

Time commenced - 6:00pm
Time adjourned - 7:13pm
Time reconvened - 7:23pm
Time finished - 8.07pm

COUNCIL

18 January 2023

Present: The Mayor, Councillor Robin Wood, and Councillors Atwal, Barker, Bonser, Care, Carr, Dhindsa, Evans, Eyre, Froggatt, A W Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hussain, C Ingall, P Ingall, Jennings, J Khan, Kus, Lind, Lindsey, Martin, Naitta, Nawaz, Pandey, Pattison, J Pearce, T Pearce, Peatfield, Poulter, Prosser, Rawson, Repton, Roulstone, Sandhu, Shanker, Skelton, Smale, Swan, Testro, Webb, West, Whitby and Williams.

74/22 Apologies

Apologies for absence were received from Councillors Potter, S Khan and Lonsdale.

75/22 Declarations of Interest

There were none.

76/22 Minutes of the Previous Meeting

The minutes of the meeting of the Council held on 23 November 2022 were moved by Councillor Smale and seconded by Councillor Eyre.

Resolved that the minutes of the meeting of the Council held on 23 November 2022 be approved as a correct record, confirmed and signed by the Mayor.

77/22 Announcements from the Mayor

The Mayor shared a message with the people of Derby from His Majesty, King Charles III.

It was noted that the Mayor had written to His Majesty following the Extraordinary Meeting of 21 September 2022 and the resolution to send the Council's condolences upon the death of the King's late mother, Queen Elizabeth II. It was reported that a response addressed to the Residents of Derby and Members of Derby City Council had been received; it read:

It was very kind of you to send me such a wonderfully generous message following the death of my beloved mother. Your most thoughtful words are enormously comforting, and I cannot tell you how deeply they are appreciated at this time of immense sorrow.

It was noted that the letter had been signed Charles R and was accompanied by a colourised photograph of His Majesty as a young boy with his mother, the Queen.

The Mayor then dealt with some procedural matters and reported the resignation of Councillor Alan J Graves from Derby City Council, with effect from 23 December 2022.

The Mayor invited Councillor Webb to address Council to promote an important piece of archival work led by Community Action Derby. It was reported that the Derby Wall was currently on display at Derby Cathedral and documented the city's response to the global Covid-19 pandemic.

Before concluding, the Mayor reported the death of Mr Donald Armstrong and Mr Martyn Bertalan. Mr Armstrong was a former Chair and founding member of the Conservation Area Advisory Committee when it was first established in the 1960s, as well as a long-standing member of the Derby Civic Society. Mr Bertalan was a Conservative councillor for Kingsway Ward between 1987 and 1995 and served as the Chair of the Equal Opportunities, Personnel and Performance Review Committees.

The Mayor and Councillor Evans paid tribute to both individuals and a minute's silence was observed in respect.

78/22 Statements from members of the Council Cabinet

There were none.

79/22 Questions from the public

Questions and responses were heard as follows:

| Questioner | Respondent | Summary |
|------------------------|--------------|---|
| Nick Northover | Cllr Barker | Mickleover ward committee |
| Amanda Gouy de Muyncke | Cllr Webb | Staffing crisis in the care sector |
| Clare Wood | Cllr Hassall | Car Free Sundays |
| Ruth Coates | Cllr Hassall | Rethink programme |
| Pauline Inwood | Cllr Hassall | Support for climate change activism |
| Kevin Scott-Savage | Cllr Hassall | Guildhall report |
| Lucy Giuliano | Cllr Barker | Council questions process |
| Helen Hitchcock | Cllr Pearce | Public safety in parks and leisure facilities |
| Ruth Coates | Cllr Hassall | Banning unnecessary use of plastic |
| Pauline Inwood | Cllr Hassall | Active travel scheme proposals |
| Lucy Giuliano | Cllr Hassall | Cycling safety statistics |

Following a request by a public questioner, it was moved on the motion of the Mayor and seconded that a minute's silence was observed in respect of cyclists killed whilst using roads in Derby since 2020. The motion was put to the vote and carried. All in attendance then stood to observe a minute's silence.

It was reported by Councillor Pearce that long-standing public questioner Mr Simon Bacon was absent from the meeting due to a period of ill-health and admission to hospital. The Mayor and councillors wished Mr Bacon a speedy recovery.

