

ITEM 3

Time commenced - 11.01am
Time adjourned - 11.50am
Time reconvened - 6.00pm
Time finished - 7.52pm

COUNCIL 23 MAY 2018

Present: The Mayor, Mr John Whitby, and Councillors Afzal, Anderson, Ashburner, Barker, Bayliss, Bettany, Care, Carr, Cooper, Dhindsa, Eldret, Evans, Froggatt, Graves, Grimadell, Harwood, 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.

1/18 Election of Mayor

It was proposed by Councillor Skelton, and seconded, that Councillor Mike Carr be elected as Mayor of the City for the next municipal year. It was proposed by Councillor P Pegg, and seconded, that Councillor Paul Bayliss be elected as Mayor of the City for the next municipal. The matter was put to the vote.

Resolved that Councillor Mike Carr be elected Mayor of the City for the next municipal year.

Following a short interlude while the newly elected Deputy Mayor was robed, Councillor Carr made the declaration of acceptance of office and occupied the chair.

2/18 Appointment of Deputy Mayor

The Mayor asked for nominations for the office of Deputy Mayor.

It was proposed by Councillor Wood, and seconded, that Councillor Frank Harwood be appointed Deputy Mayor of the City for the next municipal year. The proposal was put to the vote and carried.

Resolved that Councillor Frank Harwood be appointed Deputy Mayor of the City for the next municipal year.

During a short interlude while the newly elected Deputy Mayor was robed, those members present heard from the choir of Alvaston Infants and Junior School. After Councillor Harwood returned to the Chamber, he then made the declaration of acceptance of office.

The Deputy Mayor and the Mayor then gave acceptance speeches and thanked councillors for their appointment and election.

3/18 Thanks to the Retiring Mayor

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

"The thanks of this Council be given to Mr John Whitby, for the zeal, impartiality and ability with which she has discharged the duties of the Office of Mayor of the City for the past year."

The proposal was put to the vote and carried.

Resolved that the thanks of this Council be given to Mr John Whitby, for the zeal, impartiality and ability with which she has discharged the duties of the Office of Mayor of the City for the past year.

Following this, Mr Whitby gave a speech of thanks and informed members that he having set a target to raise £25,000 for his chosen charities during his year in office, he had beaten this target by raising in excess of £64,000. Mr Whitby received a standing ovation from those present.

4/18 Apologies

Apologies for absence were received from Councillor Hassall.

5/18 Appointment of Pinder and Tenter

Resolved, on the motion of the Mayor, that the Markets Officer be appointed Pinder and Tenter for the ensuing year.

6/18 Adjournment of Meeting

Resolved, on the motion of the Mayor, that Council adjourn until 6pm in the Council Chamber, The Council House, Derby.

The Council adjourned at 11.50am and reconvened in the Council Chamber, The Council House, Derby, at 6.01pm on 23 May 2017.

Present: The Mayor, Councillor Mike 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.

7/18 Apologies

There were no apologies.

8/18 Declarations of Interest

Following a question by Councillor Poulter, the Monitoring Officer confirmed that members did not need to declare an interest in the matter relating to a report of the Independent Remuneration Panel.

9/18 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 6 March 2017 be approved as a correct record, confirmed and signed by the Mayor.

10/18 Announcements from the Mayor

The Mayor thanked councillors for the support they had shown him in electing him as Mayor.

The passing of former councillor, Bryan Lowe, and a former member of the Independent Remuneration Panel, Derek Heal, were reported to Council. Councillors made comments in respect. A moment's silence was then held out of respect for both.

11/18 Approval of minutes 120/17 and 153/17 of Council Cabinet

It was moved by Councillor Rawson, and seconded, that the minutes of Council Cabinet presented to Council be approved. This was put to the vote and carried.

Resolved to approve minutes 120/17 and 153/17 of Council Cabinet.

12/18 Election of the Leader of the Council

It was moved by Councillor M Holmes, and seconded, that Councillor Poulter be elected as Leader of the Council. It was moved by Councillor Russell, and seconded, that Councillor Eldret be elected as Leader of the Council. The matter was put to the vote.

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

Those in favour of Councillor Eldret:

Councillors Afzal, Anderson, Bayliss, Dhindsa, Eldret, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Peatfield, P Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, West and Winter (23)

Those in favour of Councillor Poulter:

Councillors Ashburner, Barker, Bettany, Care, Cooper, Evans, Graves, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, Marshall, McCristal, Naïtta,

A Pegg, Potter, Poulter, Roulstone, Skelton, Smale, Webb, Williams, Willoughby, Wood and the Mayor, Councillor Carr (28)

Resolved to elect Councillor Poulter as Leader of the Council.

13/18 Appointment of Council Cabinet

The Leader of the Council was invited by the Mayor to announce his Council Cabinet.

