

Time commenced - 6:00pm  
Time adjourned - 7:31pm  
Time reconvened - 7:38pm  
Time finished - 9.25pm

## **COUNCIL**

### **21 September 2022**

Present: The Mayor, Councillor Robin Wood, and Councillors Atwal, Barker, Bonser, Care, Carr, Cooper, Dhindsa, Eyre, A W Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hussain, Jennings, J Khan, S Khan, Kus, Lind, Lindsey, Lonsdale, Naitta, Nawaz, Pandey, Pattison, J Pearce, T Pearce, Potter, Poulter, Prosser, Rawson, Roulstone, Sandhu, Shanker, Skelton, Smale, Testro, Webb, West, Whitby and Williams.

#### **40/22 Apologies**

Apologies for absence were received from Councillors Evans, Froggatt, A J Graves, C Ingall, P Ingall, Martin, Peatfield, Repton and Swan.

#### **41/22 Declarations of Interest**

There were none.

#### **42/22 Minutes of the Previous Meeting**

The minutes of the meeting of the Council held on 20 July 2022 were moved by Councillor Barker, and seconded by Councillor J Pearce.

**Resolved that the minutes of the meeting of the Council held on 20 July 2022 be approved as a correct record, confirmed and signed by the Mayor.**

#### **43/22 Announcements from the Mayor**

The Mayor dealt with two procedural matters, including the prior circulation of a late item on grounds of urgency.

The Mayor thanked colleagues and partners for the speed, co-ordination and professionalism with which 'Operation London Bridge' had been implemented, following the passing of Her Late Majesty, Queen Elizabeth II.

It was reported that the Council had recently been named as part of the United Nation's Global Network of Learning Cities, becoming one of around 200 cities in 40 countries who were united in their determination to promote lifelong learning and sustainable development in education.

A letter received from the Derby branch of the Association of Ukrainians in Great Britain was shared, thanking the Council for its support following the outbreak of war with Russia in February 2022. The letter referenced the establishment of a Welcome Centre for Ukrainian refugees at the Association's Charnwood Street premises and the attendance of councillors at a recent Peace March on Ukrainian Independence Day.

Finally, the Mayor noted the death of Mrs Marilyn Thompson, who was a long-standing member of the Council's Independent School Admission Appeals Panels. The Mayor placed on record his thanks for Mrs Thompson's service to young people in Derby and passed condolences to her family.

## 44/22 Statements from members of the Council Cabinet

There were none.

## 45/22 Questions from the public

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Julie Brandon	Cllr Poulter	Socio-Economic Duty and Action Plan
R Lewis		
Mair Perkins		
Lucy Giuliano		
Vanessa Boon		
Greg Szemraj	Cllr Hassall	Sinfin Lane improvements
Simon Bacon	Cllr J Pearce	Recycling information
Tony Mott	Cllr J Pearce	Duffield Road cycling lane
Russell Armstrong	Cllr J Pearce	Cellular data network and the mono pole towers
Ruth Coates	Cllr Hassall	Green Board
Berkan Celebi	Cllr Webb	Evictions of Council tenants
Clare Wood	Cllr J Pearce	Forest for the Future
Pauline Inwood	Cllr Barker	Derby and Derbyshire Pension Fund
Sally Austin	Cllr Smale	Financial difficulties for disabled people
Sassi Stark	Cllr Webb	HMO test study findings
Paul Tice	Cllr Smale	Allestree Golf Course
Adrian Howlett	Cllr Webb	Council support to reduce energy consumption
Mair Perkins	Cllr Hassall	A38 Junctions Scheme
Simon Bacon	Cllr J Pearce	Raynesway HWRC
Lucy Giuliano	Cllr Hassall	Cycling road safety concerns
Vanessa Boon	Cllr Smale	Derby's performance on the index of multiple deprivation
Russell Armstrong	Cllr J Pearce	Ridgeway Road resurfacing
Berkan Celebi	Cllr J Pearce	Waste collection and street cleansing disparity
Pauline Inwood	Cllr Hassall	Fracking in Derbyshire
Sassi Stark	Cllr Webb	HMO numbers in Derby
Adrian Howlett	Cllr Hassall	Retrofit services for Derby homeowners

## 46/22 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

## 47/22 Questions from non-Council Cabinet members

Questions and responses were heard as follows:

