

Time commenced - 6.00 pm
Time finished - 9.35 pm

COUNCIL MEETING 19 DECEMBER 2012

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

Apologies for Absence

Apologies for absence were received from Councillors Bolton, Webb and Williams

48/12 Declarations of Interest

There were no declarations of interest

49/12 Minutes of the previous meeting

Resolved that the Minutes of the meeting of the Council, held on 19 September 2012, be approved as a correct record, confirmed and signed by the Mayor.

50/12 Announcements by the Mayor

The Council stood in silence, as a tribute to the memory of former Director of Environmental Services, Mr Gerald Lacey, who had passed away since the last meeting of the Council

The Mayor received a fundraising certificate from Councillor Holmes, following their joint efforts in a recent karaoke competition.

The Mayor informed Council that this would be the last meeting attended by Mr Stuart Leslie – Monitoring Officer and Ms Kirsty Green, Local Government Correspondent of the Derby Telegraph. Gifts were presented to both and Mr Leslie made a speech of thanks.

The Mayor reminded Council that this would be the last meeting in the Darwin Room, before the return to the Council Chamber and thanked the Derby Live Technical Team for their efforts in accommodating the technical demands of Council meetings for the past two years.

The Mayor introduced Miss Rea Ephgrave and Miss Riley Ephgrave to the meeting. They each told a joke to Council, in line with the Mayor's stated intention that all meetings during her term would begin with a joke told by a schoolchild.

51/12 Statements by Members of the Council Cabinet

Councillor Dhindsa, Council Cabinet Member for Planning, Environment and Public Protection made a statement on climate change commitments and developments. Councillors Holmes and Troup responded.

52/12 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 Simon Bacon – concerning Sinfin Waste Treatment Plant – 3rd party waste, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
2. By Dorothy Skrytek – concerning Household Waste, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
3. By Jo Orrell, representing the questioner Helen Greig, who was unable to be present – concerning 'Living Wage', answered by Councillor Russell., Council Cabinet Member for Business, Finance and Democracy
4. By Brett Sentance – concerning Housing Providers in Derby, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
5. By Jackie Carpenter – concerning Milestone House, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
6. By Mary Johnson –concerning Children's Therapeutic Services, answered by Councillor Rawson, Council Cabinet Member for Children and Young People
7. By Simon Bacon – concerning Sinfin Waste Treatment Plant – Waste Contract, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride

8. By Brett Sentance – concerning Emergency Housing Provision, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
9. By Jackie Carpenter – concerning Private Sector Housing for Rent, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
10. By Dorothy Skrytek –concerning Brown Bins, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride

53/12 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.

54/12 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 Skelton – concerning the Shadow Health and Wellbeing Board, answered by Councillor Bayliss, Leader of the Council
2. By Councillor Atwal – concerning Neighbourhood Working Strategy, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
3. By Councillor Ashburner – concerning City Centre CCTV, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
4. By Councillor Ashburner –concerning the cost of City Centre litter collection, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
5. By Councillor Ingall – concerning consultation with Derby Homes tenants, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
6. By Councillor Ingall – concerning Questions for Derby Homes tenants, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
7. By Councillor Ingall – concerning Funding of Derby Homes, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice

8. By Councillor Ingall –concerning income generated through Strategic Housing, answered by Councillor Shanker, Council Cabinet Member for Housing and Advice
9. By Councillor Poulter – concerning the date of City Centre non-collection of litter, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
10. By Councillor Holmes –concerning impact of City Centre non-collection of litter, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride
11. By Councillor Holmes –concerning the Council House Refurbishment, answered by Councillor Bayliss, Leader of the Council

55/12 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet of 17 October, 7 November and 5 December 2012 requiring approval of the Council.

81/12 Global Technology Cluster

To recommend Council to approve the additional borrowing – to deliver essential core infrastructure works.

83/12 Acquisition of the Former Magistrates Court, Derwent Street, Derby

To recommend Council to approve the additional borrowing of £515,000 from either the LEP or the Council's traditional source of finance. *The Leader of the Council informed Council that this has subsequently been confirmed as funded by the LEP.*

89/12 Improvements to the Petitions Scheme

To recommend Council to adopt the Petitions Scheme.

