

ITEM 3

Time commenced - 6.02pm
Time adjourned - 7.24pm
Time resumed - 7.30pm
Time finished - 9.17pm

COUNCIL 19 JULY 2017

Present: The Mayor, Councillor John Whitby, and Councillors Afzal, Anderson, Ashburner, Banwait, Barker, Bolton, Care, Carr, Dhindsa, Eldret, Evans, Graves, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, Jackson, J Khan, S Khan, Marshall, Naitta, Nawaz, Pegg, Potter, Poulter, Raju, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Turner, West, Williams, Willoughby, Winter and Wood.

20/17 Apologies

Apologies were received from Councillors Bayliss, Froggatt, Grimadell, Keith and Webb

21/17 Declarations of Interest

There were no declarations of interest.

22/17 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of Council held on 24 May 2017 be approved as a correct record, confirmed and signed by the Mayor.

23/17 Announcements from the Mayor

The Mayor announced the outcome of a recent OFSTED inspection of services within the council's Children and Young People's Directorate. It was reported that the overall effectiveness of children's services was judged to be good, and the Derby Safeguarding Children Board was the first in the midlands to be judged as outstanding.

It was reported that the council's Purple Flag status had been retained, as well as the council receiving a Night Time Economy award.

The Mayor reported a busy start to his term including the visit of the Deputy High Commissioner of India, the Women's Cricket World Cup and the upcoming 40th year anniversary of Derby's city status.

The Mayor advised that two additional papers had been circulated; the first being the minute extract from the Council Cabinet meeting on 12 July 2017 which was not available at the time the agenda was published as the meeting had not taken place; and the second being a late item relating to delegations under the Regulation of Investigatory Powers Act 2000.

24/17 Statements from Members of the Council Cabinet

There were no statements.

25/17 Questions from the public to members of the Council Cabinet

Questions and answers were put and responded to as follows:

Questioner	Respondent	Subject
David Gale	Councillor Bolton	Records management
Jonathan May	Councillor Rawson	Ascot Drive
Pat Palmer	Councillor Afzal	Highways maintenance
Colin Tabberer	Councillor Afzal	City Point adoption
Tom Banks	Councillor Raju	Performance venue
Simon Bacon	Councillor Hussain	Selective Licensing of private landlords
Jonathan May	Councillor Afzal	Counter-Terrorism plans
Pat Palmer	Councillor Shanker	Ground floor Council House reconfiguration
Tom Banks	Councillor Raju	Derby Guildhall Theatre
Simon Bacon	Councillor Afzal	Recycling rates

26/17 Questions relating to Derbyshire Fire Authority or Derby Homes

There were no questions.

27/17 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

Questioner	Respondent	Subject
Councillor Graves	Councillor Shanker	Communications consultant
Councillor Harwood		
Councillor Care	Councillor Rawson	Brexit strategy
Councillor Harwood	Councillor Rawson	St Peter's Street planters
Councillor M Holmes	Councillor Raju	Derby Arena subsidy
Councillor Poulter	Councillor Rawson	Bus Station development
Councillor Willoughby	Councillor Raju	Community Managed Libraries
Councillor A Holmes	Councillor Afzal	Anti-social behaviour
Councillor Hassall	Councillor Afzal	Fly-tipping
Councillor Potter	Councillor Afzal	Fixed Penalty Notices
Councillor Barker	Councillor Afzal	Traveller sites
Councillor Marshall	Councillor Shanker	Agency staff spending
Councillor Webb	Councillor Shanker	DBS certificates
Councillor Hudson	Councillor Afzal	Flower displays
Councillor Smale	Councillor Afzal	CCTV enforcement
Councillor Williams	Councillor Shanker	Taxi licensing and child safeguarding
Councillor Hezelgrave	Councillor Shanker	Taxi licensing changes
Councillor Graves	Councillor Raju	Alvaston Park

Councillor Care	Councillor Afzal	Bus stop maintenance and cleaning
Councillor Graves	Councillor Afzal	City Point adoption
Councillor Care	Councillor Afzal	Publicity for tackling climate change
Councillor Graves	Councillor Afzal	Canal path hedgerows
Councillor Graves	Councillor Shanker	Petitions Scheme
Councillor Graves	Councillor Afzal	Maintenance of former Allenton Market and Mitre Pub
Councillor Graves	Councillor Afzal	Terrorism and radicalisation funding

28/17 Minutes of the meeting of Council Cabinet on 12 July 2017 requiring Council approval

Minute 26/17 – Corporate Fraud Prosecution Policy – of the Council Cabinet meeting held on 12 July 2017 was presented to Council for consideration.

