

# ITEM 9

Time commenced - 6.02pm

Time finished - 9.02pm

## COUNCIL

**6 March 2018**

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

### 72/17 Apologies

Apologies were received from Councillors Barker, Bayliss, Grimadell and Willoughby

### 73/17 Declarations of Interest

A number of councillors declared an interest in Item 14 on the basis that they had, at some time, been members of the Derbyshire Local Government Pensions Scheme and would therefore be in receipt of a pension arising from it.

Councillors Banwait, Eldret Hussain, Marshall, Rawson, Repton, Russell, Shanker, Skelton, Stanton, West and Williams were all advised that as either they, or their partners, would be future recipients of the scheme their interest was pecuniary and they should leave the room during consideration of the debate, in accordance with locally agreed procedures.

The same applied to Councillor Care, but she was granted a dispensation by the Acting Monitoring Officer to remain a mover of the motion in question, on the basis that she would leave the room having moved the motion, thus forgoing the right or reply to which she would otherwise be entitled under CP57 following the debate.

Councillors Carr and Hezelgrave also declared an interest in the same item as members of the Derbyshire Pensions Committee.

The Acting Monitoring Officer advised all members that a general dispensation would be applied across councillors in respect of the late item on approval of the Council Tax.

### 74/17 Minutes of the Previous Meeting

The minutes of the meeting held on 24 January 2018 were agreed.

**Resolved that the minutes of the meeting of Council held on 24 January 2018 be approved as a correct record, confirmed and signed by the Mayor.**

## 75/17 Announcements from the Mayor

The Mayor made a number of announcements in respect of fundraising activities he had undertaken, or was undertaking, for his chosen charities. These included:

- The Mayor's Charity Gig which took place at The Venue, in Abbey Street, and raised £5,000;
- The £10k for 10k run on 15 April;
- The Big Lock-up event on 20 April, for which £2,000 had been raised already;
- The Mayor's Ball, which was scheduled to take place on 28 April.

The Mayor noted that it was his final full meeting before the Mayor Making ceremony in May. He extended thanks to all councillors for the support and good conduct they had demonstrated during his tenure.

Members were thanked for their understanding in having moved the meeting from the original scheduled date of 1 March 2018 due to the poor weather conditions.

Council was advised that the late item on the budget would take place between Items 8 and 9 as listed on the agenda.

The Mayor extended thanks on behalf of all councillors to Paul Robinson, as this would be his final meeting before departing to become Chief Executive of Worcestershire County Council. Mr Robinson gave a speech of thanks in response. Thanks and a farewell was also extended to Clare Harrison, Democratic Services Manager, who was departing the council for a role at the NHS after 17 years service.

It was reported that Councillor Robin Turner was standing down at the elections in May after 29 years service as a councillor, first representing Sinfin as a county councillor from 1989 to 1997, and having represented the area as a city councillor ever since. Councillors Shanker, West and Dhindsa all spoke about Councillor Turner, who gave a speech in response to thank members for their words.

## 76/17 Statements from Members of the Council Cabinet

There were no statements.

## 77/17 Questions from the public to members of the Council Cabinet

Questions and answers were put and responded to as follows:

Questioner	Respondent	Subject
Dorothy Skrytek	Councillor Afzal	Air quality management area
David Gale	Councillor Banwait	Response to public questions
Simon Bacon	Councillor Afzal	Trade waste income
Ms P Mawbey	Councillor Afzal	Removal of blue bin collections
David Gale	Councillor Afzal	Church Street pavement width
Simon Bacon	Councillor Afzal	Trade waste agreement
Ms P Mawbey	Councillor Afzal	Bins on streets

## 78/17 Questions relating to Derbyshire Fire Authority or Derby Homes

There were no questions.

