

ITEM 3

Time commenced - 6.00pm
Time finished - 9.16pm

COUNCIL **12 July 2018**

Present: The Mayor, Councillor Carr, and Councillors Afzal, Anderson, Ashburner, Barker, Bayliss, Bettany, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, Graves, Grimadell, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Jackson, Keith, J Khan, S Khan, Marshall, McCristal, Naitta, Nawaz, Peatfield, A Pegg, P Pegg, Potter, Poulter, Raju, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Webb, West, Williams, Willoughby, Winter and Wood.

25/18 Apologies for Absence

Apologies were received from Councillors Anderson, Dhindsa, Hezelgrave, S Khan and Willoughby.

26/18 Declarations of Interest

There were no declarations.

27/18 Minutes of the meeting held on 23 May 2018

The minutes were approved as a correct record.

28/18 Announcements from the Mayor

The Mayor spoke on behalf of all councillors in expressing regret at the England football team's defeat in the World Cup semi-finals, and wished the team well in the upcoming Third Place Play-off match against Belgium.

Congratulations were extended to Councillor Smale and his partner, Adam, following their recent marriage and upcoming honeymoon in Las Vegas. Councillor Smale addressed Council and gave thanks for the congratulations.

Members spoke in recognition of the Rt Revd Dr Alistair Redfern, who was retiring from his role as Bishop of Derby, which he had held since 2005. Specific praise was given for his work in the fight against modern slavery.

29/18 Statements from Members of the Council Cabinet

In accordance with Council Procedure Rule CP35, Councillor Grimadell, as Council Cabinet Member for Leisure and Culture, made an announcement on the subject of Derby's libraries. Responses were received from opposition spokespeople in accordance with Council Procedure Rule CP36.

30/18 Questions from the public to members of the Council Cabinet

Questions and answers were put and responded to as follows:

Questioner	Respondent	Subject
Jyoti Wilkinson	Cllr Roulstone	Universal Credit Support
Jamie D'Arcy	Cllr Roulstone	Universal Credit Resources
Michael Winfield	Cllr Graves	Universal Credit Recommendation
Tom Spray	Cllr Poulter	Effectiveness of Strong Leader Model of Governance

31/18 Questions relating to Derbyshire Fire Authority or Derby Homes

There were no questions.

32/17 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

Question	Respondent	Subject
Councillor Eldret	Councillor Poulter	Electoral cycle
Councillor Shanker		
Councillor Russell	Councillor Williams	SEND review
Councillor P Pegg	Councillor Smale	Brown bin collections
Councillor Rawson	Councillor Roulstone	Universal Credit resources
Councillor Raju	Councillor Grimadell	Library closures
Councillor Bayliss	Councillor Roulstone	Universal Credit advice
Councillor Shanker	Councillor Poulter	Coalition negotiations
Councillor Peatfield	Councillor Naitta	Communities scrutiny work programme
Councillor Care	Councillor Poulter	Budget concerns
Councillor Ashburner	Councillor Grimadell	Swimming pool update
Councillor Eldret	Councillor Graves	A52 independent investigation
Councillor Russell	Councillor Williams	Leaving care team
Councillor Rawson	Councillor Smale	Nottingham Road resurfacing
Councillor Bayliss	Councillor M Holmes	Alvaston District Centre
Councillor Care	Councillor Poulter	Committee System training
Councillor Peatfield	Councillor M Holmes	Osmaston regeneration
Councillor Bayliss	Councillor Smale	Canal path repairs
Councillor Shanker	Councillor Grimadell	Swimming pool length
Councillor Care	Councillor Grimadell	Library transfers
Councillor Bayliss	Councillor Smale	Church Street, Alvaston
Councillor Shanker	Councillor Poulter	Nomination papers
Councillor Bayliss	Councillor Smale	Penalty Charge Notices

33/18 Council Cabinet Minute Extract 08/18

It was moved by Councillor M Holmes that decision 3 of the minute extract 08/18, relating to the establishment of an Economic Development Board, should not be approved. Councillor Holmes reported that there had been a misunderstanding about the decision taken by Council Cabinet, and that while the recommendations of the Regeneration and Housing Scrutiny Review Board (shown in the minute as decisions 1 and 2, and not requiring the approval of Council) had been accepted, the minute of the Executive Scrutiny Board (shown in the minute as decision 3) had been 'noted'. It was confirmed by the Head of Democracy that the webcast had been reviewed and supported Councillor Holmes' interpretation.