It was confirmed by Councillor Poulter that the detail of portfolios may be subject to further refinement, but the appointments were as follows:

- Councillor Poulter, Leader, Strategy and Policy
- Councillor M Holmes, Deputy Leader, Regeneration and Economic Development
- Councillor Barker, Governance and Regulatory
- Councillor Webb, Adults, Health and Housing
- Councillor Williams, Children and Young People
- Councillor Roulstone, Finance and Business
- Councillor Grimadell, Leisure and Culture
- Councillor Smale, Communities, Place and Streetpride

14/18 Endorsement of the Election of Youth Mayor

A report of the Chief Executive detailing the election of the new Youth Mayor was considered. It was reported that, following a citywide election process involving young people from across Derby's secondary schools, Frederico Almeida had been elected as Youth Mayor and Sonja Sebastian as Deputy Youth Mayor. Members were asked to endorse these appointments.

Resolved:

- 1) To thank Tiny Simbani and Jawaria Nadeem for the time they had given representing young people in Derby as Youth Mayor and Deputy Youth Mayor over the previous 12 months;**
- 2) To commend the efforts of all the candidates who participated in the Youth Mayor elections in 2018; and**
- 3) To endorse the elections of Frederico Almeida and Sonja Sebastian as Youth Mayor and Deputy Youth Mayor respectively for Derby for the 2018/9 municipal year.**

The Mayor presented certificates to the outgoing Youth Mayor, Tiny Simbani, and Deputy Youth Mayor, Jawaria Nadeem. The Youth Mayor and Deputy Youth Mayor then made their declaration of office before Council.

15/18 Schedule of Meetings for 2018/9

The Council considered a Schedule of Meetings for 2018/9

Resolved to approve the Schedule of Meetings 2018/9, subject to officers correcting an error relating to the scheduling of the February meeting of SACRE.

16/18 Constitutional Appointments

Following consultation with groups, a document detailing proposed Constitutional Appointments for 2018/9 was considered.

In addition to those nominations published, Councillor Eldret nominated Councillor Stanton as Chair of the Executive Scrutiny Board. With Councillor Graves having already been nominated, a vote was required to determine the appointment.

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

Those in favour of Councillor Graves:

Councillors Ashburner, Barker, Bettany, Care, Cooper, Evans, Graves, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, Marshall, McCristal, Naitta, A Pegg, Potter, Poulter, Roulstone, Skelton, Smale, Webb, Williams, Willoughby, Wood and the Mayor, Councillor Carr (28)

Those in favour of Councillor Stanton:

Councillors Afzal, Anderson, Bayliss, Dhindsa, Eldret, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Peatfield, P Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, West and Winter (23)

Resolved to appoint Councillor Graves as Chair of Executive Scrutiny Board

In addition to those nominations published, Councillor Eldret nominated Councillor West to occupy an additional Labour vacancy on the Disputes Resolution Committee.

In addition to those nominations published, Councillor Barker nominated councillors to fill various 'Champion' roles.

Disability – Councillor Roulstone

Minority Ethnic Communities – Councillor Williams

Older People – Councillor Webb

Children and Young People – Councillor Willoughby

Sexuality – Councillor A Holmes

Gender – Councillor M Holmes

Corporate Safeguarding – Councillor Williams

It was proposed by Councillor Repton, and seconded, that a 'Champion' for Mental Health should be included in those listed. It was proposed by Councillor Poulter, and seconded, that Councillor Roulstone occupy this role.

It was proposed by Councillor Care, and seconded, that a 'Champion' for Cycling should be included in those listed. Councillor Care advised Council she would be happy to occupy this role. This was accepted by Council.

It was proposed by Councillor Eldret that Councillor Repton be added to the list of appointments to the Health and Wellbeing Board. As councillor appointments were reserved to the Leader of the Council under the Health and Social Care Act 2012, the proposal was put by the Mayor to Councillor Poulter, who confirmed the proposal was acceptable.

It was moved by Councillor Bayliss, and seconded, that the approval of the Constitutional Appointments be amended to read as follows:

"To approve the Constitutional Appointments for 2018/9, subject to Council receiving a report on the proposed establishment of an additional consultative body, on similar terms to Conservation Area Advisory Committee, to be composed of organisations focused on economic development, such as Marketing Derby, that would be consulted on planning applications prior to them being determined by Planning Control Committee."

The amendment was put to the vote and lost.

It was moved by Councillor Graves, and seconded, that the approval of the Constitutional Appointments be amended to read as follows:

"To approve the Constitutional Appointments for 2018/9, subject to Council noting that a majority of members are minded to move the council's governance arrangements to a committee system as soon as is practicable, and before the next Annual Meeting of Council."