<b>Questioner</b>	<b>Respondent</b>	<b>Summary</b>
Cllr A W Graves	Cllr J Pearce	Moorways memberships
Cllr Prosser	Cllr J Pearce	Free Moorways entry
Cllr Kus	Cllr J Pearce	Bins left out in Alvaston
Cllr Lind	Cllr Williams	Locum and employed Educational Psychologists
Cllr Care	Cllr J Pearce	Complaints of bins not emptied
Cllr Whitby	Cllr Williams	Children and Young People staff vacancies
Cllr Dhindsa	Cllr J Pearce	Delivery of Neighbourhood Board ward priorities
Cllr Hezelgrave	Cllr Williams	Support for schools with increased energy bills
Cllr J Khan	Cllr J Pearce	Progress of tree maintenance
Cllr Shanker	Cllr Smale	Funding for A52 improvement works
Cllr A W Graves	Cllr J Pearce	Land on Bembridge Drive and Shalfleet Close
Cllr Prosser	Cllr Smale	Costs associated with the Becketwell development
Cllr Lind	Cllr Williams	Free school meal vouchers
Cllr Care	Cllr Smale	Council Chamber microphones
Cllr Dhindsa	Cllr Webb	Facilities in Normanton
Cllr Shanker	Cllr Smale	Costs associated with the Sinfin incinerator
Cllr A W Graves	Cllr Hassall	Expansion of Boulton Moor
Cllr Lind	Cllr Williams	SEND tribunal statistics
Cllr Dhindsa	Cllr J Pearce	Disposal of household waste
Cllr Shanker	Cllr Smale	Capital projects at risk of overspend
Cllr A W Graves	Cllr J Pearce	Feedback from Raynesway HWRC

## 48/22 Minute extract 8/22 from the meeting of the Standards Committee held on 9 August 2022

A minute extract of the Standards Committee was considered. The minute recommended the re-appointment of existing Independent Members of the committee to a four-year term, to expire on 20 May 2026.

It was moved by Councillor S Khan and seconded by Councillor Shanker that the minute be approved. The recommendation was put to the vote and carried.

**Resolved to approve minute 8/22 of the Standards Committee.**

**49/22      Minute extract 9/22 from the meeting of the  
Standards Committee held on 9 August 2022**

A second minute extract of the Standards Committee was considered, presenting the committee's Annual Report for the 2022/23 municipal year for approval. The annual report provided a summary of the number of complaints considered under the Procedure for the Consideration of Complaints against Councillors.

It was moved by Councillor S Khan and seconded by Councillor Shanker that the minute be approved. The recommendation was put to the vote and carried.

**Resolved to approve minute 9/22 of the Standards Committee.**

**50/22      Minute extract 19/22 from the meeting of the Health  
and Wellbeing Board held on 8 September 2022**

A minute from the Health and Wellbeing Board recommending alterations to the Board's terms of reference was presented. The proposed revisions accounted for changes brought about by the creation of Integrated Care Systems under the Health and Care Act 2022.

It was moved by Councillor Webb and seconded by Councillor Williams that the minute be approved. The recommendation was put to the vote and carried.

**Resolved to approve minute 19/22 of the Health and Wellbeing Board.**

**51/22      Minute extract 76/22 from the meeting of the Council  
Cabinet held on 14 September 2022**

The Mayor noted that they had agreed to the consideration of a late item, relating to the flexible use of capital receipts.

It was reported that reason for urgency was to allow submissions to the Department for Levelling Up, Housing and Communities to be made prior to a deadline of 30 September 2022 and to allow the projects to which the receipts were allocated to progress expediently. The minute requested Council approval for the use of capital receipts totalling £2.065m, for transformation purposes as detailed within the appended report.

It was moved by Councillor Smale and seconded by Councillor Eyre that the minute be approved. The recommendation was put to the vote and carried.

**Resolved to approve minute 76/22 of the Council Cabinet.**

## **52/22      Overview and Scrutiny Annual Report**

A report of the Strategic Director of Corporate Resources was received, presenting the Annual Report of Overview and Scrutiny for the 2021-22 municipal year. The report noted that the Council Constitution required Overview and Scrutiny to report annually on its operation and make recommendations on its future work programmes or working methods as appropriate.

