

Time commenced - 6.00 pm
Time finished - 8.54 pm

COUNCIL MEETING 17 SEPTEMBER 2014

Present: The Mayor (Councillor Shiraz Khan) (in the Chair)

Councillors Afzal, Ashburner, Banwait, Barker, Bayliss, Bolton, Campbell, Care, Carr, Davis, Dhindsa, Eldret, Graves, Harwood, Hezelgrave, Hickson, Higginbottom, Hillier, A Holmes, M Holmes, Hussain, Ingall, Jackson, Jennings, Keith, J Khan, MacDonald, Martin, Naitta, Nawaz, Pegg, Poulter, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Troup, Turner, Webb, Whitby, Wood, Wright

37/14 Apologies for Absence

Apologies for absence were received from Councillors Bailey and Jones.

38/14 Declarations of Interest

There were no Declarations of Interest

39/14 Minutes of the Meeting of 23 July 2014

Resolved that the Minutes of the Meeting of the Council, held on 23 July 2014, be approved as a correct record, confirmed and signed by the Mayor.

40/14 Announcements by the Mayor

The Mayor informed Council that he intended to take a late report 'Investigatory and Disciplinary Arrangements and Procedures' as Item 11a. The report had been published earlier in the day and hard copies had been distributed within the chamber.

41/14 Statements by Members of the Council Cabinet

There were no statements

42/14 Public Questions

A list of questions and prepared responses had been circulated prior to the start of the meeting and each questioner was asked in turn if they had a supplementary question arising from the written response. Questions from members of the public were put as follows:

1. By Arron Marsden – concerning Alvaston Neighbourhood Board letters, answered by Councillor Banwait, Leader of the Council.

2. By Arron Marsden – concerning Community Volunteer training, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.

43/14 Written Questions about the Business or Functions of Derbyshire Fire Authority and Derby Homes Ltd

There were no written questions about the business or functions of Derbyshire Fire Authority or Derby Homes Ltd.

44/14 Written Questions from Non Council Cabinet Members

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

1. By Councillor Davis – concerning Kedleston Road Housing, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.
2. By Councillor Naitta– concerning Protecting Children from Abuse, answered by Councillor Hussain, Cabinet Member for Children and Young People.
3. By Councillor Barker – concerning Market Hall Traders, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.
4. By Councillor Wood– concerning Darley Park Concert, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
5. By Councillor Ashburner – concerning the Assembly Rooms, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
6. By Councillor Care – concerning Councillor Communications, answered by Councillor Banwait, Leader of the Council
7. By Councillor Carr – concerning Future Waste Collection, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
8. By Councillor Keith – concerning Community Events, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
9. By Councillor Poulter – concerning Public Toilet Provision, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
10. By Councillor Harwood – concerning Fly Tipping, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
11. By Councillor Naitta – concerning Nature Reserve Damage, answered by Councillor Martin, Cabinet Member for Leisure and Culture.
12. By Councillor Barker – concerning Car Boot Sale, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.

13. By Councillor Ashburner – concerning New Trees at St Peter's Cross, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.
14. By Councillor Care – concerning Kerbside Recycling, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
15. By Councillor Ashburner – concerning St Peter's Cross Refurbishment, answered by Councillor Afzal, Cabinet Member for Planning and Regeneration.
16. By Councillor Care – concerning Neighbourhood Working, answered by Councillor Afzal, Cabinet Member for Neighbourhoods and Streetpride.
17. By Councillor Ashburner – concerning Toilets on The Spot, answered by Councillor Rawson, Cabinet Member for Planning and Regeneration.

45/14 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet dated 6 August and 3 September 2014, requiring the approval of the Council, being;

45/14 Appointment of the Leader of the Council as representative on the Derby and Derbyshire Combined Authority

46/14 Approval for changes to the Treasury Investment Criteria.

Resolved to approve the minutes and recommendations of the Council Cabinet of 3 September 2014.

46/14 The future of SCAPE and System Build Ltd

The Council considered a report of the Chief Executive concerning the future of Clasp and Scape System Build Ltd.

Resolved

- 1. To approve the dissolution of the Consortium of Local Authorities Special Programme, CLASP, and acceptance of the Council's share of the reserves.**
- 2. To approve the transfer of the Consortium of Local Authorities Special Programme intellectual property rights to Scape System Build Ltd.**
- 3. To approve the transfer of the shares the Council holds in Scape System Build Ltd to Scape Group Limited, and to acquire one share in Scape Group Limited.**
- 4. To delegate authority to the Council's shareholder representative, in consultation with the Chief Executive, the Strategic Director of Resources and the Director of Legal and Democratic Services, to make any future decisions required in relation to any of the Scape Group companies.**

- 5. To approve changes to the Council's approved list of appointments to outside bodies, to reflect each of the above recommendations.**

47/14 Appointment to the Health and Wellbeing Board

The Council considered a report of the Monitoring Officer on a change of appointment to the Health and Wellbeing Board.

Resolved to appoint Michael Garner, as the CYPN representative, to the Health and Wellbeing Board, for the remainder of 2014/15, in place of Dionne Reid.

