

Time commenced	6.00 pm
Time finished	8.35 pm

## **COUNCIL MEETING 5 MARCH 2014**

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

### **Apologies for Absence**

Apologies for absence were received from Councillors Jennings, Russell, Sandhu and Williams

### **70/13 Declarations of Interest**

The Monitoring Officer had given a dispensation to all Members, to enable them to discuss the Members' Allowance Scheme and Council Tax 2014/15.

Councillor Webb declared an interest in Council Cabinet Minute 164/13, Osmaston Vision, as an employee of Rolls-Royce.

Councillor Dhindsa declared an interest in Council Cabinet Minute 170/13 Council Tax 2014/15 as an employee of the Police and Crime Commissioner.

### **71/13 Minutes of the previous meeting**

**Resolved that the Minutes of the meeting of the Council, held on 29 January 2014, be approved as a correct record, confirmed and signed by the Mayor.**

### **72/13 Announcements by the Mayor**

The Mayor welcomed Independent and Co-opted members of the Council's Standards Committee to the meeting.

The Mayor congratulated the Chief Executive on his recent 50<sup>th</sup> birthday and The Leader of the Council, who had got married the previous month.

The Mayor informed Members that he had had the honour and privilege to host a Civic Reception, the previous week, to celebrate the award of the prestigious 'Crossrail' contract to Bombardier.

The Mayor reminded Members that this was the final Council meeting before the local elections on 22 May. He wished all those who were seeking re-election well and thanked Councillors Radford and F Winter, for their service to Darley and Mickleover Wards respectively, as they had announced they were not seeking re-election,.

Councillors Davis and Jackson paid tribute to Councillor Radford and Councillor F Winter.

The Mayor informed Members that a recent legislative change required Council to have a recorded vote on all items relating to budget and Council Tax setting. For this reason a report, with recommendations to change Council Procedure Rules, would be considered before the Council Cabinet Minutes were debated.

The Mayor informed Members that within the past hour he had learned of the death of Mrs Pamela Ahern, Mayoress of Derby in 2006/07.

Council stood for a minute of silence in memory of Mrs Ahern.

## 73/13 Statements by Members of the Council Cabinet

The Leader of the Council made statements on two issues

- Achievements of the Council and
- Electoral Cycle

Councillors Hickson and Jones responded to each statement in turn.

## 74/13 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. Councillor Bayliss answered supplementary questions addressed to Councillor Russell in her absence. Questions from members of the public were put as follows:

1. By Dorothy Skrytek – concerning Planning Conditions, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.
2. By Stephen Fowke – concerning Council Resources and Political Literature, answered by Councillor Russell, Council Cabinet Member for Business, Finance and Democracy.
3. By William Wright – concerning New Communities Strategy Funding, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
4. By Steve Hassall – concerning Flood Defence Funding, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.

5. By Simon Bacon – concerning Brown Bin Collection Costs, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.
6. By Steve Hassall – concerning Our City, Our River, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.
7. By Simon Bacon – concerning DEFRA Recycling Tonnage, answered by Councillor Banwait, Council Cabinet Member for Neighbourhoods and Streetpride.

## 75/13      Written Questions about the Business or Functions of Derbyshire Fire and Rescue Authority and Derby Homes Ltd

The question and prepared response had been circulated prior to the start of the meeting and the questioner was asked if he had a supplementary question arising from the written response.

1. By Councillor Poulter – concerning the Level of Precept for 2014/15, answered by Councillor Bayliss, in his capacity as Vice Chair of the Derbyshire Fire and Rescue Authority.

## 76/13      Written Questions from Non Council Cabinet Members

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. Councillor Bayliss answered supplementary questions addressed to Councillor Russell in her absence. Questions from non Council Cabinet Members were put as follows:

1. By Councillor Ashburner – concerning Zero Hours Contracts, answered by Councillor Russell, Council Cabinet Member for Business, Finance and Democracy.
2. By Councillor Skelton – concerning Derby Local Plan Public Open Space Policy, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.
3. By Councillor Holmes – concerning the Our City, Our River Funding Reduction, CCTV Enforcement Vehicle costs, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.