Councillor Holmes proposed that a report should be brought to a future meeting of Council, where the proposal by the Executive Scrutiny Board to establish an Economic Development Board should be considered alongside an officer report. This was accepted by members.

34/18 Licensing Committee Minute Extract 06/18

A decision by Licensing Committee, taken on 5 July 2018 and therefore after publication of the Council agenda and papers, was considered as a late item.

The committee wished to make changes to the process for dealing with Temporary Event Notices following receipt of an objection from an appropriate responsible body. As the decision of the committee required constitutional changes to the Scheme of Delegations, the matter was referred to Council for approval.

It was moved by Councillor Barker, and seconded, to approve the minutes. The matter was put to the vote and carried.

Resolved to approve minute 06/18 of the Licensing Committee, and specifically:

- 1. To authorise officers under Section 106A of the Licensing Act to approve a Temporary Event Notice;**
- 2. To delegate the functions under Section 106A to the Strategic Director of Communities and Place;**
- 3. To amend the Scheme of Delegations in the Constitution to reflect the proposed changes.**

35/18 Regulation of Investigatory Powers Act 2000 – Appointments of Senior Responsible Officer and Authorising Officer

A report of the Interim Strategic Director of Corporate Resources was considered. Council was informed that the authority had previously made changes to its appointments of Senior Responsible Officer and Authorising Officers in accordance with recommendations from the Office of the Surveillance Commissioner in 2013 and 2016. Following staffing changes and the first phase of the corporate restructure, re-

designations were required to ensure adherence to the same principles applied previously.

It was moved by Councillor Barker, and seconded, that the recommendations in the report be approved. The matter was put to the vote and carried.

Resolved:

- 1. To designate the post of Director of Public Protection and Streetpride as a second RIPA authorising officer;**
- 2. To designate the post of Monitoring Officer as the Senior Responsible Officer (SRO);**
- 3. To confirm that the two designated ‘authorising officers’ (a term that strictly only applies to Part II RIPA activity) are also appointed as ‘designated persons’ for the purposes of Part I RIPA activity;**
- 4. To update the Council Constitution to reflect the designations in the three preceding recommendations.**

36/18 Independent Reviewing Officer – Delegation of Functions under Section 101 of the Local Government Act 1972

A report by the Interim Strategic Director of Corporate Resources proposed that Derby City Council enter into an agreement with Derbyshire County Council for the provision of reciprocal legal advice to independent reviewing officers [IROs]. This arrangement required a decision of Council as a delegation of functions under section 101 of the Local Government Act 1972.

It was moved by Councillor Barker, and seconded, that the recommendations in the report be approved. The matter was put to the vote and carried.

Resolved:

- 1. To approve the proposed delegation of functions under section 101 of the Local Government Act 1972, for the provision of reciprocal legal advice to Independent Reviewing Officers respectively;**
- 2. To approve the Council entering into a reciprocal agreement with Derbyshire County Council to document the terms of the delegation;**
- 3. To delegate authority to the Strategic Director of People Services, following consultation with the Interim Strategic Director of Corporate Resources, the Cabinet Member for Safeguarding and Children and Young People and the interim Director of Legal and Democratic Services & Monitoring Officer, to agree the final terms of the reciprocal agreement with Derbyshire County Council.**

37/18 Public and Member Questions at Council meetings

A report of the Interim Strategic Director of Corporate Resources detailed changes proposed by the council leadership to the way public and member questions were handled at meetings of Council. The change proposed would result in initial questions being summarised by an officer at the meeting and responded to by the

councillor allocated to answer the question, rather than the initial question and answer only appearing in a published document.

It was moved by Councillor Poulter, and seconded, the recommendations in the report be approved. The matter was put to the vote and carried.

