

Time commenced - 6.00 pm
Time finished - 7.55 pm

COUNCIL MEETING 18 SEPTEMBER 2013

Present: The Mayor (Councillor Hussain) (in the Chair)
Councillors Afzal, Allen, Ashburner, Bailey, Banwait, Barker, Bayliss, Campbell, Carr, Davis, Dhindsa, Harwood, Hickson, Higginbottom, Holmes, Ingall, Jackson, Jennings, Jones, Keith, J Khan, S Khan, MacDonald, Martin, Naitta, Nawaz, Pegg, Poulter, Radford, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Troup, Turner, Webb, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Atwal, Bolton, Hillier and Roberts

33/13 Declarations of Interest

There were no Declarations of Interest.

34/13 Minutes of the previous meeting

Resolved that the Minutes of the meeting of the Council, held on 17 July 2013, be approved as a correct record, confirmed and signed by the Mayor.

35/13 Announcements by the Mayor

The Mayor announced that the immediate past Mayor, Councillor Higginbottom, would be undertaking a skydive in support of Derby County in the Community, on the forthcoming weekend, wishing her good luck and inviting Members who wished to sponsor her to contact her.

36/13 Statements by Members of the Council Cabinet

There were no statements.

37/13 Public Questions

A full 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 Dorothy Skrytek – concerning Organic Waste Collection, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
2. By Simon Bacon – concerning Raynesway Household Waste and Recycling Site, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
3. By Paul Chadwick – concerning Markeaton Nursery Budget, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
4. By Dorothy Skrytek – concerning Funding of Sinfen Waste Treatment Plant, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
5. By Simon Bacon – concerning Household Waste Treatment costs, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
6. By Paul Chadwick – concerning the City Flower Budget, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.

38/13 Written Questions about the Business or Functions of Derbyshire Fire and Rescue Authority and Derby Homes Ltd

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

39/13 Written Questions from Non Council Cabinet Members

There were no written questions from Non Council Cabinet Members to Members of the Council Cabinet or Committee Chairs.

40/13 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet of 14 August 2013 and 11 September 2013 requiring approval of the Council.

- 51/13 Additional borrowing for the Osmaston Vision.**
- 55/13 Approval of the Medium Term Financial Strategy.**
- 56/13 Additional borrowing for highways maintenance vehicles**
- 69/13 Adoption of Part 3 of the Food Act 1984.**
- 73/13 Additional borrowing for the Lighting Energy Reduction Scheme.**
- 75/13 Transfer of funds from the Beaufort Street scheme to the Roman House scheme.**

Resolved to approve the minutes and recommendations of the Council Cabinet dated 15 August 2013 and 11 September 2013.

41/13 Minutes and Recommendations of the Resources and Governance Overview and Scrutiny Board

The Council considered the minutes and recommendations of the Resources and Governance Overview and Scrutiny Board, of 19 August 2013 requiring approval of the Council.

16/13 Review of the Council's Call-In Procedure

Resolved to approve the minutes and recommendations of the Resources and Governance Overview and Scrutiny Board, of 19 August 2013.

42/13 Statutory Review of Polling Districts and Polling Places

The Council considered a report of the Strategic Director of Resources, which set out the requirements of and programme for a periodic review of Polling Districts and Polling Stations within the City.

Resolved on the motion of Councillor Bayliss and seconded:

- 1. to approve the publication of a statutory notice on Tuesday 1 October indicating the commencement of the 2013 review of polling districts and polling places**
- 2. to authorise the Director of Legal and Democratic Services to carry out the statutory review in accordance with the proposals and timescales set out in this report**
- 3. to delegate to the Resources and Governance Board agreement of draft proposals prior to the submission of the final report and recommendations to Council on 29 January 2014.**

43/13 Derby Plan Refresh 2013-2015

The Council considered a report of the Leader of the Council concerning a refresh of the Derby Plan 2013-2015.