The report described the duties and functions of the Council's six Overview and Scrutiny Boards and detailed the topics considered and recommendations made by the Boards over the preceding twelve months.

It was moved by Councillor Dhindsa and seconded by Councillor Shanker that the recommendations in the report were approved. The recommendations were put to the vote and carried.

**Resolved to receive the Annual Report of Overview and Scrutiny for 2021-22.**

## **53/22      Appointments to Outside Bodies and Charities**

Council considered a report of the Strategic Director of Corporate Resources, proposing alterations to the appointments to Outside Bodies and Charities normally made at the Council's Annual General Meeting.

The report noted that following the resignation of the Director of Property Services from their substantive post, a vacancy had arisen in the appointments made to Scape Group Ltd, a public-sector procurement specialist jointly owned by Derby City Council and several other local authorities.

The report proposed the appointment of Mr Simon Riley, Strategic Director of Corporate Resources, as a Company Director for Scape Group Ltd for the remainder of the current municipal year.

The recommendations were moved by Councillor Barker, seconded by Councillor Hassall, put to the vote and carried.

**Resolved to appoint Mr Simon Riley as the Council's Alternate Director to Scape Group Ltd, with effect until the Annual General Meeting on 24 May 2023.**

## **54/22      Motion: Houses in Multiple Occupation**

The following motion was moved by Councillor A W Graves, and seconded by Councillor Kus:

*Since changes to planning regulations in 2010, the change of use from a dwelling house (class C3) to a house of multiple occupation (HMO) (class C4) is possible under permitted development rights and planning applications are not needed.*

*The proliferation of HMOs have adversely affected many areas of Derby, including Alvaston.*

*Badly managed or inappropriately located HMOs can have a negative effect on the whole local community.*

*This Council calls for the introduction of a citywide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the removal of permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class).*

*This motion will provide a means for the city (via the planning process) to properly consider the implications of new HMOs that are created, avoid excessive concentrations and continue to monitor their distribution and their effects on the wider area.*

It was moved by Councillor S Khan and seconded that the motion be amended as follows:

By the addition of the word 'always' in the final sentence of the first paragraph and the addition of the following words after second paragraph:

*"Council recognises the work already started, being led by the Chair & Vice-Chair of the Planning Committee & Planning Officers to look at making improvements to our process & procedures as the need for change well recognised"*

The deletion of the word 'can' from the fourth paragraph.

The addition of the following words at the start of the fifth paragraph:

*"Upon receipt of the required level of evidence, as required by the Secretary of State"*

The addition of the following words at the conclusion of the fifth paragraph:

*"Article 4 would ensure smaller HMOs have to seek planning permission"*

The addition of the following words following the fifth paragraph:

*"This Council also calls for wider and more effective controls over all HMOs to ensure the number of conversions of family homes to HMOs is restricted to what we and local communities feel is acceptable and appropriate.*

*Council also calls on officers to explore all opportunities of raising the quality of rented accommodation in this City as well as the accountability of Landlords including exploring a potential obligatory registered 'Good Landlord Scheme'."*

And, the addition of the word 'all' in the final sentence.

The amendment was put to the vote and carried.

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

**Resolved:**

**Since changes to planning regulations in 2010, the change of use from a dwelling house (class C3) to a house of multiple occupation (HMO) (class C4) is possible under permitted development rights and planning applications are not always needed.**

**The proliferation of HMOs has adversely affected many areas of Derby, including Alvaston.**

**Council recognises the work already started, being led by the Chair & Vice-Chair of the Planning Committee & Planning Officers to look at making improvements to our process & procedures as the need for change is well recognised**

**Badly managed or inappropriately located HMOs have a negative effect on the whole local community.**

**Upon receipt of the required level of evidence, as required by the Secretary of State, this Council calls for the introduction of a citywide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the removal of permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class). Article 4 would ensure smaller HMOs have to seek planning permission.**

**This Council also calls for wider and more effective controls over all HMOs to ensure the number of conversions of family homes to HMOs is restricted to what we and local communities feel is acceptable and appropriate.**

**Council also calls on officers to explore all opportunities of raising the quality of rented accommodation in this city as well as the accountability of landlords including exploring a potential obligatory registered 'Good Landlord Scheme'.**

