resolves to write to every resident in the city in receipt of an assisted bin collection to notify them of their entitlement to a free Safe & Well visit by Derbyshire Fire and Rescue Service.

86/16 Motion: Agency Social Workers

It was moved by Councillor Bolton, and seconded by Councillor Repton, that:

Derby, like most cities up and down the country, is finding it increasingly difficult to recruit and retain experienced social workers. This is particularly acute in children's social care but there is also a growing problem of recruiting Approved Mental Health Practitioners (AMHP) in adult social care.

This means that the Council has to increasingly rely on the use of agency social workers to supplement our workforce. Currently in children's services we are using

about 30 agency social workers and in adult social care rely on between 2-3 agency social workers who are AMHP to operate the out of hours service.

The expenditure on agency children's social workers in Derby has increased tenfold over the last three years. In the first quarter of this financial year (April – June 2016) the expenditure alone on agency social workers in children's services was £980,000.

If this expenditure level continues for the whole of the 2016/17 financial year, the Council will be spending three times as much on agency social workers this year compared to last year.

In terms of further action, first that Council sends a letter from the Leader of the Council, signed by all group leaders, asking the Government to cap the fees of agency social workers and to send a copy to all Derby MPs.

Furthermore, that all councillors will lobby their own MP to support this action.

The Government has previously introduced a cap on the rates of pay for agency nurses so they should do the same for agency social workers.

The motion was put to the vote and carried.

Resolved:

Derby, like most cities up and down the country, is finding it increasingly difficult to recruit and retain experienced social workers. This is particularly acute in children's social care but there is also a growing problem of recruiting Approved Mental Health Practitioners (AMHP) in adult social care.

This means that the Council has to increasingly rely on the use of agency social workers to supplement our workforce. Currently in children's services we are using about 30 agency social workers and in adult social care rely on between 2-3 agency social workers who are AMHP to operate the out of hours service.

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Furthermore, that all councillors will lobby their own MP to support this action.

The Government has previously introduced a cap on the rates of pay for agency nurses so they should do the same for agency social workers.

87/16 Motion: School Crossing Patrols

It was moved by Councillor Afzal, and seconded by Councillor Whitby, that:

Council welcomes the decision taken by Cabinet on 9 November to safeguard the future of the School Crossing Patrol Service and recognises the importance of ensuring that children from across the city are kept safe on their way to school.

Council notes that the provision of school crossing patrols is not a statutory responsibility. As a result, in many areas across the country school crossing patrols are being cut back or stopped entirely as an unfortunate consequence of Government cuts.

Council resolves to instruct the Leader of the Council to write to the Secretary of State for Communities and Local Government to request that the requirement to provide school crossing patrols is statutorily defined and to allocate dedicated funding for the provision of the service.

It was moved by Councillor Poulter, and seconded by Councillor Holmes that the motion be amended by the deletion of the final paragraph and the insertion the following replacement final paragraph:

Council resolves to ask the Leader of the Council to prioritise and commit to the future provision of all necessary school crossing patrols in the city and to allocate dedicated funding within the council's future budgets for the provision of the service.

The amendment was put to the vote and lost.

As required under Rule CP71a of the Council Procedure Rules, it was demanded by at least 10 members that a recorded vote be taken on the motion. The voting was as follows:

For the motion:

Councillor Afzal, Anderson, Ashburner, Banwait, Bayliss, Bolton, Care, Carr, Dhindsa, Eldret, Evans, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, Naitta, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, Turner, West, Whitby and the Mayor, Councillor Winter (31)

Against the motion:

None.

Abstentions:

Councillors Barker, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Keith, Marshall, Potter, Poulter, Roulstone, Smale, Webb, Wood (16)

The motion was carried.

Resolved:

Council welcomes the decision taken by Cabinet on 9 November to safeguard the future of the School Crossing Patrol Service and recognises the importance of ensuring that children from across the city are kept safe on their way to school.

Council notes that the provision of school crossing patrols is not a statutory responsibility. As a result, in many areas across the country school crossing patrols are being cut back or stopped entirely as an unfortunate consequence of Government cuts.

Council resolves to instruct the Leader of the Council to write to the Secretary of State for Communities and Local Government to request that the requirement to provide school crossing patrols is statutorily defined and to allocate dedicated funding for the provision of the service.

MAYOR