The Mayor invited both the Leader of the Council and the Chair of the Corporate Scrutiny and Climate Change Overview and Scrutiny Board, to detail any recommendations put forward at Council Cabinet and the Board respectively, as each had met since the publication of the agenda. There were no changes recommended.

Resolved on the motion of Councillor Bayliss and seconded:

- 1. To review the contents of the draft Derby Plan and approve the adoption of the three Big Ambitions and Spotlights set out in refreshed Derby Plan as the Council's priorities.**
- 2. To delegate authority to the Chief Executive to make any final amendments to the Derby Plan in consultation with the Leader of the Council as Chair of Derby City and Neighbourhood Partnerships.**

44/13 Appointments to Derby Homes Board

The Council considered a report of the Strategic Director of Resources, concerning changes to governance arrangements at Derby Homes, one effect of which was to reduce the number of Members appointed to the Derby Homes Board from five to three

Resolved on the motion of Councillor Bayliss and seconded:

- 1. that subject to the approval of new governance arrangements at or before the Derby Homes Annual General Meeting on 28 November 2013:**
 - the appointments of Councillors Martin, Redfern, Roberts, Troup and Webb to the Derby Homes Board be rescinded**
 - Councillors Shanker and Redfern be appointed to the Derby Homes Board**
 - a further nomination from the Conservative group be received.**
- 2. that the resolution recommended above would take effect from the date agreed by the Derby Homes Board at or before its Annual General Meeting on 28 November 2013**
- 3. that the Chief Executive's delegated authority to make decisions on behalf of Council, following consultation with group leaders, or their deputies, be utilised to ratify appointments of independent members to the Derby Homes Board**
- 4. that the required changes to the Derby Homes Memorandum and Articles of Association will be agreed by Council Cabinet and notified to Companies House by special resolution before the Annual General Meeting of the Derby Homes Board.**

45/13 Appointment to Disability Direct

Resolved on the motion of Councillor Bayliss and seconded to appoint Councillor Roberts to the Board of Disability Direct.

Notices of Motion

1) *Electoral Fraud*

It was moved by Councillor Jones and seconded that

‘This Council notes the comments made by the judge in the recent election fraud case.

This Council calls on Derby Labour Party to fully co-operate with the police, to bring about the successful prosecution of all those others involved in the electoral fraud that took place in Arboretum Ward at the May 2012 elections.’

It was moved by Councillor Holmes and seconded that the motion be amended with the addition of the following two paragraphs

‘Council notes that in 2012 the Electoral Commission carried out a wide-ranging review, to identify whether there are opportunities to improve confidence in the security of electoral processes in the UK, with its findings and recommendations due to be published this Autumn.

In light of on-going concerns regarding the integrity of elections locally, Council agrees to write to the Electoral Commission, to invite them to oversee the local and European elections taking place on 22 May 2014 and to work in liaison with Derbyshire Police and Derby City Council officers.’

In accordance with rule CP68, it was requested by at least ten Members that a recorded vote be taken on the amendment

The following Members voted for the amendment

Councillors Allen, Ashburner, Bailey, Barker, Carr, Davis, Harwood, Hickson, Holmes, Ingall, Jennings, Jones, Keith, Naitta, Poulter, Radford, Skelton, Troup, Webb, Williams, F Winter, Wood. (22)

The following Members voted against the amendment

Councillors Afzal, Banwait, Bayliss, Campbell, Dhindsa, Higginbottom, Hussain (The Mayor), Jackson, J Khan, S Khan, MacDonald, Martin, Nawaz, Pegg, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, Whitby, L Winter. (25)

The amendment was lost.

It was moved by Councillor Bayliss and seconded that the motion be amended, to read

'This Council notes the comments made by the judge in the recent election fraud case.

This Council notes the willingness of all political parties in Derby, to fully co-operate with the police if required on any issue, including this one.

Council condemns the electoral fraud that took place in Arboretum Ward at the May 2012 elections.