80/22 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

81/22 Questions from non-Council Cabinet members

Questions and responses were heard as follows:

| Questioner | Respondent | Summary |
|---------------------------|---------------|--------------------------------------|
| Cllr Graves | Cllr Pearce | Replacement bin payments |
| Cllr Martin Cllr Lind | Cllr Webb | NHS crisis |
| Cllr Repton | Cllr Eyre | Libraries review |
| Cllr Whitby | Cllr Williams | Ashgate nursery |
| Cllr Shanker | Cllr Poulter | GBR |
| Cllr Peatfield | Cllr Hassall | Climate change |
| Cllr Dhindsa | Cllr Pearce | Budget impact - Streetpride |
| Cllr Hezelgrave | Cllr Pearce | Kingsway traffic lights |
| Cllr Carr | Cllr Pearce | Use of Glyphosate |
| Cllr Testro | Cllr Pearce | Highways maintenance |
| Cllr Care | Cllr Pearce | Hazardous waste |
| Cllr Naitta | Cllr Smale | Pre-payment letters |
| Cllr Graves | Cllr Webb | Varley Street |
| Cllr Shanker | Cllr Smale | Sinfin waste treatment plant |
| Cllr Peatfield | Cllr Hassall | High Street motion |
| Cllr Dhindsa | Cllr Eyre | Budget impact – Neighbourhood impact |
| Cllr Hezelgrave | Cllr Poulter | Socio-Economic duty |
| Cllr Care | Cllr Hassall | Highways seating |
| Cllr Shanker Cllr Care | Cllr Smale | Guildhall Theatre |
| Cllr Care | Cllr Smale | IT Climate impact |

82/22 Motion: Baby and Infant CPR

The Mayor reported that he had agreed to re-order the published agenda to accommodate two members of the public in attendance who held a personal interest in the matter under consideration at Item 13, having suffered a recent bereavement.

The following motion was moved by Councillor P Ingall, and seconded by Councillor C Ingall:

Before a new born baby is allowed to leave hospital and go home, their parents have to watch a four-minute video about not shaking babies, yet they do not have any training on performing CPR on babies. This Council resolves to write to the Derby and Burton Hospital Trust and ask them to introduce this measure and to write to the Secretary of State for Health and ask them to introduce this measure across all hospitals.

The motion was put to the vote and carried.

Resolved:

Before a new born baby is allowed to leave hospital and go home, their parents have to watch a four-minute video about not shaking babies, yet they do not have any training on performing CPR on babies. This Council resolves to write to the Derby and Burton Hospital Trust and ask them to introduce this measure and to write to the Secretary of State for Health and ask them to introduce this measure across all hospitals.

The Mayor expressed the Council's sincere condolences to the bereaved family observing from the public gallery and thanked them for raising awareness of the matter.

83/22 Minute extract 46/22 of the meeting of the Audit and Governance Committee held on 30 November 2022

A minute extract of the Audit and Governance Committee was considered, relating to the recruitment and retention of Independent Members of the Council's committees.

The minute noted that the Committee had been undertaking a review of the appointment of its two Independent Members and in doing so had established that the annual allowance paid to those individuals fell below Derby's comparator authorities. Following consultation with the Chair of the Independent Remuneration Panel, the minute proposed that the current annual allowance of £500 was increased to 10 per cent of the Basic Allowance payable to councillors, equating to £1,152 per year.

The minute was moved by Councillor West and seconded by Councillor Jennings, put to the vote and carried.

Resolved to approve minute 83/22 of the Audit and Governance Committee.

84/22 Minute extract 150/22 of the meeting of Council Cabinet meeting held on 11 January 2023

A minute extract of the Council Cabinet relating to the setting of the Council Tax Base for 2023/24 was considered. The minute noted that the Council had a legal responsibility to calculate a Council Tax base for each financial year and to notify both the Police and Crime Commissioner for Derbyshire and the Derbyshire Fire and Rescue Authority; it was reported that the calculation must be carried out between 1

December and 31 January in the preceding financial year to which the decision related. The Council Tax base was an estimated figure of the number of domestic properties expressed in terms of the number of 'Band D' equivalents in the Council's area.

The minute noted that the proposed Council Tax base for 2023/24 was 71,038.69 Band D equivalent properties compared with the 2022/23 Council Tax base of 70,030.60

The minute was moved by Councillor Smale and seconded by Councillor Poulter.

Resolved to approve minute 83/22 of the Audit and Governance Committee.

85/22 Interim Polling Place Review

A report of the Director of Legal, Procurement and Democratic Services was considered, in relation to an interim review of polling districts, polling stations and polling places. It was reported that the review had been conducted following the publication of the Local Government Boundary Commission for England's final recommendations in relation to the Council's ward boundaries.

The report noted that the proposals had been developed in accordance with guidance from the Electoral Commission and statutory responsibilities under the Representation of the People Act 1983. The recommendations had been subject to public consultation between October 2022 and January 2023 and sought to ensure that no more than 2,500 electors vote at a single polling station.

