

# ITEM 3

Time commenced - 6.00pm  
Time finished - 10.10pm

## **COUNCIL**

**27 September 2018**

Present: The Mayor, Councillor Carr, and Councillors Afzal, Anderson, Ashburner, Barker, Bettany, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, Graves, Grimadell, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Keith, J Khan, S Khan, Marshall, McCristal, Nawaz, Peatfield, A Pegg, P Pegg, Potter, Poulter, Raju, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Webb, West, Williams, Willoughby, Winter and Wood.

### **42/18 Apologies for Absence**

Apologies were received from Councillors Bayliss, Jackson and Naitta.

### **43/18 Declarations of Interest**

There were no declarations.

### **44/18 Minutes of the meeting held on 12 July 2018**

The minutes were approved as a correct record.

### **45/18 Announcements from the Mayor**

The Mayor welcomed the public attending in the gallery or to ask questions.

The Mayor announced the passing of Bob Wheldon, who had served as Mayor's Chauffeur at Sargeant-at-Mace. Councillor Wood, who had been Mayor of Derby during Mr Wheldon's time in the role, spoke about him and offered the council's sympathies to the family. A moment's silence was observed.

Under rule CP42(c), the Mayor proposed to reorder the agenda by considering immediately the proposal at Item 13 on the agenda, as a matter of courtesy to those in attendance in the public gallery. This proposal was carried by consensus.

### **46/18 Exclusion of the Press and Public**

It was moved by the Mayor, and seconded by Councillor Ashburner, that:

*Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of items 14 and 15 only, on the grounds of the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.*

The Monitoring Officer addressed Council and advised why the matter due to be considered had been recommended for exemption. Councillors were reminded of their obligation to consider the Monitoring Officer's opinion and their obligations under the Members' Code of Conduct.

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 of the motion:

Councillors Ashburner, Barker, Care, Cooper, Grimdall, Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, McCristal, A Pegg, Potter, Poulter, Roulstone, Smale, Webb, Williams, Willoughby, Wood and the Mayor of Derby, Councillor Carr (22)

Those against the motion:

Councillors Afzal, Anderson, Bettany, Dhindsa, Eldret, Evans, Froggatt, Graves, Hezelgrave, Hussain, J Khan, S Khan, Nawaz, Peatfield, P Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, West and Winter (24)

Abstentions:

Councillors Marshall and Skelton (2).

The motion was lost.

## 47/18 Statements from Members of the Council Cabinet

There were no statements

## 48/18 Questions from the public to members of the Council Cabinet

Questions and answers were put and responded to as follows:

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Dorothy Skrytek	Councillor M Holmes	Clean Air Zone Modelling
Douglas Lumley	Councillor Barker	Taxi Licensing
Adrian Perry	Councillor Webb	Health Spending
Marcus James		
Simon Bacon	Councillor Smale	Incineration tax
Paul Weller	Councillor Poulter	Support for EU Nationals
Bernadette Grosse	Councillor Webb	CCG voluntary sector funding
Reg Hand	Councillor M Holmes	Clean Air Zone consultation
David Clasby	Councillor M Holmes	Reduction of motor vehicles
Ashok Hemmings	Councillor Poulter	Brexit impact on city employers
Simon Hemmings	Councillor Poulter	Brexit impact
Ashok Hemmings		
Peter Robinson	Councillor M Holmes	Air pollution deaths
Douglas Lumley	Councillor M Holmes	A52 overspend reporting
Simon Bacon	Councillor Smale	Predicted future waste levels
Paul Weller	Councillor Poulter	Permanent EU citizenship membership
Bernadette Grosse	Councillor Webb	Winter health concerns
Reg Hand	Councillor M Holmes	Derby Green Forum invitation
Marcus James	Councillor Webb	CCG accountability

David Clasby	Councillor M Holmes	Dispersion of air pollution
Jennifer Stone	Councillor M Holmes	Sinfin Lane air quality
Peter Robinson	Councillor Webb	Aston Hall helpline and psychotherapy

## 49/18 Questions relating to Derbyshire Fire Authority or Derby Homes

There were no questions.