4. By Councillor Ashburner – concerning Consultancy Contracts, answered by Councillor Russell, Council Cabinet Member for Business, Finance and Democracy.
5. By Councillor Skelton – concerning Library Opening Hours, answered by Councillor Repton, Council Cabinet Member for Leisure and Culture.
6. By Councillor Holmes – concerning External Funds and Planning Decisions, answered by Councillor Afzal, Council Cabinet Member for Planning, Environment and Public Protection.

## 77/13 Amendment to Council Procedure Rules concerning Recorded Votes

Council considered a report of the Strategic Director of Resources, concerning an amendment to the Council Procedure Rules, relating to Recorded Votes, necessitated by recent legislative change.

### **Resolved:**

1. **To agree that Council Procedure Rule CP71 be amended with the addition of the words ‘With the exception of votes relating to the annual approval of the council’s budget and Council Tax precepts.’**
2. **To agree that Council Procedure Rule CP71 be renumbered CP71a.**
3. **To agree that an additional Council Procedure Rule, CP71b, be added stating that: ‘For votes relating to the annual approval of the council’s budget and Council Tax precepts, the provisions for a recorded vote detailed under CP71a will take place automatically’.**

## 78/13 Minutes and Recommendations of the Council Cabinet

Council considered the minutes and recommendations of the Council Cabinet of 12 February 2014, requiring approval of the Council, namely.

**164/13** Osmaston Vision

**165/13** Joint Committee for Economic Prosperity

### **Resolved to approve the minutes and recommendations of the Council Cabinet dated February 2014**

## 79/13 Minutes and Recommendations of the Council Cabinet, relating to Council Tax 2014/15

Council considered the minute and recommendation 170/13 of the Council Cabinet of 12 February 2014, as a separate item, as the new CP71b required that a recorded vote be taken for this item.

It was moved by Councillor Bayliss and seconded that minute 170/13 of the Council Cabinet be approved

Those in favour:

Councillors Afzal, Banwait, Bayliss, Bolton, Campbell, Dhindsa, Higginbottom, Hillier, Hussain, Jackson, J Khan, S Khan, MacDonald, Martin, Nawaz, Pegg, Rawson, Redfern, Repton, Roberts, Shanker, Stanton, Tittley, Turner, Whitby, L Winter. (26)

Those against:

Councillors Allen, Ashburner, Atwal, Bailey, Barker, Carr, Davis, Harwood, Hickson, Holmes, Ingall, Jones, Keith, Naitta, Radford, Skelton, Troup, Webb, F Winter, Wood. (20)

Councillor Poulter was not in the Chamber when the vote was taken

**Resolved to approve the minute and recommendation 170/13 of the Council Cabinet dated 12 February 2014**

## 80/13 Members' Allowances Scheme 2014/15

Council considered a report of the Strategic Director of Resources relating to the recommendations of the Independent Remuneration Panel for the establishment of a Members' Allowances Scheme for 2014/15.

Councillor Bayliss thanked the Independent Remuneration Panel for their well-considered and balanced report, and moved one amendment, seconded by Councillor Hickson, that paragraph 4e of the motion be amended to read:

'that the Council ceases the practice of funding new Members' broadband connections, to reflect that employees do not receive a similar benefit'

The amendment was approved

**Resolved:**

- 1. To continue the established practice of linking the annual uplift of Members' Allowances (both Basic Allowance and Special Responsibility Allowances) to the increase in Council employees' salaries. For 2014/15 this will be a 1% increase, with effect from 1 April 2014.**
- 2. To vary the conditions within Schedule 3 of the Scheme, relating to travelling expenses, to remove consideration of Members' homes as a place of work. To comply with HMRC guidance, the sole place of work will be The Council House and journeys between it and the Member's home will not qualify for a mileage allowance.**
- 3. To make no changes to the Special Responsibility Allowances (SRA), other than the 1% uplift, until the Annual Meeting of the Council on 11 June 2014, recognising that the decisions on constitutional**

appointments, when all roles are appointed to, is the logical point to introduce change.