105/12 Local Authority Mortgage Scheme

To approve £1m of Council money in support of the Local Authority Mortgage Scheme, subject to Council approval of the necessary changes to the treasury management strategy.

121/12 Council Tax Charges on Empty and Unoccupied Properties

To recommend to Council that Council Tax at the following rates be charged from 1 April 2013:

1.
 - a) Properties classed as Second Homes – charge at 100% which is an increase from current 90% charge.
 - b) Properties currently classed as exempt Class A and therefore have no Council Tax to pay– charge at 100%.

- c) Properties currently classed as exempt Class C and therefore have no Council Tax to pay– charge at 100%.
 - d) Properties empty and unoccupied for more than two years – charge at 150% which is an increase from the current 90% charge.
 - e) Properties currently classed as exempt Class L and therefore have no Council Tax to pay– charge at 100%.
2. To recommend to Council that the amount of Council Tax charged on properties empty and unoccupied for more than six months but less than two years be changed from its current rate of 90% to 100% from 1 April 2013.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 17 October, 7 November and 5 December 2012.

56/12 Minutes and Recommendations of the Neighbourhoods Overview and Scrutiny Board

The Council considered the minutes and recommendations of the Neighbourhoods Overview and Scrutiny Board of 25 September 2012, requiring the approval of the Council

15/12 Police and Crime Panels Update

to recommend to Council that it ensures future appointments to the Police and Crime Panel include the Chair of the overview and scrutiny board with the responsibility for crime and disorder.

Resolved to approve the minutes and recommendations of the Neighbourhoods Overview and Scrutiny Board dated 25 September 2012.

57/12 Minutes and Recommendations of the General Licensing Committee

The Council considered the minutes and recommendations of the General Licensing Committee of 6 December 2012, requiring the approval of the Council

23/12 Gambling Act Statement of Principles

to recommend Council to approve the adoption of the revised Statement of Principles.

Resolved to approve the minutes and recommendations of the General Licensing Committee dated 6 December 2012.

58/12 Appointment of Monitoring Officer, Electoral Registration Officer and Returning Officer

The Council considered a report of the Strategic Director of Resources, detailing the need to appoint to three statutory posts on the impending retirement of the Director of Legal and Democratic Services.

Resolved on the motion of Councillor Bayliss and seconded, to approve the appointment of Janie Berry, Director of Legal and Democratic Services Designate as Monitoring Officer, Electoral Registration Officer and Returning Officer, with effect from 11 January 2013.

59/12 Appointments to the Discretionary Housing Payments Committee

The Council considered a report of the Strategic Director of Resources, detailing the need to appoint Members to a Discretionary Housing Payments Committee, to enable appeals from claimants who are dissatisfied with their assessment of the Discretionary Housing Payment element. The Council's published Appeals Procedure specifically allows for Member involvement.

Resolved on the motion of Councillor Bayliss and seconded:

- **to add the Discretionary Housing Payments appeal function to the responsibilities of the Taxi Licensing and Appeals Committee as a sub committee**
- **to require that DHPC be made up of any three members of that committee, to include a Chair or one of the Vice Chairs**
- **to instruct officers to ensure that members of DHPC are trained in the appeal function before they sit on any appeals.**

60/12 Appointment to the role of Heritage Champion for Derby

The Council considered a report of the Strategic Director of Resources, detailing the advantages of appointing a Member to the role of Heritage Champion for Derby – a role created by the government agency, English Heritage, to improve liaison between local authorities and the agency.

Resolved on the motion of Councillor Bayliss and seconded to approve the appointment of the Cabinet Member for Planning, Environment and Public Protection, as Heritage Champion for Derby.

60/12 Notices of Motion

- 1) *Living Wage*

It was moved by Councillor Carr and seconded that

'Derby City Council champions the adoption of a 'Living Wage.' The 'Living Wage' is an hourly rate that is set by a national charity known as 'The Living Wage Foundation.' Adopting this would ensure low paid workers earn enough to provide for themselves and their families. Derby City Council commits to paying all employees this rate as a minimum. Derby City Council will also encourage all sub contractors and those doing work for the council to adopt the same principle.'