## 50/18 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

Question	Respondent	Subject
Councillor Bayliss	Councillor M Holmes	Alvaston District Centre
Councillor Eldret	Councillor Smale	Sinfin Waste Treatment Plant
Councillor Graves	Councillor Webb	Support services for carers contract
Councillor West	Councillor Grimadell	Library savings
Councillor Shanker	Councillor Smale	Waste plant acceptance test
Councillor Ashburner	Councillor M Holmes	Tall building policy
Councillor Afzal	Councillor Smale	Neighbourhood working
Councillor Naitta	Councillor Barker	Use of council buildings by community groups
Councillor Bayliss	Councillor M Holmes	Alvaston District Centre highway improvements
Councillor Graves	Councillor M Holmes	Mitre pub regeneration
Councillor Shanker	Councillor Barker	Boundary review
Councillor Afzal	Councillor Smale	Bins on streets
Councillor Bayliss	Councillor Smale	Canal path update
Councillor Graves	Councillor Webb	HMO policy development
Councillor Shanker	Councillor Barker	City centre public toilets
Councillor Afzal	Councillor M Holmes	Community Protection Officers
Councillor Bayliss	Councillor Smale	Church Street costs
Councillor Graves	Councillor Smale	Match day parking
Councillor Shanker	Councillor Smale	New household waste site
Councillor Bayliss	Councillor Grimadell	Alvaston Park motorcycle use

## 51/18 Council Cabinet Minute Extract 61/18

A minute extract from the meeting of Council Cabinet held on 12 September 2018 was provided to Council. It included recommendations to Council involving delegations to officers relating to the Derbyshire Business Support Grants Scheme. It was moved by Councillor Poulter, and seconded by Councillor M Holmes, that the recommendations be approved.

**Resolved to approve the recommendations made to Council by Council Cabinet as shown in Minute 61/18 of the meeting held on 12 September 2018.**

## 52/18 Annual Report of Overview and Scrutiny 2017/8

A report detailing the work of the scrutiny boards during the previous municipal year was presented to Council. It was moved by Council Stanton, and seconded by Councillor Barker, that receipt of the report be noted.

**Resolved to note receipt of the Annual Report of Overview and Scrutiny 2017/8.**

**53/18 Annual Report of the Standards Committee 2017/8**

A report detailing the work of the Standards Committee during the previous municipal year was presented to Council. It was moved by Council Shanker, and seconded by Councillor P Pegg, that receipt of the report be noted.

**Resolved to note receipt of the Annual Report of the Standards Committee 2017/8.**

**54/18 Pay Policy Statement 2018/9**

A report of the Chief Executive recommended approval of the Pay Policy Statement 2018/9. It was reported to councillors that preparation, publication and approval of the report was a requirement under the Localism Act 2011.

It was moved by Councillor Barker, and seconded by Councillor M Holmes, that the recommendations within the report be approved.

**Resolved:**

- 1) To approve the Pay Policy Statement for 2018/9**
- 2) To note that the Pay Policy Statement would be published on the council's website.**

**55/18 Notice of Motion: Long-term Waste Contract**

The following motion was moved by Councillor Shanker and seconded by Councillor Eldret:

*Sinfin Incinerator has had a chequered and contentious cross party history from concept, site-selection, planning, financial viability, construction and commissioning. More than 10 years down the line and 18 months after the handover deadline, many of the concerns and fears raised by local councillors and the Sinfin, Osmaston and Normanton community have been proven to be totally valid. The plant causes severe odour and noise pollution, impacting the daily lives of local residents. Something that the companies involved promised would never happen.*

*The entire financial justification of what is the biggest contract this Council has ever entered into is no longer credible.*

*Council therefore calls upon the Cabinet to exercise the legitimate break clause provided in the contract, signed and agreed by all concerned parties, to terminate the Sinfin Waste Plant contract.*

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 of the motion:

Councillors Afzal, Anderson, Bettany, Dhindsa, Eldret, Evans, Froggatt, Graves, Hezelgrave, Hussain, J Khan, S Khan, Nawaz, Peatfield, P Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, West and Winter (25)

Those against the motion:

Councillor Ashburner and the Mayor of Derby, Councillor Carr (2)

Abstentions: Barker, Care, Cooper, Grimdall, Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, Marshall, McCristal, A Pegg, Potter, Poulter, Roulstone, Smale, Webb, Williams, Willoughby, Wood and the Mayor of Derby, Councillor (20)

The motion was carried.