**This motion will provide a means for the city (via the planning process) to properly consider the implications of all new HMOs that are created, avoid excessive concentrations and continue to monitor their distribution and their effects on the wider area.**

## **55/22      Motion: Electoral Reform**

The following motion was moved by Councillor A W Graves, and seconded by Councillor Prosser:

*First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men.*

*In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections. Meanwhile, internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries. Those countries tend to be more equal, freer and greener.*

*PR ensures all votes count, have equal value, and those seats won match votes cast. Under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of local communities and the nation.*

*MPs better reflecting their communities leads to improved decision-making, wider participation and increased levels of ownership of decisions taken.*

*PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. PR also prevents 'wrong winner' elections such as occurred in 1951 and February 1974.*

*PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland. So why not Westminster?*

*Council therefore resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for general elections.*

It was moved by Councillor Care and seconded that the motion be amended by the addition of the words 'and local elections' at the conclusion of the final paragraph.

The amendment was put to the vote and lost.

The substantive motion was put to the vote and lost.

## **56/22      Motion: Storm overflow sewage discharge into rivers and streams**

The following motion was moved by Councillor Dhindsa and seconded by Councillor West:

*Derby City Council is appalled at the amount of sewage being dumped into our rivers and streams especially through storm overflow discharges. This can only have a detrimental impact on the health of our communities and neighbourhoods.*

*This environmental impact and public health issue are of serious concern to Derby residents. The number of sewage dumps across Derby is unacceptable.*

*Derby North 393 Sewage Dumps over 21 sites – 708 hours  
Derby South 311 Sewage Dumps over 21 sites – 978 hours  
Mid Derbyshire 911 Sewage Dumps over 33 sites – 4,409 hours*

*Derby Residents deserve better and this council resolves to:*



- *Call Severn Trent to account by requesting that they attend a meeting of the Communities Scrutiny Review Board to discuss the environmental impact of sewage discharge in rivers and streams*
- *Demand an action plan from Severn Trent to see a sustained drop in the number of sewage dumps and hours of dumping*
- *Ensure that Discharges into our rivers and streams meet at least the standards and targets set by the Department for Environment, Food and Rural Affairs (DEFRA) as published in their Storm Overflows and Discharge Reduction Plan (26<sup>th</sup> August 2022)*

The motion was put to the vote and carried.

**Resolved:**

**Derby City Council is appalled at the amount of sewage being dumped into our rivers and streams especially through storm overflow discharges. This can only have a detrimental impact on the health of our communities and neighbourhoods.**

**This environmental impact and public health issue are of serious concern to Derby residents. The number of sewage dumps across Derby is unacceptable.**

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## 57/22      Motion: Reducing energy use in Derby

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

*Council recognises the pressure on our energy supply system due to gas flows from Russia being reduced. This increases concern about possible gas and electricity shortages this winter.*

*Council also reaffirms its commitment to address the Climate emergency and to seek ways to reduce Derby's carbon footprint.*

*Council welcomes initiatives that are already happening in Derby to improve energy efficiency and to reduce dependence on fossil fuels, including insulating homes, adding solar panels to roofs and encouraging more sustainable travel. However, in light of this new, immediate and urgent gas supply situation, the City Council will show leadership in Derby by:*

- Turning off decorative lighting of buildings and other lighting not related to safety*
- Resetting thermostats in offices and public buildings to a maximum of 20C (68F)*
- Asking shop keepers to turn off display lighting between 10pm and 6am*
- Enabling staff to continue to work from home where possible to reduce energy use for transport.*

*To help deliver long term reduction in energy demand, which will also assist with cost of living pressures, Council further asks officers to:*

- Encourage companies making products required to reduce dependence on fossil fuel energy, such as insulation materials and solar panels, to set up new manufacturing facilities in Derby*
- Ensure Derby College, and other providers, are making training available for the skills needed to deliver these changes*
- Encourage the setting up of community-led energy clubs where householders can be guided in how to reduce their energy use.*

*Council asks the Cabinet member covering Climate Change to write to the City Centre Business Improvement Districts, D2N2, East Midlands Energy Forum, Marketing Derby, Chamber of Commerce and Energy Saving Trust to ask for their cooperation and support with these initiatives as appropriate.*

The motion was put to the vote and lost.

MAYOR