

ITEM 3

Time commenced - 18.00
Time finished - 20:47

COUNCIL

22 January 2020

Present: The Mayor, Councillor Frank Harwood, and Councillors Ashburner, Atwal, Barker, Bettany, Carr, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, A J Graves, A W Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, J Khan, S Khan, Kus, Lind, McCristal, Naitta, Nawaz, Pattison, Pearce, Peatfield, A Pegg, Potter, Poulter, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Testro, Webb, West, Williams, Willoughby and Wood.

79/19 Apologies

Apologies for absence were received from Councillors Anderson, Marshall and P Pegg.

80/19 Declarations of Interest

There were none.

81/19 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 27 November 2019 be approved as a correct record, confirmed and signed by the Mayor.

82/19 Announcements from the Mayor

The Mayor welcomed councillors to the meeting and wished those in attendance a Happy New Year. Councillors were advised that a late item had been received and distributed, and would be considered following item eight on the published agenda. Those present were also informed of technical difficulties with regards to the audio-visual equipment available in the Council Chamber.

The Mayor reported that he would be holding a Charity Music Night on 2 March 2020 and was also planning to host a charity dinner to conclude his term of office, in aid of the Derbyshire Children's Holiday Centre and the Derbyshire, Leicestershire and Rutland Air Ambulance. Councillors were encouraged to purchase tickets for both occasions.

It was noted that the Chief Executive, Carole Mills, was shortly due to retire following almost 37 years of service in local government. The Mayor invited Group Leaders to address the meeting, to thank the outgoing Chief Executive for her significant contribution to Derby City Council as well as her career in public service. Ms Mills was invited to address the meeting and received a round of applause from those in attendance.

The passing of former Mayoress Santosh Kalia was also reported to Council.

83/19 Statements from members of the Council Cabinet

There were none

84/19 Questions from the public

Questions and responses were heard as follows:

| Questioner | Respondent | Summary |
|-------------|------------------|------------------------------------|
| Simon Bacon | Councillor Smale | Costs associated with EIR requests |
| Simon Bacon | Councillor Wood | Arboretum Park anniversary |

85/19 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

86/19 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

| Questioner | Respondent | Summary |
|-----------------|---------------|--|
| Cllr Lind | Cllr Williams | EHCPs |
| Cllr Willoughby | Cllr Barker | Brexit risk |
| Cllr Carr | Cllr M Holmes | Riverside Gardens |
| Cllr Naitta | Cllr M Holmes | Stafford Street air quality |
| Cllr Evans | Cllr M Holmes | Alvaston District Centre |
| Cllr Peatfield | Cllr Barker | Voter ID |
| Cllr Carr | Cllr M Holmes | Link path from Pastures Hill |
| Cllr Shanker | Cllr Wood | Swimming pool |
| Cllr Care | Cllr Barker | Council motions |
| Cllr A W Graves | Cllr Barker | Allenton Market |
| Cllr Ashburner | Cllr Smale | Black bin waste |
| Cllr Atwal | Cllr Barker | Council Questions process |
| Cllr Lind | Cllr Williams | EHCP annual reviews |
| Cllr Peatfield | Cllr M Holmes | Carbon neutrality |
| Cllr Care | Cllr Williams | Funding for children and young people outside the city |
| Cllr Ashburner | Cllr Smale | Large black bins |
| Cllr Peatfield | Cllr Wood | Christmas offer |
| Cllr Lind | Cllr Williams | Schools under Council control |
| Cllr Care | Cllr Barker | Polling station review |
| Cllr Shanker | Cllr M Holmes | Assembly Rooms |

87/19 Minute extract 125/19 from the meeting of Council Cabinet held on 15 January 2020

The Mayor introduced a minute from the Council Cabinet meeting held on 15 January 2020, which required approval prior to the next meeting of Council, in relation to setting the Council Tax base for 2020/21.

It was moved by Councillor Poulter, and seconded by Councillor Barker, that minute 125/19 of Council Cabinet presented to Council be approved.

The approval of minute 125/19 was put to the vote and carried.

Resolved to approve minute 125/19 of Council Cabinet.

88/19 Review of Derby City Council Governance System

Council considered a report of the Strategic Director of Corporate Resources in relation to the ongoing review of Derby City Council's Governance System. It was noted that Council had agreed in May 2018 to establish a Committee System Working Group, tasked with reviewing and considering proposals relating to the Council's governance arrangements.

Following the recommendation of the Working Group, in February 2019 Council approved seven working principles as a basis for the development of a Committee System and had delegated authority to the Strategic Director of Corporate Resources to present a model consistent with the working principles.

The report detailed a broad range of evidence and stated that it had not been possible to develop a Committee System that met each of the seven working principles. It was noted that to continue with the process would require the re-drafting of the Council Constitution; consultation with the Independent Remuneration Panel and preparations to be made for a public consultation exercise. As the proposed system did not meet the working principles, it was therefore recommended that no further work was undertaken on the development of a Committee System

The recommendations contained in the report were moved by Councillor Barker and seconded by Councillor Poulter.