## 79/17 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

Question	Respondent	Subject
Councillor Skelton	Councillor Russell	EHCP reporting
Councillor Graves	Councillor Raju	Alvaston Park
Councillor M Holmes	Councillor Shanker	Moorways operating subsidy
Councillor Harwood	Councillor Afzal	St Peters Street cycle lane
Councillor Poulter	Councillor Shanker	Standards recommendations
Councillor Naitta	Councillor Afzal	Community policing
Councillor Care	Councillor Rawson	Footpath planning requirement
Councillor Roulstone	Councillor Russell	EHCP data
Councillor Willoughby	Councillor Russell	EHCP quality control
Councillor Skelton	Councillor Russell	EHCP reporting discrepancy
Councillor Graves	Councillor Afzal	Canal path
Councillor Care	Councillor Afzal	Sinfin waste plant testing
Councillor Roulstone	Councillor Russell	EHCP banding criteria
Councillor Willoughby	Councillor Russell	SEND consultation
Councillor Graves	Councillor Afzal	City Point path
Councillor Care	Councillor Shanker	Council House energy usage
Councillor Graves	Councillor Afzal	Church Street reconstruction
Councillor Graves	Councillor Afzal	Highways maintenance
Councillor Graves	Councillor Rawson	Northridge House highways impact

## 80/17 Council Tax 2018/9

A report had been circulated after the initial distribution of the agenda detailing the proposed Council Tax for Derby residents for 2018/9. This was due to the approval by precepting authorities having taken place after the agenda was published. The Derby City Council aspect remained unchanged from that which had been approved at the previous meeting.

It was moved by Councillor Shanker, and seconded by Councillor Russell, that the recommendations in the report be moved as printed.

As required under Rule CP71b of the Council Procedure Rules, and in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, votes on the Council Tax setting were recorded.

Those in favour:

Councillors Afzal, Anderson, Banwait, Bolton, Dhindsa, Eldret, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Turner, West, Winter and the Mayor, Councillor Whitby  
(25)

Those against:  
Councillors Evans and Graves (2)

Abstentions:  
Councillors Ashburner, Care, Carr, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Keith, Marshall, Naitta, Skelton, Potter, Poulter, Roulstone, Smale, Webb, Williams and Wood (20)

The recommendations were agreed.

**Resolved:**

- 1) To note the final funding settlement and revenue support grant confirmation;
- 2) To note the budget requirement for Derby City Council for 2018/19 of £217,782,285 approved at Council on 24 January 2018;
- 3) To approve the Council Tax requirement for Derby City Council for 2018/19 of £93,027,221 in line with the detailed calculation presented in Appendix 2 of the report;
- 4) To confirm the following amounts for the year 2018/19, which are consistent with the revised net budget requirement, in accordance with Sections 31A (1) of the Local Government Finance Act 1992 as amended by the Localism Act 2011:
  - a. £664,786,777 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) (a) to (f).
  - b. (£571,759,556) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) and (d) of the Act.
  - c. £93,027,221 as Council Tax requirement for the year, being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act.
  - d. £1,375.93 as the basic amount of its Council Tax for the year, being the amount at (c) above, divided by the amount at 4.1 below, calculated by the Council, in accordance with Section 31B of the act.
  - e. for the following Valuation Bands:

	£		£
A	£917.29	E	£1,681.69
B	£1,070.17	F	£1,987.45
C	£1,223.05	G	£2,293.22
D	£1,375.93	H	£2,751.86

as the amounts to be taken into account for the year, under Section 30(2)(a) of the Act, in respect of categories of dwellings listed in different valuation bands, being the amounts given by multiplying the

amount at (d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to all dwellings listed in each particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act;

- 5) To note that for the year 2018/19, Derbyshire Police and Crime Commissioner has stated the following in a precept to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:  
All dwellings in valuation band:

A	£128.40	E	£235.40
B	£149.80	F	£278.20
C	£171.20	G	£321.00
D	£192.60	H	£385.20

- 6) To note that for the year 2018/19, Derbyshire Fire Authority has stated the following in a precept to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in valuation band:

A	£49.83	E	£91.35
B	£58.13	F	£107.96
C	£66.44	G	£124.57
D	£74.74	H	£149.48

- 7) To approve that Council sets the following amounts as the amounts of council tax for the year 2018/19 for each of the categories of dwellings shown below, being the aggregate in each case of the amounts in 2.4, 2.5 and 2.6, in accordance with Section 30(2) of the Local Government Finance Act 1992:

All dwellings in valuation band:

A	£1,095.52	E	£2,008.44
B	£1,278.10	F	£2,373.61
C	£1,460.69	G	£2,738.79
D	£1,643.27	H	£3,286.54

- 8) To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.

## 81/17 Designation of Statutory and Proper Officers

The Acting Monitoring Officer and Deputy Chief Executive exited the room during consideration of this matter.