**Resolved:**

**Sinfin Incinerator has had a chequered and contentious cross party history from concept, site-selection, planning, financial viability, construction and commissioning.**

**More than 10 years down the line and 18 months after the handover deadline, many of the concerns and fears raised by local councillors and the Sinfin, Osmaston and Normanton community have been proven to be totally valid. The plant causes severe odour and noise pollution, impacting the daily lives of local residents. Something that the companies involved promised would never happen.**

**The entire financial justification of what is the biggest contract this Council has ever entered into is no longer credible.**

**Council therefore calls upon the Cabinet to exercise the legitimate break clause provided in the contract, signed and agreed by all concerned parties, to terminate the Sinfin Waste Plant contract.**

## **56/18 Notice of Motion: Long-term Waste Contract**

The following motion was moved by Councillor Evans and seconded by Councillor Bettany:

*Council notes recent publicity in relation to the waste treatment plant in Sinfin.*

*Council also notes that the original contract entitled the authority to terminate if the required completion certificate had not been provided by 30 September 2018, this date being 18 months after the original planned date for completion.*

*In the event that this completion certificate remains outstanding on 30 September 2018, Council calls upon the Council Cabinet to exercise its right to then terminate the contract.*

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 of the motion:

Councillors Afzal, Anderson, Bettany, Dhindsa, Eldret, Evans, Froggatt, Graves, Hezelgrave, Hussain, J Khan, S Khan, Nawaz, Peatfield, P Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, West and Winter (25)

Those against the motion:

Councillor Ashburner and the Mayor of Derby, Councillor Carr (2)

Abstentions: Barker, Care, Cooper, Grimdall, Harwood, Hassall, A Holmes, M Holmes, Hudson, Keith, Marshall, McCristal, A Pegg, Potter, Poulter, Roulstone, Smale, Webb, Williams, Willoughby, Wood and the Mayor of Derby, Councillor (20)

The motion was carried.

**Resolved:**

**Council notes recent publicity in relation to the waste treatment plant in Sinfin.**

**Council also notes that the original contract entitled the authority to terminate if the required completion certificate had not been provided by 30 September 2018, this date being 18 months after the original planned date for completion.**

**In the event that this completion certificate remains outstanding on 30 September 2018, Council calls upon the Council Cabinet to exercise its right to then terminate the contract.**

## **57/18 Notice of Motion: Off-rolling of Pupils**

The following motion was moved by Councillor Hezelgrave and seconded by Councillor Russell:

*Council notes the findings of the Parliamentary Select Committee published on the 2th July 2018, entitled "Forgotten children: alternative provision and the scandal of ever increasing exclusions". Its findings, among others, highlighted so-called "off-rolling", in which difficult pupils are taken off a school's register and moved to another setting, such as a pupil referral unit or home education and the Select Committee expressed serious concerns that this could be driven by schools wanting to have better exam statistics in performance tables.*

*Council takes the stance, as do all City Councillors as Corporate Parents, that there can be no complacency whatsoever on this matter. The consequences for offrolled pupils, notwithstanding their reduced access to a broad curriculum, are that they are not entered for examinations and as a result their full potential cannot be*

*demonstrated by certification as, for example, GCSEs. This will have long-lasting effects on their life-chances.*

*Primary pupils affected will demonstrate lower than expected progress and their literacy and numeracy skills will suffer at a crucial educational stage.*

*Council therefore resolves to establish as a matter of urgency to what extent the school children of Derby residents are affected by offrolling. Council will collate the relevant figures for all schools in Derby and Derbyshire with children from the City of Derby on roll at both secondary and primary level. Any findings will be presented in a timely fashion to the Children & Young People Scrutiny Committee.*

*Council further resolves that for any school whose incidences of offrolling are more prevalent than would be expected, officers of the Council will work with those schools to find ways to reduce to a minimum, and ideally eliminate, instances of offrolling.*