Council further condemns the actions of the Liberal Democrat Group for its attempts to capitalise on these matters for political gain, attempting to usurp the investigatory role of the police, the prosecuting role of the Crown Prosecution Service and the judicial role of the courts.

Council also condemns the readiness of the Derby Liberal Democrat Group to waste police time and taxpayers' money in recent years with unsubstantiated allegations.

In particular, Council condemns the actions of the Liberal Democrat Group for reporting a member of the Conservative Group to the police over the nomination of an underage candidate in the 2006 local elections, despite there being no evidence or suggestion of intent, corruption or malice.

Council also condemns the Liberal Democrat Group, for reporting a member of the Labour Group to the police, for simply entering a meeting room, leading to an investigation and waste of thousands of pounds of taxpayers' money.

Council notes that the only known instances of a councillor or candidate in Derby being charged for crimes in recent years, were the prosecution of the former Liberal Democrat Leader of the Council, between 2003 and 2005, for sex crimes against a child and the charging of a Liberal Democrat candidate for assault.

Council further notes that the only known instance in Derby's recent history of a councillor having been forced to resign their position, for failure to undertake their duties, related to a Liberal Democrat councillor in 2008, when they moved to Blackpool.

Council notes the motion published in the Council agenda on 11 September 2013, for consideration at the meeting on 18 September 2013, in relation to electoral fraud.

Council calls upon the Liberal Democrat Group proposer and seconder of the motion, to either come forward to the police with any information, which prompted the motion, or refrain from attempting to capitalise on these important matters, for narrow party political gain.'

The amendment was carried

It was moved by Councillor Hickson and seconded that the amended motion be further amended by deletion of paragraph four onwards of the amended motion and insertion of a fifth paragraph to read

'Council agrees to report the matter to the Electoral Commission, to invite them to oversee the local and European elections taking place in Derby City on 22 May 2014 and to work in liaison with Derbyshire Police and Derby City Council officers'

In accordance with rule CP68, it was requested by at least ten Members that a recorded vote be taken on the amendment

The following Members voted for the amendment

Councillors Allen, Ashburner, Bailey, Barker, Carr, Davis, Harwood, Hickson, Higginbottom, Holmes, Ingall, Jennings, Jones, Keith, Naitta, Poulter, Radford, Skelton, Troup, Webb, Williams, F Winter, Wood. (23)

The following Members voted against the amendment

Councillors Afzal, Banwait, Bayliss, Campbell, Dhindsa, Hussain (The Mayor), Jackson, J Khan, S Khan, MacDonald, Martin, Nawaz, Pegg, Rawson, Redfern, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, Whitby, L Winter. (24)

The amendment was lost.

Resolved that

‘This Council notes the comments made by the judge in the recent election fraud case.

**This Council notes the willingness of all political parties in Derby, to fully co-operate with the police if required on any issue, including this one.
Council condemns the electoral fraud that took place in Arboretum Ward at the May 2012 elections.**

Council further condemns the actions of the Liberal Democrat Group for its attempts to capitalise on these matters for political gain, attempting to usurp the investigatory role of the police, the prosecuting role of the Crown Prosecution Service and the judicial role of the courts.

Council also condemns the readiness of the Derby Liberal Democrat Group to waste police time and taxpayers’ money in recent years with unsubstantiated allegations.

In particular, Council condemns the actions of the Liberal Democrat Group for reporting a member of the Conservative Group to the police over the nomination of an underage candidate in the 2006 local elections, despite there being no evidence or suggestion of intent, corruption or malice.

Council also condemns the Liberal Democrat Group, for reporting a member of the Labour Group to the police, for simply entering a meeting room, leading to an investigation and waste of thousands of pounds of taxpayers’ money.

Council notes that the only known instances of a councillor or candidate in Derby being charged for crimes in recent years, were the prosecution of the former Liberal Democrat Leader of the Council, between 2003 and 2005, for sex

crimes against a child and the charging of a Liberal Democrat candidate for assault.