4. Subject to recommendation 2.3 being accepted, then at the time of the Annual Meeting the following recommendations be introduced:
  - a. Councillors continue to be mindful, when making appointments at the Annual Meeting, that payments of Special Responsibility Allowances should be restricted to no more than 50% of all Members, currently a maximum of 25. The IRP recognises the particular commitment made by those who serve on Licensing Committees and Adoption and Fostering Panels and recommends that those SRAs should not be included in the calculation of the 50% target
  - b. to increase the payment of the SRA to members of the General Licensing Committee and the Taxi Licensing and Appeals Committee, to a level equivalent to 6.25% of the Leader's Allowance, to reflect the time commitment and responsibility of these roles. There is a requirement that each member will attend at least 15% of the meetings called and the Panel wishes to receive a report of attendances at its meeting in 2015, to ensure compliance with this condition
  - c. to reduce the payment of the SRA to vice-chairs of Scrutiny Boards, to the level currently paid to members of the Adoption and Fostering Panels, and that proposed for members of Licensing Committees, being 6.25% of the Leader's Allowance.
  - d. to introduce a condition that the SRA for the Deputy Leader of a political group, be payable only if that group has at least ten members, that number being the minimum required to request a recorded vote in a meeting of Council, under Council Procedure Rule 71
  - e. that the Council ceases the practice of funding new Members' broadband connections, to reflect that employees do not receive a similar benefit'

## 81/13 Pay Policy Statement

Council considered a report of the Strategic Director of Resources, relating to the Pay policy Statement.

### Resolved:

1. To approve the Pay Policy Statement attached at Appendix 2.
2. To note that, when approved, the Pay Policy Statement will be published on the Council's website.

## 82/13 Notices of Motion

- 1) *Domestic Violence Review Panel*

It was moved by Councillor Hickson and seconded that:

‘This Council is concerned about the levels of domestic violence across the country, but most particularly within the City of Derby, where domestic violence is a growing issue of concern and where the Council has a direct role in combatting the issue.

The levels of abuse are astonishing with a recent survey showing that 30% of the female population has been subject to domestic violence of one sort or another and that this may be an underestimate, as victims are often reluctant to report this crime

Council wants to confirm its commitment to dealing with this insidious crime and therefore asks the Council Cabinet to bring forward proposals to :

Set up a cross party Domestic Violence Review Panel comprising members and other appropriate agencies to :

- (a) consider and evaluate the levels of domestic abuse within the City
- (b) to ‘dip sample’ the way that cases have been managed and their outcomes
- (c) to discuss and disseminate the best possible levels of professional practice within the City
- (d) to consider training on this issue for members
- (e) to make recommendations to Cabinet about future resources, training and awareness’

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

This Council is concerned about the levels of domestic abuse across the country, but most particularly within the City of Derby, where domestic abuse is a growing issue of concern and where the Council has a direct role in combatting the issue.

The levels of abuse are astonishing with a recent survey showing that 30% of the female population has been subject to domestic abuse of one sort or another and that this may be an underestimate, as victims are often reluctant to report this crime

Council wants to re-affirm its commitment to and good record in dealing with this insidious crime and, in view of the impending changes to commissioning of victim support services, being passed to the Police and Crime Commissioner for Derbyshire, therefore asks the Council Cabinet to bring forward proposals to: :

Work in partnership with the Police and Crime Commissioner, using the established cross-party Neighbourhoods Overview and Scrutiny Board to:

- a. consider and evaluate the levels of domestic abuse within the City
- b. ‘dip sample’ the way that cases have been managed and their outcomes
- c. discuss and disseminate the best possible levels of professional practice within the City

- d. consider setting up a strategic countywide group to enhance the work of domestic abuse specialists , such as the Independent Domestic Violence Advocates
- e. make recommendations to Cabinet about future resources, training and awareness
- f. urge Government to consider seriously the call by domestic abuse specialists that 'coercive control' be made an offence'

The amendment was approved

**Resolved that:**

**'This Council is concerned about the levels of domestic abuse across the country, but most particularly within the City of Derby, where domestic abuse is a growing issue of concern and where the Council has a direct role in combatting the issue.**