*Council also resolves to share its serious concerns about this national tendency in State Education with the Secretary of State for Education in the form of a letter calling for relevant legislation or new Statutory Guidance on offrolling which will be fed into OFSTED's inspection framework.*

It was moved by Councillor Roulstone, and seconded by Councillor Webb that the motion be amended by the deletion of the final three paragraphs and the addition of the following words in their place:

*Council wishes to acknowledge that the Secretary of State for Education has recently raised the issue of offrolling and is currently in dialogue with OFSTED on how to make improvements. Council therefore resolves to write to the Secretary of State for Education supporting his concerns and sharing the data and evidence that Derby City Council has collated on this matter. Council also resolves to ask for changes to relevant legislation and new Statutory Guidance on offrolling which will be fed into OFSTED's Inspection Framework.*

The amendment was put to the vote and carried.

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

**Resolved:**

**Council notes the findings of the Parliamentary Select Committee published on the 2th July 2018, entitled "Forgotten children: alternative provision and the scandal of ever increasing exclusions". Its findings, among others, highlighted so-called "off-rolling", in which difficult pupils are taken off a school's register and moved to another setting, such as a pupil referral unit or home education and the Select Committee expressed serious concerns that this could be driven by schools wanting to have better exam statistics in performance tables.**

**Council takes the stance, as do all City Councillors as Corporate Parents, that there can be no complacency whatsoever on this matter. The consequences for offrolled pupils, notwithstanding their reduced access to a broad curriculum, are that they are not entered for examinations and as a result their full potential cannot be demonstrated by certification as, for example, GCSEs. This will have long-lasting effects on their life-chances.**

**Primary pupils affected will demonstrate lower than expected progress and their literacy and numeracy skills will suffer at a crucial educational stage. Council wishes to acknowledge that the Secretary of State for Education has recently raised the issue of offrolling and is currently in dialogue with OFSTED on how to make improvements. Council therefore resolves to write to the Secretary of State for Education supporting his concerns and sharing the data and evidence that Derby City Council has collated on this matter. Council also resolves to ask for changes to relevant legislation and new Statutory Guidance on offrolling which will be fed into OFSTED's Inspection Framework.**

## **58/18 Notice of Motion: Fixed Odds Betting Terminals**

The following motion was moved by Councillor Care and seconded by Councillor Ashburner:

*Derby City Council is aware of the harm caused by Fixed Odds Betting Terminals (FOBTs), the high speed, high stakes machines in betting shops that facilitate casino games such as roulette, generating £1.8 billion in losses in Britain every year.*

*Derby was one of 93 local authorities which supported Newham Council's submission under the Sustainable Communities Act (SCA) calling on the government to reduce the stake on FOBTs to £2 a spin, making this the most supported submission so far under the SCA.*

*Council therefore welcomes the government's announcement that the maximum stake on (FOBTs) will be reduced from £100 to £2 a spin, following a review by DCMS.*

*Council notes news reports that the Treasury intends to delay the implementation of this decision to 2020.*

*Council believes that this policy can and should be implemented by April 2019, and will encourage the LGA to make this case.*

*Council therefore resolves to write to the LGA asking them to lobby for introduction of this lower stake limit in April next year and to also write to the Treasury minister to express this council's view on the matter.*

It was moved by Councillor M Holmes, and seconded by Councillor Barker, that the motion be amended by:

- the deletion of the words "generating £1.8 billion in losses in Britain every year", "from £100" and "a spin, following a review by DCMS" and the deletion of paragraphs 4, 5 and 6 in their entirety,



- the addition of the following words after the first paragraph: "The cost to the public purse includes £116m in hospital inpatient visits, £32m in mental health services and £16m through criminal behaviour, according to analysis by the Centre for Economics and Business Research."
- The addition of the following words in the original third paragraph: "making this the most supported submission so far under the SCA."
- the addition of the following final paragraph:

*"Council believes that the government can and should therefore implement this change in early 2019 and resolves to write to the Local Government Association to ensure that lobbying is being carried out and to write to the Treasury Minister to seek assurances on implementation in early 2019."*

The amendment was put to the vote and carried.