It was moved by Councillor Skelton and seconded by Councillor A W Graves that the motion be amended by the deletion of recommendations 2.1 and 2.2 in their entirety and the addition of the following alternative recommendations in their place:

- 2.1 To proceed with the adoption of a committee system of governance based on the committee structure attached at Appendix 3.
- 2.2 To request that the Strategic Director of Corporate Resources makes arrangements for local electors to be consulted on the adoption of a committee system of governance.

- 2.3 To request that the Strategic Director of Corporate Resources prepare a draft constitution for a committee system of governance, to include a Scheme of Delegations based on the committee structure attached at Appendix 3.
- 2.4 To request that the Independent Remuneration Panel prepare a scheme of allowances for a Committee System of governance based on the committee structure attached at Appendix 3.
- 2.5 To request that the above work is completed in time for the new Committee System to be implemented at the Council's AGM in May 2020.

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 Atwal, Ashburner, Bettany, Care, Carr, Evans, Froggatt, A W Graves, A J Graves, Ingall, Kus, Lind, Naitta, Skelton and Willoughby (15)

Against the amendment:

Councillors Barker, Cooper, Harwood, Hassall, A Holmes, M Holmes, Hudson, McCristal, Pattison, Pearce, A Pegg, Potter, Poulter, Roulstone, Smale, Testro, Webb, Williams and Wood (19)

Abstentions:

Councillors Dhindsa, Eldret, Hezelgrave, Hussain, J Khan, S Khan, Nawaz, Peatfield, Repton, Russell, Sandhu, Shanker, Stanton and West (14)

The amendment was lost.

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:

For the recommendations as printed:

Councillors Barker, Cooper, Harwood, Hassall, A Holmes, M Holmes, Hudson, McCristal, Pattison, Pearce, A Pegg, Potter, Poulter, Roulstone, Smale, Testro, Webb, Williams and Wood (19)

Against the recommendation as printed:

Councillors Atwal, Ashburner, Bettany, Care, Carr, Evans, Froggatt, A W Graves, A J Graves, Ingall, Kus, Lind, Naitta, Skelton and Willoughby (15)

Abstentions:

Councillors Dhindsa, Eldret, Hezelgrave, Hussain, J Khan, S Khan, Nawaz, Peatfield, Repton, Russell, Sandhu, Shanker, Stanton and West (14)

Resolved:

- 1. To note that it had not been possible to develop a committee system of governance that meets all of the seven working principles.**
- 2. To recommend that no further steps are taken to implement a committee system of governance, for the reasons set out in the report.**

89/19 Review of Polling Districts and Polling Places

Council considered a report of the Strategic Director of Corporate Resources presenting the results of a review of polling districts, polling places and polling stations, seeking approval for the implementation of the proposals for future polling arrangements for Parliamentary elections.

It was reported that the Council had a statutory responsibility under the Representation of the People Act 1983 to conduct a review of polling districts and polling places by 31 January 2020. The review covered the UK Parliamentary constituencies of Derby North, Derby South and the part of the Mid-Derbyshire constituency that lay within the city boundary.

The recommendation was moved by Councillor Barker and seconded by Councillor M Holmes, put to the vote and carried.

Resolved to approve the proposals for future polling arrangements for the city for Parliamentary elections, as set out at Appendix 1 of the report.

90/19 Designation of Statutory Roles and appointment of Chief Executive

A report of the Deputy Monitoring Officer was considered to appoint to a number of statutory roles, following the announcement that the Chief Executive, Carole Mills, intended to retire with effect from 23 January 2020.

It was recommended that the current Deputy Chief Executive, Paul Simpson, was appointed as Acting Chief Executive and Head of Paid Service. Consequentially, it was also proposed that the Director of Finance, Simon Riley, was designated Chief Finance Officer. In addition, the Director of Legal, Procurement and Democratic Services, Emily Feenan, was designated to proper officer roles previously associated with the outgoing Chief Executive, in relation to the administration of elections.

The report also sought to make arrangements for the Appointments Panel to recommend a candidate to fulfil the role of Chief Executive and Head of Paid Service on a permanent basis, with Council approval required under the Pay Policy to appoint to positions attracting salaries in excess of £100,000.

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

Resolved:

- 1. To approve the appointment of Paul Simpson as Acting Chief Executive and designate to him the statutory role of Head of Paid Service, as required under Section 4 of the Local Government and Housing Act 1989, with effect from 23 January 2020.**

2. To designate Emily Feenan as the Council's Electoral Registration Officer and Returning Officer in accordance with the Representation of the People Acts, with effect from 23 January 2020.
3. To designate Simon Riley the statutory role of Chief Finance Officer, as required under Section 151 of the Local Government Act 1972 and Section 6 of the Local Government and Housing Act 1989, with effect from 23 January 2020.
4. To approve the principle of a recruitment process to the post of Chief Executive, as required under the council's Pay Policy, and for the Appointments Panel to recommend a candidate to Council for approval.

91/19 Motion: Midlands Engine

The following motion was moved by Councillor Willoughby, and seconded by Councillor Care:

Council acknowledges the important work conducted by the Midlands Engine to bring together key stakeholders, businesses and partners across the region to invest in transport, innovation and enterprise, digital connectivity, and help exports.