"Council therefore agrees to the establishment of a cross-party working group, to consist of an equal number of councillors from each group to be agreed by group leaders, tasked with beginning the process of undertaking a review and considering proposals that it can bring forward to Council."

"In addition, Council tasks officers with bringing forward proposals as soon as possible, to enable Council to determine the future governance arrangements before the next Annual Meeting of Council."

The amendment was put to the vote and carried.

The document, as amended following the additional contributions and the carried written amendment, was put to the vote and carried.

Resolved:

To approve the Constitutional Appointments for 2018/9 (as amended), subject to Council noting that a majority of members are minded to move the council's

governance arrangements to a committee system as soon as is practicable, and before the next Annual Meeting of Council.

Council therefore agrees to the establishment of a cross-party working group, to consist of an equal number of councillors from each group to be agreed by group leaders, tasked with beginning the process of undertaking a review and considering proposals that it can bring forward to Council.

In addition, Council tasks officers with bringing forward proposals as soon as possible, to enable Council to determine the future governance arrangements before the next Annual Meeting of Council.

17/18 Neighbourhood Chairs

Following consultation with groups, a document detailing proposed Neighbourhood Chairs for 2018/9 was considered.

In addition to those detailed in the published document, the following nominations were made and not contested:

- Abbey – Councillor Afzal
- Arboretum – Councillor Hussain
- Boulton – Councillor Anderson
- Darley – Councillor Repton
- Mackworth – Councillor Froggatt
- Normanton – Councillor J Khan
- Sinfin – Councillor West.

Both Councillors Bayliss and Graves were nominated in Alvaston Ward. Following a vote, Councillor Graves was appointed.

Both Councillors Naitta and Raju were nominated in Blagreaves Ward. Following a vote, Councillor Naitta was appointed.

Both Councillors Smale and Winter were nominated in Chaddesden Ward. Following a vote, Councillor Smale was appointed.

Both Councillors Hudson and Rawson were nominated in Derwent Ward. Following a vote, Councillor Hudson was appointed.

Following the resolution of the above matters, the amended proposals were put to the vote and carried

Resolved to approve the Neighbourhood Chairs for 2018/19, as amended.

18/18 Appointments to Outside Bodies and Charities

Following consultation with groups, a document detailing proposed Appointments to Outside Bodies and Charities for 2018/9 was considered.

Resolved to approve the Appointments to Outside Bodies and Charities for 2018/9.

19/18 Attendance at Annual Conferences

The Council considered a schedule of attendances at annual conferences for the 2018/9 municipal year.

Resolved to approve attendances at annual conferences for the 2018/9 municipal year.

20/18 Recommendations of the Independent Remuneration Panel

A report of the Independent Remuneration Panel was considered.

The report followed a review by the panel of all the councillors' allowances and expenses, and made a number of recommendations. These were as follows:

1. To increase the Basic Allowance to £12,000 per year subject to the withdrawal of council-funded landline/broadband and home printing facilities as soon as is practical, with an expectation that councillors will be able to self-fund the provision of these facilities;
2. To accept the amended Special Responsibility Allowances as detailed in Appendix 1 of the panel's report, subject to recommendations 3, 4 and 5;
3. To note and act upon the Independent Remuneration Panel's observation that Employee Appeals do not comfortably sit within the authority's constitutional arrangements as a matter for elected members to determine;
4. If Council is not minded to act upon Recommendation 3, to note and act upon the Independent Remuneration Panel's observation that if Employee Appeals are to form part of the council's constitutional arrangements, they would logically sit as a sub-committee of the Personnel Committee;
5. To agree that the proposed Special Responsibility Allowance payable to members of the Personnel Committee ceases to be endorsed by the Independent Remuneration Panel in the event that Recommendation 4 is not accepted, or made not applicable by virtue of Recommendation 3 being accepted and acted upon;
6. To note and act upon the Independent Remuneration Panel's observation that the title "Licensing Sub-Committee Vice Chair" would better reflect the office currently termed "Licensing Committee Vice Chair", caveated on an expectation and condition that those office-holders nonetheless retain Vice Chair responsibilities;
7. To amend the Members' Allowances Scheme to insert the following condition:
In respect of offices where mandatory training is deemed to be required by the Chief Executive, upon expiry of an initial eight-week period following appointment, no Special Responsibility Allowance shall be

paid to any councillor who has not undertaken the training until such time as it has been completed to the satisfaction of the Chief Executive.

8. To amend the Members' Allowances Scheme to clarify that the limits on Dependant Carers' Allowance applied per dependent, rather than per councillor.