It was moved by Councillor Russell and seconded that the motion be amended by the replacement of the word 'would' with 'will' , 'commits' with 'has already committed' and the insertion of the words 'and welcomes the commitment already made by the Labour administration to make the authority a Living wage employer'

The amendment was carried

Resolved that

'Derby City Council champions the adoption of a 'Living Wage' and welcomes the commitment already made by the Labour administration to make the authority a Living wage employer.

The 'Living Wage' is an hourly rate that is set by a national charity known as 'The Living Wage Foundation.' Adopting this will ensure low paid workers earn enough to provide for themselves and their families.

Derby City Council has already committed to paying all employees this rate as a minimum. Derby City Council will also encourage all sub contractors and those doing work for the council to adopt the same principle.'

2) Support for Wild Derby

It was moved by Councillor Holmes and seconded that

'This Council reaffirms its support of the 'Wild Derby' project and acknowledges it is a valued service that, despite its modest budget, carries out excellent work, via its single member of staff and hundreds of volunteers across the city.

Wild Derby's funding was protected in 2010/11 and 2012/13 by the previous Conservative-led administration, with all three political groups voting in favour of a motion to support the project brought to Council in January 2011.

Therefore, the Council asks Cabinet to protect the modest funding for Wild Derby that is currently being proposed for termination as part of the Labour administration's 2013/14 budget proposals.'

It was moved by Councillor Dhindsa and seconded that the motion be amended by:

the replacement of the words 'reaffirms its support' with 'is supportive' and 'acknowledges' with 'does acknowledge that' and the deletion of paragraphs 2 and 3 and by the insertion of the words:

'Council requests that the proposer and seconder of the motion attend the Planning, Housing and Leisure Scrutiny Board on 7 January 2013 and at that consultation meeting, present their alternative budget proposals for discussion'

and

‘Council asks the Planning, Housing and Leisure Scrutiny Board, at the budget consultation meeting, to consider the Wild Derby service proposals in the context of the other budget savings that are being put forward and consider any alternative proposals that are put forward as part of the Board’s budget recommendations’

The amendment was carried

Resolved that

‘This Council is supportive of the ‘Wild Derby’ project and does acknowledge that it is a valued service that, despite its modest budget, carries out excellent work, via its single member of staff and hundreds of volunteers across the city.

Council requests that the proposer and seconder of the motion attend the Planning, Housing and Leisure Scrutiny Board on 7 January 2013 and at that consultation meeting, present their alternative budget proposals for discussion

Council asks the Planning, Housing and Leisure Scrutiny Board, at the budget consultation meeting, to consider the Wild Derby service proposals in the context of the other budget savings that are being put forward and consider any alternative proposals that are put forward as part of the Board’s budget recommendations’

3) Blue Badge parking charges

It was moved by Councillor Wood and seconded that

‘Council calls upon the Cabinet Member for Neighbourhoods to reject any proposal to charge Blue badge holders for parking in City Council – run car parks.’

It was moved by Councillor Banwait and seconded that the motion be amended by:

The replacement of the words ‘reject any proposal’ with ‘work with the Disability Champion to explore alternatives’ ‘charge’ with ‘charging’ and deletion of the word ‘city’ and by the insertion of the words ‘while noting that such unwelcome proposals are the inevitable result of swingeing cuts imposed by a Tory-led Government, which seems determined to punish society’s most vulnerable people.’

The amendment was carried

Resolved that

‘Council calls upon the Cabinet Member for Neighbourhoods to work with the Disability Champion to explore alternatives to charging Blue Badge holders for parking in council-run car parks, while noting that such unwelcome proposals are the inevitable result of swingeing cuts imposed by a Tory-led Government, which seems determined to punish society’s most vulnerable people.’

4) Highways Department consultation

It was moved by Councillor Ingall and seconded that

‘Council agrees that a formal procedure is put into place, to ensure DCC Highways Department, and/or other relevant department, carry out consultation, in advance, with Members, regarding infrastructure or utility works scheduled that have the potential to significantly impact upon local residents in their ward, for a period of a month or more.’