The report noted that owing to the requirement for polling district boundaries to be coterminous with both the current warding pattern and the warding pattern to be adopted from May 2023, the number of polling districts in the Council's area had increased from 87 to 102. It was reported that a further review would be undertaken within 16 months of the period commencing 1 October 2023.

It was moved by Councillor Barker and seconded by Councillor Poulter that the scheme of polling districts and polling places be approved. The recommendation was put to the vote and carried.

Resolved to approve the proposals for the scheme of polling districts and polling places set out at Appendix 1 to the report.

86/22 Constitutional Amendments

A report of the Strategic Director of Communities and Place was considered, seeking to amend the Council Constitution to include reference to statutory duties under Section 36 of the Counter Terrorism and Security Act 2015 to set up a local panel whose purpose is to identify and support individuals considered to be vulnerable to being drawn into terrorism.

It was reported that the Panel (known informally as the Channel Panel) had been in operation since 2007, but that statutory Channel Duty guidance required the Panel to

be established within the Council's Constitution. The report sought authority to make amendments to the Scheme of Delegations to delegate authority to the Strategic Director of Communities and Place to establish the Panel in line with the statutory guidance.

It was moved by Councillor Eyre and seconded by Councillor J Pearce that the recommendations in the report be approved. The recommendations were put to the vote and carried.

Resolved:

- 1. To delegate authority to the Strategic Director of Communities and Place to establish the 'Channel Panel' as a statutory panel made up of representatives as specified by the Counter Terrorism and Border Security Act 2019.**
- 2. To authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.**

87/22 Motion: Allestree Hall and Golf Course

The following motion was moved by Councillor Skelton, and seconded by Councillor Atwal:

Council notes that at its meeting in July 2021 a majority of councillors voted for the motion about Allestree Hall and Golf Course requesting "that Cabinet and Council officers do not give a further time extension to the company that, although the preferred bidder, has been unable to finalise the deal." A majority of councillors also voted to request "that Cabinet and Council officers ask Marketing Derby to identify suitable organisations who are interested in operating the Hall and Golf Course in an integrated manner or the golf course as a separate entity."

Council notes with deep concern that neither of these actions were pursued, which went against the expressed will of the majority of councillors.

Council notes with interest that in May 2021 Stoke Park was sold for an announced £57 million. This venue has an identical provenance to Allestree Hall, designed and built by James Wyatt, surrounded by a Harry S Colt designed golf course. It was also previously a municipally owned facility.

Council further notes that several more commercial organisations have recently expressed keen interest in buying Allestree Golf Course and Hall.

Council notes with alarm the extremely difficult budget position of this Council and believes the Council should actively be open to ways to increase its income.

The application submitted to Historic England for the Allestree site to be created as a designated historic landscape not only academically validated the research conducted, but established the historic importance, and potential commercial value, of the site.

Council therefore resolves to request that Cabinet and Council officers immediately fully co-operate with Historic England to undertake the single strand of additional

research required by Historic England to enable Derby to have the first ever UK golf course with its own designated historic landscape.

Council also resolves to request that Cabinet and Council officers ask Marketing Derby to open discussions and negotiations with organisations that are interested in buying Allestree Hall and Golf Course, and identify which would represent Best Value for Derby City Council.

It was moved by Councillor Shanker and seconded by Councillor Barker that under Council Procedure Rule CP42(d) the matter be referred to the Audit and Governance Committee, to consider whether the sale of Allestree Hall should be added to the committee's work programme and to determine any further investigation that the committee considered necessary.

In moving the motion without notice, Councillor Shanker noted that the sale of Allestree Hall had been repeatedly raised in motions and questions to Council, and that investigation by the committee was necessary to bring the matter to a close; protect the interests of the authority and ensure that best value for local taxpayers was being achieved.

The motion without notice was put to the vote and carried.

Resolved that under Council Procedure Rule CP42(d) the matter be referred to the Audit and Governance Committee.

The Mayor advised councillors that agreement of the motion without notice was not mutually exclusive of the substantive motion tabled by Councillor Skelton and that having been duly moved and seconded the matter required resolution by Council.

The substantive motion was put to the vote and lost.

88/22 Motion: Budget priorities for Climate Action

The following motion was moved by Councillor Care, and seconded by Councillor Carr:

The Met Office has reported that 2022 was the warmest year on record in the UK, with temperatures averaging over 10 degrees. The Met Office say that this is caused by human induced climate change.