Resolved:

- 1. To approve the proposed changes to Public and Member Questions at Council meetings, detailed in paragraphs 4.4 to 4.6 of the report;**
- 2. To approve the required change to Rule CP24 in the Council Constitution to facilitate the change, detailed in paragraphs 4.7 and 4.8 of the report;**
- 3. To agree that the changes will take effect from the meeting of Council on 27 September 2018.**

38/18 Notice of Motion: Universal Credit

The following motion was moved by Councillor Eldret and seconded by Councillor Russell:

The full rollout of Universal Credit in Derby starts on July 11th and represents the biggest change to the welfare system for a generation. For the first time, the following benefits will be incorporated into one monthly payment:

- *Housing Benefit*
- *Working Tax Credits*
- *Child Tax Credits*
- *Income Support*
- *Income-based Jobseekers Allowance*
- *Income-related Employment and Support allowance.*

An estimated 28,000 Derby residents will be impacted by the transition to Universal Credit, with around 50% of those claiming in-work benefits.

In areas where Universal Credit has already been rolled out, there is clear evidence that people have experienced severe hardship as a result.

In April 2018 The Trussell Trust reported that their food banks in areas where Universal Credit had been rolled out had seen an average 52% rise in demand compared to the previous year.

As of September 2017, 24% of claimants were waiting more than 6 weeks for their first payment, leading many to get behind with their rent and unable to pay bills. There are numerous reports of people being made homeless as a direct result of Universal Credit.

A National Audit Office Report, published in June 2018 concluded that Universal Credit, is not only failing to deliver anticipated cost savings, it has also left thousands of vulnerable claimants in debt and hardship.

We need to act urgently to stop people in Derby facing the same issues. So far, the Council has received just over £21,000 to provide support to residents with the transition which is simply not enough.

The Council calls on Council Cabinet to transfer funds as a matter of urgency to the Welfare Reform Reserve to support Derby residents with the transition to Universal Credit and prevent them falling into extreme hardship.

It was moved by Councillor Skelton, and seconded, that the final paragraph be deleted and replaced with the following:

This Council calls upon Council Cabinet to carefully monitor the effects of the implementation of Universal Credit in Derby, and to give its best endeavours to ensure sufficient funding is available to support Derby residents in the transition period to prevent any claimants' financial hardship through the process.

The amendment was put to the vote and carried.

The motion, as amended, was put to the vote and carried.

Resolved:

The full rollout of Universal Credit in Derby starts on July 11th and represents the biggest change to the welfare system for a generation. For the first time, the following benefits will be incorporated into one monthly payment:

- **Housing Benefit**
- **Working Tax Credits**
- **Child Tax Credits**
- **Income Support**
- **Income-based Jobseekers Allowance**
- **Income-related Employment and Support allowance.**

An estimated 28,000 Derby residents will be impacted by the transition to Universal Credit, with around 50% of those claiming in-work benefits.

In areas where Universal Credit has already been rolled out, there is clear evidence that people have experienced severe hardship as a result.

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A National Audit Office Report, published in June 2018 concluded that Universal Credit, is not only failing to deliver anticipated cost savings, it has also left thousands of vulnerable claimants in debt and hardship.

We need to act urgently to stop people in Derby facing the same issues. So far, the Council has received just over £21,000 to provide support to residents with the transition which is simply not enough.

This Council calls upon Council Cabinet to carefully monitor the effects of the implementation of Universal Credit in Derby, and to give its best endeavours to ensure sufficient funding is available to support Derby residents in the transition period to prevent any claimants financial hardship through the process.

39/18 Notice of Motion: Air Quality

The following motion was moved by Councillor Rawson and seconded by Councillor Peatfield:

The right to live in an environment with clean air, free of dangerous levels of pollutants is a basic human right and is an issue which Derby City Council takes extremely seriously.

Council welcomes efforts being made to improve air quality in Derby, and notes the requirement to have a clear plan submitted to government by September of this year. Council is concerned that at present there is no clarity around the new administration's plans to improve air quality. The government's preferred option of an Emissions' Charge for vehicles entering the city has been ruled out by the controlling Conservative group, as has the previous Labour administration's plans for a Scrappage Scheme. Time is now running out, and the need for the administration to publicly state its position is becoming urgent.

Therefore, in the interests of openness and transparency, council calls on the Leader of the Council and Cabinet Member responsible to inform council and the public which of the options available to them, they plan to propose to government by September, in order to improve air quality in Derby.

It was moved by Councillor Skelton, and seconded that:

1. the second paragraph be deleted after the words "September of this year" and replaced with the following words:

Council is concerned that as yet there is no approved plan to meet the requirements of the Government directive as demanded by the Courts.