It was moved by Councillor Banwait and seconded that the motion be amended by:

Deletion of the words ‘is’, ‘DCC Highways Department, and/or other relevant department’ and ‘for a period of a month or more’ and insertion of the words

‘additional powers are required from Government to tackle the issue of some utility companies not adequately consulting local authorities before undertaking maintenance works, causing some disruption to local people. Council commends the Labour administration for showing decisive leadership on the issue by applying to the Department for Transport in October, to enable the authority to introduce a permit scheme for road and street works activity. Council notes that the permit scheme would apply to major roads and important local roads, enabling ‘to be’ ‘utility companies’ ‘Council notes that the permit scheme will allow the authority to levy fines where companies do not comply with reasonable stipulations and that this is a significant change from the current position where some companies have a right to dig up the road and the local authority is merely able to offer guidance and ‘Council notes that the outcome of the application is expected early in the new year and is reliant on the Secretary of State’s approval’

The amendment was carried

Resolved that

‘Council agrees that additional powers are required from Government to tackle the issue of some utility companies not adequately consulting local authorities before undertaking maintenance works, causing some disruption to local people.

Council commends the Labour administration for showing decisive leadership on the issue by applying to the Department for Transport in October, to enable the authority to introduce a permit scheme for road and street works activity.

Council notes that the permit scheme would apply to major roads and important local roads, enabling a formal procedure to be put into place, to ensure utility companies carry out consultation, in advance, with members, regarding infrastructure or utility works scheduled that have the potential to significantly impact upon local residents in their ward.

Council notes that the permit scheme will allow the authority to levy fines where companies do not comply with reasonable stipulations and that this is a significant change from the current position where some companies have a right to dig up the road and the local authority is merely able to offer guidance.

Council notes that the outcome of the application is expected early in the new year and is reliant on the Secretary of State’s approval’

5) *Charging for Brown Bin collection*

Councillor Carr agreed to withdraw the motion submitted, as it was similar to motion 6.

6) *Charging for Brown Bin collection*

It was moved by Councillor Poulter and seconded that

‘Council acknowledges that in recent years, Derby has been recognised as one of the best performing cities for recycling rates. This success is due to the efforts of households across Derby, embracing kerbside recycling collections in return for the Council Tax that they pay.

The Labour administration’s recent announcement, that a £40 charge is proposed for brown bin collections would, if implemented, have a hugely detrimental effect on Derby’s recycling rates. It would also increase fly tipping and require the increased use of land fill at significant cost to local tax payers, along with a significant level of administration and enforcement.

With Council tax proposed to be increased by the maximum level allowed, before the need to hold a public referendum and when taking into account this extra charge, for a service already funded by Council tax, householders in Derby face what equates to an increase of around 5%.

Council believes that proposals for a brown bin collection charge are wholly unacceptable and will place a significant financial burden on households, at a time when they can least afford it and therefore calls for the implementation of the charge to be ruled out by the Labour administration.’

It was moved by Councillor Banwait and seconded that the motion be amended by:

deletion of the words:

‘in return for the’, ‘that they pay’, ‘recent announcements’, ‘would, if implemented, have a hugely’, ‘it would increase’, ‘require the increased use of’ and ‘at significant cost to local taxpayers, along with a significant level of administration and enforcement’ and of paragraphs 3 and 4
and

insertion of the words:

‘and the efforts of the council to deliver this service though funding available from a combination of Government grant and’, ‘recently announced’, ‘because of cuts imposed by the coalition Government’, ‘a year or 77p a week’, ‘Council notes that any potential’, ‘and any risk of increased’, ‘has had to be balanced against the necessity to protect frontline services like Children’s Centres and care homes at a time of unprecedented Government cuts which threaten some of society’s most vulnerable people’, and ‘Council requests that the proposer and seconder of the motion attend the Corporate Scrutiny and Climate Change Board meeting on 7 January 2013, and at that meeting present their alternative budget proposals for discussion’, ‘Council asks the Corporate Scrutiny and Climate Change Board, at the budget consultation

meeting and as the over-arching scrutiny board, with authority to examine all council service areas, to consider as part of its discussion, proposals to charge for brown bin collections, in the context of the other budget saving proposals being put forward'