**The levels of abuse are astonishing with a recent survey showing that 30% of the female population has been subject to domestic abuse of one sort or another and that this may be an underestimate, as victims are often reluctant to report this crime**

**Council wants to re-affirm its commitment to and good record in dealing with this insidious crime and, in view of the impending changes to commissioning of victim support services, being passed to the Police and Crime Commissioner for Derbyshire, therefore asks the Council Cabinet to bring forward proposals to: :**

**Work in partnership with the Police and Crime Commissioner, using the established cross-party Neighbourhoods Overview and Scrutiny Board to:**

- a. consider and evaluate the levels of domestic abuse within the City
- b. 'dip sample' the way that cases have been managed and their outcomes
- c. discuss and disseminate the best possible levels of professional practice within the City
- d. consider setting up a strategic countywide group to enhance the work of domestic abuse specialists , such as the Independent Domestic Violence Advocates
- e. make recommendations to Cabinet about future resources, training and awareness.'
- f. urge Government to consider seriously the call by domestic abuse specialists that 'coercive control' be made an offence'

*2 Standards Committee*

It was moved by Councillor Hickson and seconded that:



'The current arrangements for the Standards Committee at Derby City Council are a serious cause for concern and are not providing the reassurance that the public want or need and are in danger of disenfranchising the lay members that sit on it.

Applying Widdecombe rules, to the constitutional make-up of the Committee, are a barrier to fair adjudications and the inability of lay members to have any meaningful role in the adjudication process, is seen as a very serious obstruction to achieving decisions, which are in the public interest.

Council therefore calls on Council Cabinet to bring forward proposals, for a revised structure for this committee, if it is to exist after the Annual General Meeting of the Council by

- (a) reducing its membership to one member of each political group so that there should not be a majority of any one particular political party on the Committee and
- (b) seeking ways to strengthen and enhance the role of the lay members and making suitable representations to Government and the LGA if that outcome cannot be achieved locally'

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

'Council recognises that there are concerns, particularly within the minority groups, about the manner in which the Standards Committee operates. All council committees are currently formulated under the Widdecombe procedures and it is suggested that for the Standards Committee this should be reviewed. Council therefore proposes that the Standards Committee structure is considered as a Topic Review by the Resources and Governance Overview and Scrutiny Board. Council, however, is aware that the lay representation is covered by statutory guidance and as such is not within the Council's purview to amend'

The amendment was not approved

The motion was not approved

### *3 Bombardier*

It was moved by Councillor Hickson and seconded that:

'This Council warmly congratulates Bombardier on its recent success in achieving the Crossrail contract. The Council is delighted that the United Kingdom's last train manufacturer has an exciting future and that it is remaining in this city, where it belongs and where it adds so much value to Derby.

Council wishes the management and the workforce every success movingforward.'

**Resolved that:**

**This Council warmly congratulates Bombardier on its recent success in achieving the Crossrail contract. The Council is delighted that the United Kingdom's last train manufacturer has an exciting future and that it is**

**remaining in this city, where it belongs and where it adds so much value to Derby.**

**Council wishes the management and the workforce every success moving forward.'**

#### *4 Democratic Integrity Panel*

It was moved by Councillor Hickson and seconded that:

'Council remains concerned about the on-going potential for electoral fraud, following the prosecutions and convictions for corrupt electoral practices in Arboretum Ward.

Council is concerned that public confidence in the voting arrangements managed by this Council were severely damaged as a result of the prosecutions that occurred.

Council therefore requests that the Council Cabinet immediately sets up a formal cross party Democratic Integrity Panel

The panel should be chaired by the Council's Chief Legal Officer and Returning Officer and should have a membership made up from members from each political group, political agents, the Police and such other parties as may have a legitimate interest in the election processes

The role of this new panel shall be to make sure that corrupt electoral practices are driven out of the City and to recommend whatever measures are necessary, to make sure that polling procedures are fair and untainted in future, and that public confidence is restored in the electoral process.'

The motion was not approved

Mayor