A report of the Leader of the Council was considered making recommendations in respect of the statutory and proper officer positions that would need to be filled. An amended version of the report had been circulated to correct an error in respect of recommendation 2.4, which had wrongly stated "with immediate effect" when it should have stated "with effect from 13 April 2018".

It was moved by the Leader, and seconded, that the recommendations in the report, as amended, be approved.

The matter was put to the vote and carried.

**Resolved:**

- 1) To agree to the establishment of an Interim Director of Legal and Democratic Services, and to agree that Glen O'Connell be appointed to the post on an interim basis with effect from 19 March 2018;**
- 2) To note and approve a departure from Officer Employment Procedure Rules OE9 and OE11 as detailed in paragraph 4.9 and 4.10 of the report;**
- 3) To designate the newly appointed Interim Director of Legal and Democratic Services as Monitoring Officer, in accordance with Section 5 of the Local Government and Housing Act 1989 with effect from his appointment until such time as permanent arrangements are made;**
- 4) To designate Christine Durrant as the Council's Interim Electoral Registration Officer and Returning Officer in accordance with the Representation of the People Acts with effect from 13 April 2018;**
- 5) To designate Bernard Fenton (Head of Customer Services) as the Acting Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships in accordance with the Registration Services Acts with immediate effect;**
- 6) To note that the Electoral Services and Land Charges Manager is already designated as the Deputy Electoral Registration Officer, and the Returning Officer is empowered by statute to appoint a deputy.**

## **82/17      Motion: Council Governance Arrangements**

It was moved by Councillor Holmes, and seconded by Councillor Poulter, that:

*"Council accepts that the current "Leader and Cabinet" approach to governance is no longer fit for purpose in Derby City and that fundamental change is urgently needed.*

*"Council therefore agrees to commit to move to a "Committee System" and end the Leader / Cabinet governance model that is currently in place.*

*"This will give all councillors, regardless of political party, a greater say in the council's priorities and every aspect of how decisions are made.*

*"Each committee created would cover specific areas of council services and include members from all political parties to deliver a new era of openness, transparency and to bring about meaningful engagement with members of the public."*

The motion was put to the vote and lost.

## **83/17      Motion: Affordable Housing**

It was moved by Councillor Hussain, and seconded by Councillor Winter, that:

*"Council recognises the national shortage of affordable housing and notes that construction of new affordable homes has reached a 24-year low, exacerbating a national housing crisis.*

*"Council welcomes the administration's pledge to build 500 affordable homes in Derby by 2020 and notes that a Labour Government would commit to building 100,000 genuinely affordable homes in the biggest council house building programme in at least 30 years.*

*"Council supports the aspiration of those who wish to own their own properties, but believes this should not be at the expense of those in genuine need of affordable housing.*

*"The extension of Right to Buy by the Coalition Government has led to nearly 58,000 council or housing association properties being privatised at a cost of £3.5 billion to the taxpayer in the past six years alone, with many subsequently entering the private-rented sector.*

*"Council welcomes recent calls by the Local Government Association to allow councils to set Right to Buy discounts locally, retain receipts in full and be given the freedom to borrow to build new affordable homes.*

*"Council resolves to write to the Secretary of State for Housing, Communities and Local Government requesting that local authorities are fully supported in replacing every affordable home lost through Right to Buy."*

It was moved by Councillor Care, and seconded, that the motion be amended by the addition of the following words at the end of the final paragraph:

*"and to record our support of the LGA's calls for local control of Right to Buy discounts, to retain Right to Buy receipts in full and to be able to borrow to build new affordable homes."*

The amendment was put to the vote and carried.

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

**Resolved:**

**Council recognises the national shortage of affordable housing and notes that construction of new affordable homes has reached a 24-year low, exacerbating a national housing crisis.**

**Council welcomes the administration's pledge to build 500 affordable homes in Derby by 2020 and notes that a Labour Government would commit to building 100,000 genuinely affordable homes in the biggest council house building programme in at least 30 years.**

**Council supports the aspiration of those who wish to own their own properties, but believes this should not be at the expense of those in genuine need of affordable housing.**

**The extension of Right to Buy by the Coalition Government has led to nearly 58,000 council or housing association properties being privatised at a cost of £3.5 billion to the taxpayer in the past six years alone, with many subsequently entering the private-rented sector.**