Approval of the minute was moved by Councillor Banwait, and seconded.

Resolved to approve minute 26/7 of Council Cabinet; thus approving a recommendation from Council Cabinet that changes resulting from the adoption of the Corporate Fraud Prosecution Policy be made to the Scheme of Delegations.

29/17 Urgent non-executive decisions taken by the Chief Executive

A report of the Chief Executive detailed decisions he had taken under his delegated authority in Part E of the Chief Executive's Area of Responsibilities within Part F of the Scheme of Delegations in the Council Constitution). The decisions taken were:

- To appoint Councillor West to Derby Hospitals NHS Foundation Trust Board of Governors; and
- To designate the statutory role of Chief Finance Officer under Section 151 of the Local Government Act 1972 to Mark Taylor.

The recommendations in the report were moved by Councillor Shanker, and seconded.

Resolved to note the report.

30/17 Recommendations made under s24 Local Audit and Accountability Act 2014 by Ernst & Young

The Council considered a report of the Chief Executive.

It was reported that the external auditor, Ernst & Young, had issued the council with recommendations pursuant to s24 Local Audit & Accountability Act 2014 (hereafter referred to as a Statutory Recommendation) which appeared at Appendix 2 of the report.

Ernst and Young had reported two recommendations; Recommendation 1 related to a number of control observations which were initially reported to Audit and Accounts

Committee in September 2016. Recommendation 2 related to the inadequate arrangements for the closedown of the financial statements which resulted in the council being unable to achieve the 30 June 2016 deadline for the publication of the draft financial statements as set out in the CIPFA Code of Practice on Local Authority Accounting.

It was reported that an Action Plan has been drawn up in response the Statutory Recommendation which appeared at Appendix 3 of the report. Council was asked to consider the recommendation in accordance with the Act.

The recommendations in the report were moved by Councillor Shanker, and seconded.

It was proposed by Councillor Ashburner, and seconded, that the recommendations proposed for approval were amended such that they would read as follows:

- 1) To consider the Statutory Recommendation issued by Ernst and Young on 27 June 2017;*
- 2) To accept the Action Plan prepared in response to the Statutory Recommendation in principle and ask the Audit and Accounts Committee to consider it in detail to ensure it is clear, accurate, achievable and sufficient;*
- 3) To authorise the Chief Executive, the Strategic Director for Communities and Place, the Director of Finance and the Director of Governance, in consultation with the Leader of the Council and the Cabinet Member for Finance and Governance to take all the necessary steps necessary to ensure positive progress and delivery against the Action Plan;*
- 4) To delegate monitoring of positive progress and delivery against the Action Plan to the Audit and Accounts Committee; and*
- 5) To ask the Audit and Accounts Committee to report back to Council on progress at each meeting until the Plan has been completed or Council decides otherwise.*

The amendment was put to the vote and lost.

Under Council Procedure Rule CP72, Councillor Skelton requested that her vote in favour of the amendment be recorded.

A vote was taken on the motion to approve recommendations as printed, and was carried.

Resolved to:

- 1) accept the Statutory Recommendation issued by Ernst and Young on 27 June 2017;**
- 2) approve the Action Plan prepared in response to the Statutory Recommendation and to authorise the Chief Executive, the Strategic Director of Communities and Place, the Director of Finance and the Director of Governance following consultation with the Leader of the Council and the Cabinet Member for Finance and Governance to take all steps necessary to ensure positive progress and delivery against the Action Plan; and**
- 3) delegate monitoring of positive progress and delivery against the Action Plan to the Audit and Accounts Committee.**

31/17 Authorising Officer Appointment: Regulation of Investigatory Powers Act 2000

A report of the Monitoring Officer was considered.