Council is however concerned that the government is proposing a 40% cut to its funding that could drop from £4.1m in the current financial year to a possible £2.5m a year from this April based on committed funding to date.

This is despite a commitment in the Conservative Party manifesto at the General Election for investment in all areas of the UK including towns and cities, the midlands rail hub, and providing city regions with the funding to upgrade their transport infrastructure. It also states that through bodies like the Midlands Engine they will "drive greater levels of foreign investment into the UK, promoting our towns, cities and countries around the world". Council therefore considers this reduction in funding to be a retrograde step given the importance of promoting trade for the UK at the current time.

Council therefore requests the Leader of the Council to lobby Central Government to express the Council's concern about this proposal, and to ensure that this proposed cut in funding does not take place.

The motion was put to the vote and lost.

92/19 Motion: Climate Change Action Plan

The following motion was moved by Councillor Care, and seconded by Councillor Carr:

Derby City Council regrets that the target to agree a Climate Change Action Plan for the city by the end of 2019 has not been met, however it welcomes the appointment of a dedicated Climate Change Officer for the Council.

Council notes that during the past six months many other Councils have declared Climate Emergencies for their areas, both in the UK and beyond. Thus while Derby

can no longer consider itself in the vanguard of this movement it can learn from others.

In particular Council agrees to:

- Hold the first meeting of its Climate Change Working Group before the next full Council meeting, inviting representation from all party groups and wider community organisations*
- Join the ICLEI (Local Government for Sustainability) to help share and gain advice on climate change actions internationally, and to also work with the LGA and other national local government bodies on this agenda, including to call for additional national funding and legislative and regulatory changes to help achieve climate change action*
- Support Community Action Derby's bids for money to engage the charity and voluntary sector in taking action on climate change locally*
- Start preparing a programme of engagement with its own staff to encourage identification of climate change actions the Council can take, including to make full use of the Part 2 Local Plan to drive climate change action across Derby*
- Work with the Council's stakeholder and partner bodies to encourage wider adoption of climate change action policies and action*
- Bring a Climate Change Action Plan for the city back to the Annual Meeting of the Council in May 2020.*

It was moved by Councillor M Holmes, and seconded by Councillor Cooper, that the motion be amended by: the deletion of 'for the Council' from the first paragraph and the deletion in their entirety of bullet points 1, 2, 3, 4 and 6.

And the addition of the following words at the conclusion of the first sentence:

'and applauds the hard work of officers that has resulted in Derby City Council being declared the most environmentally-friendly council in the whole of the Midlands by Friends of the Earth'

And the addition of following bullet points at the conclusion of the final paragraph:

- Explore the most effective governance structure to take this work forward as quickly as possible both within the Council and across the city as a whole.*
- Explore the option of seeking advice / support / membership of the expert organisations and to also work with the LGA and other national local government bodies / seeking funding and influence policy in regard to this agenda.*
- Work with the community and voluntary sector to developing projects to address climate change and can assist in securing funding opportunities.*
- Assist with the work already underway to engaging council staff and support a series of meetings and discussions to develop more effective actions to address climate change.*
- Report progress via the lead member at the council's AGM or other suitable full council meeting as appropriate.*

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 Barker, Cooper, Harwood, Hassall, A Holmes, M Holmes, Hudson, McCristal, Pattison, Pearce, A Pegg, Potter, Poulter, Roulstone, Smale, Testro, Webb, Williams and Wood (19)

Against the amendment:

Councillors Atwal, Ashburner, Care, Carr, Dhindsa, Eldret, Hezelgrave, J Khan, S Khan, Lind, Naitta, Nawaz, Peatfield, Repton, Russell, Shanker, Skelton, Stanton, West and Willoughby (20)

Abstentions:

None.

The amendment was lost.

The motion was put to the vote and carried.

Resolved:

Derby City Council regrets that the target to agree a Climate Change Action Plan for the city by the end of 2019 has not been met, however it welcomes the appointment of a dedicated Climate Change Officer for the Council.

Council notes that during the past six months many other Councils have declared Climate Emergencies for their areas, both in the UK and beyond. Thus while Derby can no longer consider itself in the vanguard of this movement it can learn from others.

In particular Council agrees to:

- **Hold the first meeting of its Climate Change Working Group before the next full Council meeting, inviting representation from all party groups and wider community organisations**
- **Join the ICLEI (Local Government for Sustainability) to help share and gain advice on climate change actions internationally, and to also work with the LGA and other national local government bodies on this agenda, including to call for additional national funding and legislative and regulatory changes to help achieve climate change action**
- **Support Community Action Derby's bids for money to engage the charity and voluntary sector in taking action on climate change locally**
- **Start preparing a programme of engagement with its own staff to encourage identification of climate change actions the Council can take, including to make full use of the Part 2 Local Plan to drive climate change action across Derby**
- **Work with the Council's stakeholder and partner bodies to encourage wider adoption of climate change action policies and action**

- **Bring a Climate Change Action Plan for the city back to the Annual Meeting of the Council in May 2020.**

MAYOR