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

#### **Resolved:**

**Derby City Council is aware of the harm caused by Fixed Odds Betting Terminals (FOBTs), the high speed, high stakes machines in betting shops that facilitate casino games such as roulette.**

**The cost to the public purse includes £116m in hospital inpatient visits, £32m in mental health services and £16m through criminal behaviour, according to analysis by the Centre for Economics and Business Research.**

**Derby was one of 93 local authorities which supported Newham Council's submission under the Sustainable Communities Act (SCA) calling on the government to reduce the stake on FOBTs to £2 a spin, making this the most supported submission so far under the SCA.**

**Council therefore welcomes the government's announcement that the maximum stake on (FOBTs) will be reduced to £2 and that new fixed odds terminal regulations have now been submitted for European Commission approval.**

**Council believes that the government can and should therefore implement this change in early 2019 and resolves to write to the Local Government Association to ensure that lobbying is being carried out and to write to the Treasury Minister to seek assurances on implementation in early 2019.**

#### **59/18 Notice of Motion: Anti-semitism**

A motion was moved by Councillor Skelton and seconded by Councillor Care. The motion was put to the vote and carried.

#### **Resolved:**

**Council agrees to adopt in full the International Holocaust Remembrance Alliance working definition of anti-Semitism and the full list of examples set out below.**

**Council further agrees to invite the city's three MPs to publicly do the same, if they haven't already done so.**

**Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities.**

**Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong". It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.**

**Contemporary examples of anti-Semitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:**

- **Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.**
- **Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as a collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.**
- **Accusing Jews as a people of being responsible for real or imagined wrong-doing committed by a single Jewish person or group, or even for acts committed by non-Jews.**
- **Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War 2 (The Holocaust).**
- **Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.**
- **Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews world-wide, than to the interests of their own nations.**
- **Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavour.**
- **Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.**
- **Using symbols or images associated with classic anti-Semitism (e.g. claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.**

- **Drawing comparisons of contemporary Israeli policy to that of the Nazis.**
- **Holding Jews collectively responsible for actions of the state of Israel.**

## 60/18 Notice of Motion: Brexit

The following motion was moved by Councillor Eldret and seconded by Councillor Stanton:

*As Brexit negotiations continue with no clear outcome, and March 2019 approaches with no sign of a deal with the EU, many workers across Derby are facing an uncertain future.*

*It is imperative that any Brexit deal preserves benefits we get from Europe, defends our rights and protections including workers rights and delivers for all parts of the UK.*

*This Council therefore resolves to lobby the Government against a 'hard' or 'no deal' Brexit.*

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

*"and for the Government to provide for a 'People's Vote' of the deal, including the option to Remain in the European Union."*

The amendment was put to the vote and lost.

The motion was put to the vote and carried.

### **Resolved:**

**As Brexit negotiations continue with no clear outcome, and March 2019 approaches with no sign of a deal with the EU, many workers across Derby are facing an uncertain future.**

**It is imperative that any Brexit deal preserves benefits we get from Europe, defends our rights and protections including workers rights and delivers for all parts of the UK.**

**This Council therefore resolves to lobby the Government against a 'hard' or 'no deal' Brexit.**

## 61/18 Notice of Motion: Reg Harrison

A motion was moved by Councillor P Pegg and seconded by Councillor Barker. The motion was put to the vote and carried.

### **Resolved:**

**Council moves to commend the outstanding achievements of Mr Reg Harrison as one of the 1946 Derby FA cup winning team, and to recognise the inspiration that he has provided to future generations since 1946 as players & supporters of Derby County Football Club and the City of Derby generally. Mr Harrison is, the last surviving member of that historic FA cup winning team.**

**Mr Harrison worked for Derby City Councils Youth Service setting up a Youth Centre on Stockbrook Recreation Ground in the late 60's known as Reg's.**

**He later moved to Chaddesden setting up the Chesapeake Youth Club and football club.**

**Council therefore resolves to recognise these achievements of the 1946 Derby County team by asking officers to make the necessary preparations so that an Extraordinary Meeting of Council can be summoned to confer on Mr Harrison the Honorary Freedom of the City of Derby under powers vested upon the authority under Section 249 of the Local Government Act 1972.**

MAYOR