48/14 Investigatory and Disciplinary Arrangements and Procedures

At this point the Mayor asked the Chief Executive, Strategic and Service Directors and Statutory Officers to leave the Chamber, as the item under discussion had the potential to directly affect them. The Head of Democratic Services advised The Mayor and Council during this item.

Council considered a report of the Monitoring Officer concerning the establishment of Investigatory and Disciplinary Arrangements and Procedures.

Nominations to the two committees, to be established, had been received in advance from the Conservative and Liberal Democrat groups and Councillor Banwait announced his group's nominees at the meeting.

Resolved, on the motion of Councillor Banwait and seconded:

- 1. to establish an Investigating and Disciplinary Committee to discharge, on behalf of the council, the function of managing disciplinary proceedings in relation to Senior Officers as specified in the terms of reference at Appendix 2.**
- 2. to agree to the terms of reference for the Investigating and Disciplinary Committee as detailed in Appendix 2.**
- 3. to make appointments to the Investigating and Disciplinary Committee as follows:**
 - Four Labour (including two Council Cabinet members) – Councillors Afzal, Repton, Bolton and Eldret,**
 - Two Conservative – Councillors Hickson and Keith**
 - One other– Councillor Ashburner**
- 4. to establish a Disciplinary Appeals Committee to consider certain appeals in relation to matters considered by the Investigating and Disciplinary Committee.**
- 5. to agree to the terms of reference for the Disciplinary Appeals Committee as detailed in Appendix 3.**

6. to make appointments to the Disciplinary Appeals Committee as follows:
 - Four Labour (including two Council Cabinet members) – Councillors Hussain, Shanker, Pegg and Dhindsa
 - Two Conservative– Councillors Poulter and A Holmes
 - One other – Councillor Skelton
7. to adopt the investigatory and disciplinary procedures detailed in Appendix 4.
8. to delegate authority to the Investigating and Disciplinary Committee to suspend a Senior Officer.
9. to authorise the Chief Executive to utilise existing delegated authority for the purpose of suspending statutory officers and chief officers provided that the consent of the Leader of the Council has been granted, where the matter is urgent or where it would be impractical to convene a meeting of the Investigating and Disciplinary Committee.
10. to delegate authority to the Director of Legal and Democratic Services to authorise necessary amendments to the Council Constitution to reflect the changes detailed in recommendations 2.1 to 2.9.

49/14 Notices of Motion

1) *Supermarket Levy*

It was proposed by Councillor Banwait and seconded that

'Council notes the work undertaken by the authority's leadership in promoting the introduction of a 'supermarket levy' which would boost Derby's economy by around £2m and help protect local services.

Council notes that 95 per cent of the money spent in large supermarkets leaves the local economy for good, compared to 50 per cent from local independent retailers. Council welcomes this proposed initiative as a means to ensure large retail outlets give more back to the communities they rely upon for their business.

Council fully endorses the submission of the proposal based on the provisions within the Sustainable Communities Act, and supports every effort the authority's leadership can make in lobbying for its acceptance. Council notes the Department for Communities and Local Government's initial disinterest in the proposal, but urges ministers to fully assess the proposals in order to recognise the merit.'

It was proposed by Councillor Ashburner and seconded that the motion be amended to read

'Council notes the authority's leadership in promoting the introduction of a 'supermarket levy', which would allegedly boost Derby's economy by around £2m and help protect local services.

Council also that 95 per cent of the money spent in large supermarkets leaves the local economy for good, compared to 50 per cent from local independent retailers.

Council therefore requests a report into the supermarket shopper tax proposed by the Derby City Council leadership be presented to the Cost of Living Overview and

Scrutiny Board and for their conclusions to be considered by a future Council meeting.'

The amendment was lost.

Resolved on the motion of Councillor Banwait and seconded that

'Council notes the work undertaken by the authority's leadership in promoting the introduction of a 'supermarket levy' which would boost Derby's economy by around £2m and help protect local services.

Council notes that 95 per cent of the money spent in large supermarkets leaves the local economy for good, compared to 50 per cent from local independent retailers. Council welcomes this proposed initiative as a means to ensure large retail outlets give more back to the communities they rely upon for their business.

Council fully endorses the submission of the proposal based on the provisions within the Sustainable Communities Act, and supports every effort the authority's leadership can make in lobbying for its acceptance. Council notes the Department for Communities and Local Government's initial disinterest in the proposal, but urges ministers to fully assess the proposals in order to recognise the merit.'

In accordance with rule CP71, it was requested by at least ten Members that a recorded vote be taken on the motion

The following Members voted for the motion:

Councillors Afzal, Banwait, Bayliss, Bolton, Campbell, Dhindsa, Eldret, Graves, Hezelgrave, Higginbottom, Hussain, Jackson, J Khan, S Khan, MacDonald, Martin, Nawaz, Pegg, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, Whitby, Wright (29)

The following Members voted against the motion:

Councillors Barker, Davis, Harwood, Hickson, A Holmes, M Holmes, Ingall, Jennings, Keith, Poulter, Webb, Wood (12)

The following Members abstained:

Councillors Ashburner, Care, Carr, Naitta, Skelton and Troup (6)

2) Reduction in numbers of Members

It was proposed by Councillor Graves and seconded that

'Council recognises the effects of the austerity measures and how this affects the residents of Derby, council staff and the severe pressure on budgets.