The amendment was carried

Resolved that

'Council acknowledges that in recent years, Derby has been recognised as one of the best performing cities for recycling rates. This success is due to the efforts of households across Derby, embracing kerbside recycling collections and the efforts of the council to deliver this service though funding available from a combination of Government grant and Council Tax

The Labour administration has recently announced, that because of cuts imposed by the coalition Government, a £40 a year or 77p a week charge is proposed for brown bin collections. Council notes that any potential detrimental effect on Derby's recycling rates and any risk of increased fly tipping and land fill has had to be balanced against the necessity to protect frontline services like Children's Centres and care homes at a time of unprecedented Government cuts, which threaten some of society's most vulnerable people.

Council requests that the proposer and seconder of the motion attend the Corporate Scrutiny and Climate Change Board meeting on 7 January 2013, and at that meeting present their alternative budget proposals for discussion.

Council asks the Corporate Scrutiny and Climate Change Board at the budget consultation meeting and as the over-arching scrutiny board, with authority to examine all council service areas, to consider as part of its discussion proposals, to charge for brown bin collections, in the context of the other budget saving proposals being put forward'

7) *Anti- litter initiatives*

It was moved by Councillor Poulter and seconded that

'Council welcomes and supports the local 'Clean up Derby Campaign', which seeks, in conjunction with DCC's own 'Take Pride in your Street' initiative, to improve littered neighbourhoods across the City.

Communities across the City should be encouraged to have pride in their neighbourhood and be supported in taking responsibility for their local environment.

Therefore Council pledges to:

- **Work to ensure that our city remains attractive, clean and welcoming to residents and visitors at all times**
- **Maintain the capacity to respond to these issues and provide excellent public services, by ensuring appropriate levels of cleansing staff, inspections and grounds maintenance staff, together with regular use of mechanical sweeping**

- Support the 'Take Pride in your Street' initiative, by the use of seasonal planting and baskets, to enhance the appearance of our city's streets and parks.'

It was moved by Councillor Banwait and seconded that the motion be amended by:
deletion of the words:

'local', 'DCC's own', 'initiative', 'pledges', 'support', 'by', 'the' and 'of'

and the insertion of the words:

'Derby Telegraph's', 'the Labour administration's', 'and Golden Bin', 'initiatives', 'supports the Labour administration's commitment', 'deliver', 'Council also urges all members to encourage community groups to volunteer to' and 'following the proposal to reduce council funding in this area as a result of cuts imposed by the Tory –led and LibDem - supported coalition Government'

The amendment was carried

Resolved that

'Council welcomes and supports the Derby Telegraph's 'Clean up Derby Campaign', which seeks, in conjunction with the Labour administration's 'Take Pride in your Street' and 'Golden Bin' initiatives, to improve littered neighbourhoods across the City.

Communities across the City should be encouraged to have pride in their neighbourhood and be supported in taking responsibility for their local environment.

Therefore Council supports the Labour administration's commitment to:

- **work to ensure that our city remains attractive, clean and welcoming to residents and visitors at all times**
- **maintain the capacity to respond to these issues and provide excellent public services, by ensuring appropriate levels of cleansing staff, inspections and grounds maintenance staff, together with regular use of mechanical sweeping**
- **deliver the 'Take Pride in your Street' initiative.**

Council also urges all members to encourage community groups to seasonal planting and baskets to enhance the appearance of our city's streets and parks following the proposal to reduce council funding in this area as a result of cuts imposed by the Tory - led and LibDem - supported coalition Government'

8) *Protection of Council services*

It was moved by Councillor Holmes and seconded that:

'Council agrees that measures should be put into place that protect council services from being deliberately disrupted or temporarily ceased by decision of a Cabinet

member, due to anything other than operational/safety reasons or in dealing with an emergency.'

The motion was defeated

Mayor