**Council welcomes recent calls by the Local Government Association to allow councils to set Right to Buy discounts locally, retain receipts in full and be given the freedom to borrow to build new affordable homes.**

**Council resolves to write to the Secretary of State for Housing, Communities and Local Government requesting that local authorities are fully supported in replacing every affordable home lost through Right to Buy, and to record our support of the LGA's calls for local control of Right to Buy discounts, to retain Right to Buy receipts in full and to be able to borrow to build new affordable homes.**

## **84/17      Motion: Electoral Fraud**

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

*"Council applauds the joint working between our own Elections team and Derbyshire Constabulary in bringing Christopher Fernandez to justice for election fraud.*

*"This successful prosecution, like others before it, can give the people of Derby confidence that those who try to corrupt our democratic processes will not be allowed to get away with it.*

*"Council notes that despite repeated previous opportunities, three sitting councillors have failed to declare their involvement in a previous case, in which they signed the nomination forms supporting a fraudulent candidate.*

*"Council believes the declaring of this information in a public forum would provide further assurance and transparency to the people of Derby."*

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:

Councillors Afzal, Anderson, Banwait, Bolton, Dhindsa, Eldret, Evans, Froggatt, Graves, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Turner, West, Winter and the Mayor, Councillor Whitby (27)

Those against:

None.

Abstentions:

Councillors Care, Carr, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Keith, Marshall, Potter, Poulter, Roulstone, Smale, Webb, Williams and Wood (17)



## 85/17      Motion: Government Brexit Reports

It was moved by Councillor Care, and seconded by Councillor Carr, that:

*"Council notes that publicly funded reports assessing Brexit are now available for Members of Parliament to read, though not the public. The reports apparently include information about the likely impacts of Brexit on different sectors.*

*"Meanwhile reports from other EU countries on the impacts and opportunities of Brexit for them are being made widely available. These are enabling EU cities to take advantage of Brexit at a time when at least some UK companies are changing their investment strategies. Derby needs access to this research to avoid risking missing out on the opportunities purported to flow from Brexit, or be in a poorer position to mitigate the disadvantages of Brexit.*

*"Access to the Government's Brexit assessments has now been extended to the next tier of elected representatives in Wales and Scotland – members of the Welsh Assembly and Scottish Parliament. Council further notes that in England the next tier of elected representatives include members of unitary councils, such as Derby City Council.*

*"Council therefore asks the Leader of the Council to write to the Brexit Secretary to request that the Government's Brexit reports should be made available to all upper tier councillors until the reports are published generally.*

*"Council encourages the Local Government Association to support this action and agrees to write to our local MPs to ask for their support to allow this access."*

The matter was put to the vote and carried.

### **Resolved**

**Council notes that publicly funded reports assessing Brexit are now available for Members of Parliament to read, though not the public. The reports apparently include information about the likely impacts of Brexit on different sectors.**

**Meanwhile reports from other EU countries on the impacts and opportunities of Brexit for them are being made widely available. These are enabling EU cities to take advantage of Brexit at a time when at least some UK companies are changing their investment strategies. Derby needs access to this research to avoid risking missing out on the opportunities purported to flow from Brexit, or be in a poorer position to mitigate the disadvantages of Brexit.**

**Access to the Government's Brexit assessments has now been extended to the next tier of elected representatives in Wales and Scotland – members of the Welsh Assembly and Scottish Parliament. Council further notes that in England the next tier of elected representatives include members of unitary councils, such as Derby City Council.**

**Council therefore asks the Leader of the Council to write to the Brexit Secretary to request that the Government's Brexit reports should be made available to all upper tier councillors until the reports are published generally.**

**Council encourages the Local Government Association to support this action and agrees to write to our local MPs to ask for their support to allow this access.**

## **86/17      Motion: Divesting Fossil Fuels**

Councillors Banwait, Carr, Eldret, Hezelgrave, Hussain, Marshall, Rawson, Repton, Russell, Shanker, Skelton, Stanton, West and Williams left the room throughout consideration of this item. Councillor Care was given dispensation to remain to present the motion then left the room and remained absent until resolution,

It was moved by Councillor Care, and seconded by Councillor Ashburner, that:

*"Council notes that in July 2017 Government guidance for local authority pension committees was changed. A High Court ruling in June 2017 resulted in the following paragraph being removed from the guidance:*