Derby City Council recognised the need for action on Climate Change when it declared a Climate Emergency in May 2019. Last year, officers recommended that we should set a target of 2035 for Derby to become 'net zero' for climate emissions.

Council recognises that this is a challenging target but which acknowledges that cuts to carbon emissions need to be 'front-loaded' for maximum benefit. It is, however, a chance for Derby City Council to show clear leadership. Meeting this target will be particularly challenging given the current financial constraints on the Council.

Council recognises that officers have already done significant work to develop an action plan and strategy to help achieve Derby's net zero target, although the latter has not yet been widely shared nor yet approved by Cabinet.

To support this direction of movement, and in support of budget planning, Council states its support for Cabinet/Council (as appropriate) to:

- 1. Require any purchases of fossil fuel technology for items and equipment with an expected end of life exceeding the 2035 deadline to be approved by Cabinet and the value to be depreciated to April 2035, and for this change to be included in the revised Standing Orders currently being developed (note: items purchased now with an expected life of over 13 years would add to carbon emissions after our deadline. This could include gas boilers for commercial buildings that can be expected to last 15 to 25 years, and refuse vehicles which can last up to 20 years.).*
- 2. Plan preliminary work to cost the installation of turbines at weirs on the River Derwent at Darley Abbey and below Raynesway, following the successful example of the one installed by the Council House.*
- 3. Work proactively with Derby's electricity Distribution Network Operator to develop a plan for Derby's future energy requirements and generation potentials that would support the electrical network requirements for a Zero Carbon Derby by 2035.*
- 4. Explore with D2N2, the East Midland's Local Enterprise Partnership, and in future the EMCCA, the local combined mayoral authority, and others, to establish new manufacturing facilities in or near Derby to increase the supply of materials needed for zero carbon communities, such as building insulation and photovoltaic panels.*
- 5. Work with the financial sector and others to develop community-funding and share investment options to provide the capital needed to drive forward the investment needed for Derby to become net zero.*

And, asks Cabinet to include these developments in its proposals for budget spending in 2023/24.

It was moved by Councillor Peatfield and seconded by Councillor Dhindsa that the motion be amended by the deletion of paragraphs one to five of the resolution and the final paragraph, with the addition of the following words in their place:

- 1. Call an immediate meeting of the former Derby Climate Commission, now Green Board, with the objective to formalise climate and de-carbonisation priorities for the coming year, medium term and long term.*
- 2. Identify and earmark appropriate funding within the 2023-24 budget that will support the Green Board priorities.*
- 3. Request that the Leader of the Council give consideration as to how oversight and responsibility for the allocation of the funding be delegated to the Green Board.*

The amendment was put to the vote and carried.

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

Resolved:

The Met Office has reported that 2022 was the warmest year on record in the UK, with temperatures averaging over 10 degrees. The Met Office say that this is caused by human induced climate change.

Derby City Council recognised the need for action on Climate Change when it declared a Climate Emergency in May 2019. Last year, officers recommended that we should set a target of 2035 for Derby to become 'net zero' for climate emissions.

Council recognises that this is a challenging target but which acknowledges that cuts to carbon emissions need to be 'front-loaded' for maximum benefit. It is, however, a chance for Derby City Council to show clear leadership. Meeting this target will be particularly challenging given the current financial constraints on the Council.

Council recognises that officers have already done significant work to develop an action plan and strategy to help achieve Derby's net zero target, although the latter has not yet been widely shared nor yet approved by Cabinet.

To support this direction of movement, and in support of budget planning, Council states its support for Cabinet/Council (as appropriate) to:

1. Call an immediate meeting of the former Derby Climate Commission, now Green Board, with the objective to formalise climate and de-carbonisation priorities for the coming year, medium term and long term.
2. Identify and earmark appropriate funding within the 2023-24 budget that will support the Green Board priorities
3. Request that the Leader of the Council give consideration as to how oversight and responsibility for the allocation of the funding be delegated to the Green Board.

89/22 Motion without notice

The following motion without notice was moved by Councillor Barker and seconded by Councillor Poulter, under Council Procedure Rule CP42(n):

That Council Procedure Rules CP11-CP34 and CP39-40 shall be suspended for the meeting of Council to be held on Monday 27 February 2023 in order that the primary focus of that meeting is consideration of the Council's budget.

The Mayor clarified that the effect of the procedural motion would be to disapply the requirements for Public and Member Questions and Notices of Motion at the next meeting of the Council. It was moved by Councillor Shanker and seconded that the motion be amended by the deletion of the words 'and CP39-40'. The amendment was put to the vote and lost.

The motion without notice was put to the vote and lost.

MAYOR