Council further notes that the only known instance in Derby's recent history of a councillor having been forced to resign their position, for failure to undertake their duties, related to a Liberal Democrat councillor in 2008, when they moved to Blackpool.

Council notes the motion published in the Council agenda on 11 September 2013, for consideration at the meeting on 18 September 2013, in relation to electoral fraud.

Council calls upon the Liberal Democrat Group proposer and seconder of the motion, to either come forward to the police with any information, which prompted the motion, or refrain from attempting to capitalise on these important matters, for narrow party political gain.'

Councillor Williams left the meeting at this point

2) Non-Eviction Policy

It was moved by Councillor Ashburner and seconded that

'This Council welcomes the additional Discretionary Housing Payment (DHP) funding made available by the Government since April 2013, designed to help people who are under occupying and fall into arrears. The Council notes that Derby Homes is already working closely with tenants to manage arrears resulting from under occupancy.

Other social housing tenants who are facing hardship as a result of under occupation charges may not have such accommodating landlords.

This Council therefore agrees to introduce a non eviction policy related to under occupation charges where the following criteria are met.

- where the tenant has applied for rehousing to remove under occupation
- where the tenant has applied for a DHP award
- where the tenant has maintained their tenancy effectively in terms of overall property condition and standards of behaviour.

Council proposes that once the tenant has applied for rehousing and can bid for properties, they will also be offered properties to consider. If they refuse two reasonable offers to downsize they will no longer be protected by this policy.

Furthermore Council calls upon the Coalition Government to follow expected Liberal Democrat policy, and excuse those who have registered to downsize from the under occupancy penalty.

Stockport Council has successfully implemented similar proposals.

It was moved by Councillor Shanker and seconded that the motion be amended to read

'This Council welcomes the additional Discretionary Housing Payment (DHP) funding made available since April 2013, while noting that its beneficial impact on people who are under-occupying and fall into arrears will not be enough to offset the damage caused by the Government's introduction of the 'bedroom tax'. The Council notes that the Cabinet Member for Housing and Advice and Derby Homes are already working closely with tenants to manage arrears resulting from under occupancy.

This Council therefore agrees:

- to recognise the impact the bedroom tax is having on vulnerable families and the work that Derby City Council and Derby Homes are doing to help those affected
- to condemn the bedroom tax and call for all parties to commit to repealing it as per letters already written to Iain Duncan-Smith and Ed Miliband by the Cabinet Member for Housing and Advice, Councillor Baggy Shanker
- to invite Councillor Shanker to write to Nick Clegg on behalf of the Derby Liberal Democrats highlighting the impact of the bedroom tax in the city and calling for the policy to be repealed.

Council proposes that resources will continue to be employed to minimise the impact of the bedroom tax on residents. This includes clearly communicating the changes to tenants; supporting and facilitating moves or mutual exchanges; and managing rent arrears, by offering budgeting advice and finding suitable alternative accommodation.'

The amendment was carried

Councillor F Winter left the meeting during this debate

It was moved by Councillor Ashburner and seconded that the motion as amended be further amended by the deletion of the words 'on behalf of the Derby Liberal Democrats' from the third bullet point.

The amendment was lost.

Resolved that:

'This Council welcomes the additional Discretionary Housing Payment (DHP) funding made available since April 2013, while noting that its beneficial impact on people who are under-occupying and fall into arrears will not be enough to offset the damage caused by the Government's introduction of the 'bedroom tax'. The Council notes that the Cabinet Member for Housing and Advice and Derby Homes are already working closely with tenants to manage arrears resulting from under occupancy.

This Council therefore agrees:

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Council proposes that resources will continue to be employed to minimise the impact of the bedroom tax on residents. This includes clearly communicating the changes to tenants; supporting and facilitating moves or mutual exchanges; and managing rent arrears, by offering budgeting advice and finding suitable alternative accommodation.'

Mayor