2. The third paragraph be deleted and replaced with the following words:

In the interests of openness and transparency Council calls on the Leader and Cabinet member responsible to enter into public consultation with proposals

and options to put to Government which meets the requirements of DEFRA and the Court directive.

3. The following two paragraphs be added:

Furthermore in the interests of 'Openness and Transparency' Council calls on the Leader of the Labour group to publish their planned compliance, formulated during their administration, to meet the clean air requirements imposed under the Court's ruling.

This Council commits itself to now meet, if not exceed, the clean air requirements set out in the DEFRA directive for the health and wellbeing of the people of Derby.

The amendment was put to the vote and carried.

The motion, as amended, was put to the vote and carried.

Resolved:

The right to live in an environment with clean air, free of dangerous levels of pollutants is a basic human right and is an issue which Derby City Council takes extremely seriously.

Council welcomes efforts being made to improve air quality in Derby, and notes the requirement to have a clear plan submitted to government by September of this year. Council is concerned that as yet there is no approved plan to meet the requirements of the Government directive as demanded by the Courts.

In the interests of openness and transparency Council calls on the Leader and Cabinet member responsible to enter into public consultation with proposals and options to put to Government which meets the requirements of DEFRA and the Court directive.

Furthermore in the interests of 'Openness and Transparency' Council calls on the Leader of the Labour group to publish their planned compliance, formulated during their administration, to meet the clean air requirements imposed under the Court's ruling.

This Council commits itself to now meet, if not exceed, the clean air requirements set out in the DEFRA directive for the health and wellbeing of the people of Derby.

40/18 Notice of Motion: A52 overspend

The following motion was moved by Councillor Eldret and seconded by Councillor Afzal:

Council is deeply concerned at the scale of the projected overspend on the A52 improvement scheme and the implications for the Council, from both a financial and governance perspective.

In order to provide reassurance and transparency to the people of Derby, Council will immediately commission an independent review into the project, which will report its findings to Full Council as soon as possible.

This review will need to establish the facts and learn lessons from what has gone so badly wrong so as to avoid an overspend of this magnitude in the future.

It was moved by Councillor Skelton, and seconded, that:

1. The second paragraph be deleted after the words "people of Derby" and replaced with the following words:

Council calls on Council Cabinet to ensure the results of the CMAP (Central Midlands Audit Partnership) investigations are made public by bringing the report before Full Council for debate.

2. The third paragraph be deleted and replaced with the following words:

Council also calls upon Councillor Afzal to fully co-operate with this investigation and to divulge when he was first aware of the overspend and what actions he took to mitigate the impact prior to him leaving his Cabinet position in charge of the project in May of 2018.

The amendment was put to the vote and carried.

The motion, as amended, was put to the vote and carried.

Resolved:

Council is deeply concerned at the scale of the projected overspend on the A52 improvement scheme and the implications for the Council, from both a financial and governance perspective.

In order to provide reassurance and transparency to the people of Derby, Council calls on Council Cabinet to ensure the results of the CMAP (Central Midlands Audit Partnership) investigations are made public by bringing the report before Full Council for debate.

Council also calls upon Councillor Afzal to fully co-operate with this investigation and to divulge when he was first aware of the overspend and what actions he took to mitigate the impact prior to him leaving his Cabinet position in charge of the project in May of 2018.

The following motion was moved by Councillor Barker and seconded by Councillor Harwood:

This Council moves that Councillor Evonne Williams, as Cabinet Member for Children and Young People, assume the position of Chair of the Corporate Parenting Committee. This will have the effect of Councillor Frank Harwood stepping down from the Chair's role, but remaining on the committee. Councillor Williams will take the committee place of Councillor Ross McCristal.

Council also moves a variation in the membership of Personnel Committee, with Councillor John Keith replacing Councillor Sean Marshall.

The motion was put to the vote and carried.

Resolved:

This Council moves that Councillor Evonne Williams, as Cabinet Member for Children and Young People, assume the position of Chair of the Corporate Parenting Committee. This will have the effect of Councillor Frank Harwood stepping down from the Chair's role, but remaining on the committee. Councillor Williams will take the committee place of Councillor Ross McCristal.

Council also moves a variation in the membership of Personnel Committee, with Councillor John Keith replacing Councillor Sean Marshall.

MAYOR