*'using pension policies to pursue boycotts, divestment and sanctions against foreign nations and UK defence industries are inappropriate, other than where formal legal sanctions, embargoes and restrictions have been put in place by Government...In formulating and maintaining their policy on social, environmental and corporate governance factors, an administering authority should not pursue policies that are contrary to UK foreign policy or UK defence policy.'*

*"Council further notes that this removes the barrier to the Derbyshire County Council Pensions and Investments Committee divesting from investments for moral or ethical reasons rather than purely financial ones. The Committee has previously considered divesting from fossil fuel companies consistent with other local actions to reduce climate changing emissions, including recent rejection of planning applications for fracking.*

*"Council notes that increasingly investors are divesting from fossil fuel companies including universities, faith groups and individuals, and that shrinkage of the fossil fuel sector will be required in order to meet the targets set out in the 2030 Climate and Energy Framework.*

*"As the number of bodies investing in fossil fuel companies falls, a tipping point will be reached where the value of fossil fuel holdings may fall rapidly. Last summer's ruling may bring forward this time.*

*"Council therefore does not consider any investment in fossil fuel companies to be financially prudent and Council therefore asks that the Derbyshire County Council Pensions and Investments Committee again considers this issue in light of this greater freedom and the continuing need to reduce fossil fuel dependence."*

The matter was put to the vote and carried.

**Resolved:**

**Council notes that in July 2017 Government guidance for local authority pension committees was changed. A High Court ruling in June 2017 resulted in the following paragraph being removed from the guidance:**

**‘using pension policies to pursue boycotts, divestment and sanctions against foreign nations and UK defence industries are inappropriate, other than where formal legal sanctions, embargoes and restrictions have been put in place by Government...In formulating and maintaining their policy on social, environmental and corporate governance factors, an administering authority should not pursue policies that are contrary to UK foreign policy or UK defence policy.’**

**Council further notes that this removes the barrier to the Derbyshire County Council Pensions and Investments Committee divesting from investments for moral or ethical reasons rather than purely financial ones. The Committee has previously considered divesting from fossil fuel companies consistent with other local actions to reduce climate changing emissions, including recent rejection of planning applications for fracking.**

**Council notes that increasingly investors are divesting from fossil fuel companies including universities, faith groups and individuals, and that shrinkage of the fossil fuel sector will be required in order to meet the targets set out in the 2030 Climate and Energy Framework.**

**As the number of bodies investing in fossil fuel companies falls, a tipping point will be reached where the value of fossil fuel holdings may fall rapidly. Last summer’s ruling may bring forward this time.**

**Council therefore does not consider any investment in fossil fuel companies to be financially prudent and Council therefore asks that the Derbyshire County Council Pensions and Investments Committee again considers this issue in light of this greater freedom and the continuing need to reduce fossil fuel dependence.**

**87/17      Motion: Universal Credit**

**It was moved by Councillor Russell, and seconded by Councillor Hezelgrave, that:**

*"Council is dismayed at the Government’s continued ideological attack on low paid workers, women, children and the disabled in the form of Universal Credit.*

*"Despite repeated calls to pause and fix this broken policy, the Government have pushed on regardless. Ministers have ignored the plight of thousands of individuals, who have been pushed further into poverty as a result of their failure.*

*"Council notes that Universal Credit has been called a “disaster waiting to happen” by leading charities, while even former Conservative Prime Minister, Sir John Major, described the policy as “operationally messy, socially unfair and unforgiving.*

*"Evidence from the Trussell Trust suggests that "Universal Credit is leaving people without money for six or more weeks, leading to debt, rental arrears and poor mental health.*

*"Council rejects the Conservative Government's dogmatic austerity plan hatched in coalition with the Liberal Democrats, and welcomes the efforts made by Council Cabinet to support residents transferring to Universal Credit locally.*

*"Council calls on the administration to continue to provide whatever local support possible, to ensure all people in Derby are treated with the dignity and respect they deserve."*

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:

Councillors Afzal, Anderson, Ashburner, Banwait, Bolton, Dhindsa, Eldret, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Raju, Rawson, Repton, Russell, Shanker, Stanton, Turner, West, Winter and the Mayor, Councillor Whitby (23)

Those against:

None.

Abstentions:

Councillors Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, Marshall, Potter, Roulstone, Smale, Webb, Williams and Wood (13)

MINUTES END