It was reported that the most recent RIPA inspection of the Council by the OSC undertaken in 2016 affirmed the requirement for two authorising officers able to act under the Regulation of Investigatory Powers Act 2000. The retirement of the Service Director for Prevention, Personalisation and Professional Standards had reduced the number of authorised officers to one. It was proposed that a replacement authorised officer was appointed.

Resolved to:

- 1) appoint the Service Director, Adult Social Care Services as a second RIPA authorising officer; and**
- 2) update the constitution to reflect the appointment.**

32/17 Motion: Emissions Monitoring

It was moved by Councillor Evans, and seconded by Councillor Graves, that:

"The new Sinfin-based Solid Waste Incinerator Plant is due to open in the near future. Emissions are regulated under UK and European law by the Environment Agency (EA) and the Sinfin Plant is continuously monitored using a Continuous Emissions Monitoring System (CEMS). If there is a spike then the EA have to be immediately informed and action taken (including shutting the plant down if required).

"In order to further protect the citizens of Derby from potential serious health issues from exposure to poisonous emissions should the filter and control systems fail to operate correctly, an totally Independent and Separate Monitoring System is proposed so not to rely solely on CEMS.

"Council recognises the concerns people have regarding the plant, and as such fully endorses, supports and will, prior to the plant operating, set up multiple independent air quality sample monitoring to the highest recognised legally certifiable standard (in particular to measure levels of Dioxin particulates), at a minimum of five sites spread across the city. The monitoring shall remain maintained to this standard from inception throughout the entire time period that waste incinerators remain in service in Derby City and the surrounding area. All monitoring data obtained shall be readily available in real time via the internet in a usable format.

"It is anticipated this independent monitoring will be popular and wanted by Derby citizens and as such a suitable "crowd funding" scheme will be set up and managed to contribute towards the costs.

"Derby City Council recognises this motion is over and above what is legally required to operate the Sinfin Solid Waste Incinerator Plant, but safety critical systems such

as this should always have additional independent measures in place. Derby City Council wishes to lead by example with this Independent Monitoring System.

"For clarification the definition of 'Independent' in this motion is independent of Derby City Council, the Incinerator Company and all associated entities."

The motion was put to the vote and lost.

33/17 Motion: Council decision-making system

It was moved by Councillor Graves, and seconded by Councillor Evans, that:

"Council agrees that a report be prepared which examines the advantages and disadvantages of moving from the current Cabinet system of governance to a Committee system and which also sets out the legal and organisational processes involved in making such a change.

"Council also notes:

- (a) That many councillors are unfamiliar with differences between the current Cabinet/scrutiny system and the former Committee system for running Council business.*
- (b) That without such information, councillors will not be able to make an informed decision, with respect to considering a change back to the Committee system, proposed under the Localism Act 2011, or supporting the current Cabinet system.*

"This Council therefore resolves to set-up and run an introductory seminar, after the report is prepared, to brief councillors, the principal remit of which is to deliver sufficient knowledge and understanding of the difference between the Cabinet/scrutiny system and a full Committee system, outlining the pros and cons of both.

"Council agrees to bring back a recommendation at the next Council AGM to consider changing from the current Cabinet/Scrutiny system to a Committee system."

The motion was put to the vote and lost.

34/17 Motion: Houses in multiple occupation

It was moved by Councillor Graves, and seconded by Councillor Evans, that:

"Houses in Multiple Occupation (HMO) are great for increasing the number of homes to meet housing need. On the other hand, they can and do affect the local community and in many cases, adversely, with the associated additional on street parking and traffic flows mainly in areas that already have such issues.

"Alvaston Ward has over the last 12 to 24 months been subject to conversions of 3 bedroomed houses, terraced and semi-detached houses into HMOs. As one of the local councillors I have been approached by large numbers of residents from areas affected asking what they can do about this, as nothing had gone through the

planning process due to the Governments permitted development regulations. These allow a change from a dwelling to a HMO for 3-6 occupants without reference to the Local Authority.