So far we have seen the increases in council tax whilst cutting services and staff numbers, with city councillors shielded from these effects. With council staff numbers shaved by over a third it would seem prudent to seek a reduction in the number of councillors sitting on Derby City Council.

Council calls on Leader of the Council to seek government permission to reduce the number of councillors by one third – from 51 to 34.

The savings would equate to well over a quarter of a million pounds per year every year at a time when the council is in severe financial difficulties. '

It was proposed by Councillor Banwait and seconded that the motion be amended to read.

Amendment 1

'Council recognises the effects of the austerity measures imposed from central government and how this negatively affects the residents of Derby, council staff and the severe pressure on budgets. So far we have seen the increases in council tax whilst cutting services and staff numbers.

Council calls on the Leader of the Council to reaffirm to Government the desperate situation being imposed on this city. Council also calls on all councillors to take inspiration from the 'Bombardier Campaign' and give their backing to the 'Fair Deal for Derby Campaign' to demand that this year's local government settlement does not disproportionately impact on our city as it has in the past.'

The amendment was carried

It was proposed by Councillor Hickson and seconded that the motion, as amended, be further amended to read.

Amendment 2

'The public are entitled to the reassurance that the current system of 51 councillors for Derby City is both fit for purpose and value for money to the local taxpayer.

This is particularly pertinent as it is some time since the current system was implemented and in view of the fact that there has been a significant change in the final landscape since the issue was last considered.

Council therefore recommends that the issue of the numbers of Members be considered by the appropriate overview and scrutiny commission, taking a wide range of views, both inside and outside the Council and that following that review, recommendations should be made to invite the Boundary Commission to initiate a formal review should that be deemed necessary.'

The amendment was lost.

In accordance with rule CP71, it was requested by at least ten Members that a recorded vote be taken on the motion, as amended in Amendment 1.

The following Members voted for the motion as amended:

Councillors Afzal, Banwait, Bayliss, Bolton, Campbell, Dhindsa, Eldret, Hezelgrave, Hussain, Jackson, J Khan, MacDonald, Martin, Nawaz, Pegg, Rawson, Redfern, Repton, Russell, Shanker, Stanton, Tittley, Turner, Whitby, (24)

The following Members voted against the motion:

Councillors Barker, Davis, Graves, Harwood, Hickson, Higginbottom, A Holmes, M Holmes, Ingall, Keith, Webb, Williams, Wood, Wright (14)

The following Members abstained:

Councillors Ashburner, Care, Carr, Naitta, Skelton and Troup (6)

The motion as amended in Amendment 1 was carried

Resolved that:

'Council recognises the effects of the austerity measures imposed from central government and how this negatively affects the residents of Derby, council staff and the severe pressure on budgets. So far we have seen the increases in council tax whilst cutting services and staff numbers.

Council calls on the Leader of the Council to reaffirm to Government the desperate situation being imposed on this city. Council also calls on all councillors to take inspiration from the 'Bombardier Campaign' and give their backing to the 'Fair Deal for Derby Campaign' to demand that this year's local government settlement does not disproportionately impact on our city as it has in the past.'

3) Rail fares and review of the franchising arrangements

It was proposed by Councillor Eldret and seconded that

Council is deeply concerned by the announcement on 18 August 2014 that rail fares are set to rise by up to 5.5% next year, adding to the financial burden on working people and deepening the cost of living crisis. Since 2010, the average rail fare has increased by 21.5%, three times more than wage increases.

Council recognises that these increases will have a significant impact on people in Derby and the many residents who commute to work by train every day.

Council believes the current system of rail franchising has derived from a contrived and inefficient framework created to emulate a market system, which has led to an excessively complex, incoherent and highly subsidised rail system that does not result in affordable train fares.

Council notes that the East Coast mainline service, run by Directly Operated Railways on behalf of the Department of Transport, has been one of Britain's most successful train operators, returning £1 billion to the Treasury over five years and providing high levels of customer satisfaction.

Council calls on the Government to immediately freeze rail fares and to instigate a review of the current franchising system and resolves to:

1. Write to Transport Secretary, Patrick McLoughlin, urging him to freeze rail fares and instigate a review of the current franchising system
2. Conduct research into the impact of rising fares on Derby residents and the local economy.

Resolved that:

'Council is deeply concerned by the announcement on 18 August 2014 that rail fares are set to rise by up to 5.5% next year, adding to the financial burden on working people and deepening the cost of living crisis. Since 2010, the average rail fare has increased by 21.5%, three times more than wage increases.

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Council calls on the Government to immediately freeze rail fares and to instigate a review of the current franchising system and resolves to:

- 3. Write to Transport Secretary, Patrick McLoughlin, urging him to freeze rail fares and instigate a review of the current franchising system**
- 4. Conduct research into the impact of rising fares on Derby residents and the local economy.**

Mayor