It was moved by Councillor Williams, and seconded, that the eight recommendations be replaced with the following:

Council resolves:

- 1. To express its sincere thanks to the members of the Independent Remuneration Panel for its thorough review of the Members' Allowances Scheme, and comprehensive report. Council accepts the principle of many of the arguments that have been put forward;*
- 2. With the exception of the Youth Mayor's Bursary, which is agreed immediately, to defer decisions on the remaining recommendations on the basis that a majority of members are minded to move towards a committee system which would result in fundamental changes in the roles attracting Special Responsibility Allowances;*
- 3. To respectfully request that, following the outcome of Council's review of its decision-making arrangements, the Independent Remuneration Panel reconsiders the Members' Allowances Scheme, and makes any recommendations it sees fit thereafter.*

The amendment was put to the vote and carried. The motion was put to the vote and carried.

Council resolves:

- 1. To express its sincere thanks to the members of the Independent Remuneration Panel for its thorough review of the Members' Allowances Scheme, and comprehensive report. Council accepts the principle of many of the arguments that have been put forward;**
- 2. With the exception of the Youth Mayor's Bursary, which is agreed immediately, to defer decisions on the remaining recommendations on the basis that a majority of members are minded to move towards a committee system which would result in fundamental changes in the roles attracting Special Responsibility Allowances;**
- 3. To respectfully request that, following the outcome of Council's review of its decision-making arrangements, the Independent Remuneration Panel reconsiders the Members' Allowances Scheme, and makes any recommendations it sees fit thereafter.**

21/18 Appointment of Chief Executive and Strategic Director of Corporate Resources and designation of the statutory roles

A report of the Interim Monitoring Officer was considered. The report updated members on the appointment process for a permanent Chief Executive and also the appointment of a permanent Strategic Director of Corporate Resources and Section 151 Officer.

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

Resolved:

- 1. To note the supporting information supplied in relation to Carole Mills;**
- 2. To approve the appointment of Carole Mills as Chief Executive, and to designate to her the statutory role of Head of Paid Service as required under Section 4 of the Local Government and Housing Act 1989, to take effect following the completion of her service with Milton Keynes Council;**
- 3. To designate Carole Mills as the Council's Electoral Registration Officer and Returning Officer in accordance with the Representation of the People Acts, also to take effect following the completion of her service with Milton Keynes Council;**
- 4. To approve the principle of an Appointments Panel confirming an appointment to the post of Strategic Director of Corporate Resources, to fulfil the statutory duty of Chief Finance Officer as required under Section 151 of the Local Government Act 1972;**
- 5. To authorise the Appointments Panel to make the appointment to the Strategic Director of Corporate Resources, and Section 151 Officer.**

22/18 Process for Considering Complaints About Councillors

A report of the Interim Strategic Director of Corporate Resources detailed proposals to change the way complaints about councillors were handled. This followed a review by officers and consideration by the Standards Committee. An independent member of the Standards Committee, Mr Philip Sunderland, addressed Council.

The recommendations in the report were moved by Councillor Shanker, and seconded. The matter was put to the vote and carried. In accordance with the requirements relating to political proportionality within the Local Government and Housing Act 1989, the recommendation detailed as resolution number 4, below, was carried without any members voting against.

Resolved:

- 1. To approve the adoption of a new Councillor Complaints Procedure, as attached at Appendix 2 and as detailed in the report;**
- 2. To approve the adoption of a new Complaints Form, as attached as Appendix 3 of the report;**
- 3. To request that all political groups will establish or review their own Group Complaints Procedures to ensure they are able to deal with complaints that fall outside of the new Procedure detailed in Appendix 2;**

4. To disapply the necessity for political balance on the Standards Committee as a permitted 'exception', and that the Standards Committee shall henceforward have a composition of one member per political group on the council and one place reserved for ungrouped members (there are presently none);
5. To approve a variation of Council Procedure Rule CP101 such that appointed members of the Standards Committee are permitted to send group colleagues to attend as substitute members on their behalf;
6. To appoint Mr Peter Purnell and Mr Philip Sunderland as independent persons to the Standards Committee and to establish an Independent Person Advisory Panel;
7. To note that it is proposed that the new arrangements will be reviewed by the Standards Committee in the latter stages of the 2018/9 municipal year.

23/18 Updates to Financial Procedure Rules

A report of the Interim Strategic Director of Corporate Resources detailed proposed updates to the Financial Procedure Rules. It was moved by the Mayor, and seconded, that the recommendations be approved. The matter was put to the vote and carried.

Resolved:

1. To update Financial Procedure Rules in line with the Council Constitution as set out in the report;
2. To approve consequential amendments to the Council Constitution to bring the key decision threshold for the awarding of grants in line with all other decisions.

24/18 Updates to Contract Procedure Rules

A report of the Interim Strategic Director of Corporate Resources detailed proposed updates to the Contract Procedure Rules. It was moved by the Mayor, and seconded, that the recommendations be approved. The matter was put to the vote and carried.

Resolved to approved the updated Financial Procedure Rules as set out in the report.

MAYOR