"Council therefore asks the cabinet member to write to Government seeking changes to the planning legislation whereby any dwellings being converted to HMOs must seek planning permission in order that the Local Authority may have a view and more importantly local people may have a say on the proposed development."

The motion was put to the vote and lost.

35/17 Motion: Neighbourhood working

It was moved by Councillor M Holmes, and seconded by Councillor Poulter, that:

"Council recognises:

"The work that its local councillors carry out to support local communities across Derby and that pro-active liaison with Council officers is a vital part of those day-to-day activities.

"That a strong, effective and pro-active Neighbourhood Working Framework is fundamental to supporting councillors in their work and to ensure residents receive the best level of services possible. This, in turn, contributes significantly to the overall reputation of the council.

"That, currently, 'neighbourhood officer' and related resources are not provided to all wards and that significantly disadvantages not only those areas, but has a negative impact on the City as a whole. This represents a significant barrier to the council achieving several of its adopted pledges and aspirations.

"Council therefore agrees to facilitate:

"A meeting with group leaders to discuss and agree a new framework to bring to full council and/or cabinet that delivers improved neighbourhood support to all wards. This framework would aim to recognise deprivation indices but also ensure there are resources available to every ward."

It as proposed by Councillor Afzal, and seconded, that the motion be amended by the insertion of words in the final two paragraphs so that those paragraphs would read:

"Council therefore agrees to support the Fair Deal for Derby campaign and to continue lobbying Government for the reinstatement of funding to achieve everything set out in this motion. Subject to this motion receiving the required support from all political groups, Council agrees to facilitate:

"A meeting with group leaders to discuss and agree a new framework to bring to full council and/or cabinet that delivers improved neighbourhood support to all wards, following the reinstatement of Government funding. This framework would aim to recognise deprivation indices but also ensure there are resources available to every ward."

As required under Rule CP71a of the Council Procedure Rules, it was demanded by at least 10 members that a recorded vote be taken on the amendment. The voting was as follows:

For the amendment:

Councillors Afzal, Anderson, Banwait, Bolton, Dhindsa, Eldret, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Turner, West, Winter and the Mayor, Councillor Whitby (24)

Against the amendment:

Councillors Barker, Care, Evans, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Naitta, Potter, Poulter, Roulstone, Smale, Williams, Willoughby and Wood (17)

Abstentions:

Councillors Ashburner, Carr, Graves and Skelton (4)

The amendment was carried.

As required under Rule CP71a of the Council Procedure Rules, it was demanded by at least 10 members that a recorded vote be taken on the substantive motion as amended. The voting was as follows:

For the motion:

Councillors Afzal, Anderson, Banwait, Bolton, Dhindsa, Eldret, Evans, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Shanker, Stanton, Turner, West, Winter and the Mayor, Councillor Whitby (24)

Against the motion:

Councillor Ashburner (1)

Abstentions:

Councillors Barker, Care, Carr, Graves, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Naitta, Potter, Poulter, Roulstone, Skelton, Smale, Williams, Willoughby and Wood (19)

The motion as amended was carried.

Resolved

Council recognises:

The work that its local councillors carry out to support local communities across Derby and that pro-active liaison with Council officers is a vital part of those day-to-day activities.

That a strong, effective and pro-active Neighbourhood Working Framework is fundamental to supporting councillors in their work and to ensure residents receive the best level of services possible. This, in turn, contributes significantly to the overall reputation of the council.

That, currently, 'neighbourhood officer' and related resources are not provided to all wards and that significantly disadvantages not only those areas, but has a negative impact on the City as a whole. This represents a significant barrier to the council achieving several of its adopted pledges and aspirations.

Council therefore agrees to support the Fair Deal for Derby campaign and to continue lobbying Government for the reinstatement of funding to achieve everything set out in this motion. Subject to this motion receiving the required support from all political groups, Council agrees to facilitate:

A meeting with group leaders to discuss and agree a new framework to bring to full council and/or cabinet that delivers improved neighbourhood support to all wards, following the reinstatement of Government funding. This framework would aim to recognise deprivation indices but also ensure there are resources available to every ward.

MAYOR