

ITEM 3b

Time commenced - 7.00pm
Time finished - 9:31pm

COUNCIL

19 January 2021

Present: The Mayor, Councillor Robin Wood, and Councillors Atwal, Barker, Bettany, Bonser, Care, Carr, Cooper, Dhindsa, Evans, Grimadell, Hassall, Hezelgrave, A Holmes, M Holmes, Hussain, Ingall, Jennings, J Khan, S Khan, Lind, Lonsdale, Martin, McCristal, Naitta, Nawaz, Pandey, Pattison, J Pearce, T Pearce, Peatfield, Pegg, Potter, Poulter, Prosser, Repton, Roulstone, Sandhu, Shanker, Skelton, Smale, Testro, Webb, West and Williams.

72/21 Apologies

Apologies for absence were received from Councillors Eyre, A J Graves, A W Graves, Kus and Willoughby.

73/21 Declarations of Interest

There were none.

74/21 Minutes of the Previous Meeting

The minutes of the meeting of the Council held on 24 November 2021 were moved by Councillor J Pearce, and seconded by Councillor Barker.

Resolved that the minutes of the meeting of the Council held on 24 November 2021 be approved as a correct record, confirmed and signed by the Mayor.

75/21 Announcements from the Mayor

The Mayor welcomed councillors and members of the public to the meeting, held at the Derby Arena.

The Mayor informed the meeting that they had agreed to the circulation of two late items following the publication of the agenda, on the grounds of urgency.

The Mayor reported that several individuals with connections to Derby had been recognised in the Queen's New Year Honours for 2022. They were:

- Professor Kathryn Mitchell CBE – Vice-Chancellor and Chief Executive of the University of Derby, for services to education.
- Clive Lawrence OBE – former Executive Head Teacher at St Giles School and Director of Special Educational Needs at Greenwood Academies, for services to education.
- Adam Peaty OBE – Olympic gold medallist, multiple world record holder and member of the City of Derby swimming club, for services to swimming.
- Deena Heaney MBE – dementia care specialist, for services to dementia care.

- Karen Bussooa BEM – most recently an end-of-life facilitator at the Royal Derby Hospital, for services to end-of-life care.

The recent passing of Mr Leo Beckett was reported to Council, the husband and long-term political assistant to Dame Margaret Beckett, Member of Parliament for Derby South. The Mayor also reported the death of Mr Fred Manning, who was a serving member of the Derby City Council independent appeals panel for Admission Appeals and Exclusion Reviews. Finally, the passing of former Civic Award winner, Mr Keith Turner, was also reported: Mr Turner had previously been recognised by Council as the founder of local charity Derby Civic Aid.

Councillors Shanker, Williams and Skelton reflected on their memories of Mr Beckett before a minute's silence was observed in recollection of all three individuals.

76/21 Statements from members of the Council Cabinet

The Leader of the Council provided a statement on the future of Derby County Football Club.

Group Leaders and opposition spokespeople were given opportunity to respond, having been provided with a copy of the statement prior to the meeting.

It was moved by Councillor Barker and seconded by Councillor Shanker that under Council Procedure Rule CP42(r) an urgent motion be considered in respect of the future of Derby County Football Club.

The Mayor granted the request on grounds of urgency, noting that the football club, which had entered administration on 22 September 2021, had recently been given a deadline of 1 February 2022 by the English Football League to demonstrate that it had sufficient funds to complete the 2021-22 season.

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

Council pledges its support to Derby County Football Club and commits to help resolve the current impasse between the administrators, the English Football League (EFL) and other interested parties.

Council therefore resolves:

1. To recognise the vital importance of Derby County Football Club to the city and the wider area, in terms of identity, profile, our economy, the direct and indirect supply chain, gross value added and the health and cultural wellbeing of the local community.

2. To note that the club, as a founding member of the football league in 1884, underwent a 21-point deduction and currently has a second transfer embargo placed upon it by the EFL, and yet is still in a position to name its preferred bidder of the three interested parties.

3. To encourage the administrators to engage with all parties in open and proactive communication and to call on the EFL to help facilitate the preferred

bidder to be announced and proceed with its takeover of the club to guarantee its survival, thus enabling it to deal with creditors and any outstanding claims. The EFL needs to urgently rule on the creditor status of the claims by Middlesbrough and Wycombe Wanderers, determine whether they are 'football creditors' or not, and importantly to update its rules and policies to comply with current insolvency legislation.

4. To commit to working on a cross-party basis, with the supporters, administrators, EFL, preferred bidder and Government by getting fully behind the TEAM DERBY campaign to SAVE OUR CLUB and by stressing the importance of Derby County Football Club to the city and its communities.

The motion was put to the vote and carried.

Resolved:

Council pledges its support to Derby County Football Club and commits to help resolve the current impasse between the administrators, the English Football League (EFL) and other interested parties.

Council therefore resolves:

- 1. To recognise the vital importance of Derby County Football Club to the city and the wider area, in terms of identity, profile, our economy, the direct and indirect supply chain, gross value added and the health and cultural wellbeing of the local community.**
- 2. To note that the club, as a founding member of the football league in 1884, underwent a 21-point deduction and currently has a second transfer embargo placed upon it by the EFL, and yet is still in a position to name its preferred bidder of the three interested parties.**
- 3. To encourage the administrators to engage with all parties in open and proactive communication and to call on the EFL to help facilitate the preferred bidder to be announced and proceed with its takeover of the club to guarantee its survival, thus enabling it to deal with creditors and any outstanding claims. The EFL needs to urgently rule on the creditor status of the claims by Middlesbrough and Wycombe Wanderers, determine whether they are 'football creditors' or not, and importantly to update its rules and policies to comply with current insolvency legislation.**
- 4. To commit to working on a cross-party basis, with the supporters, administrators, EFL, preferred bidder and Government by getting fully behind the TEAM DERBY campaign to SAVE OUR CLUB and by stressing the importance of Derby County Football Club to the city and its communities.**

77/21 Questions from the public

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Nathalie Hollingworth	Cllr Hassall	Clean Air Zones
Brendan Connelly	Cllr Smale	Council Tax increase
Ruth Coates	Cllr Hassall	Friar Gate Goods Yard
Pauline Inwood	Cllr Hassall	Local Plan
Philip Hutchinson	Cllr Hassall	Air pollution levels
Simon Bacon	Cllr Hassall	Residual black bin waste
Brendan Connelly	Cllr S Khan	Complaint response time
Ruth Coates	Cllr Hassall	Reduction of cars on the road
Pauline Inwood	Cllr J Pearce	Carbon Literacy Training
Simon Bacon	Cllr J Pearce	Recycling and waste reduction promotion

78/21 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

79/21 Questions from non-Council Cabinet members

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Cllr Shanker	Cllr Poulter	Downing Street parties
Cllr Lind	Cllr Smale	Children's Services budget
Cllr Lonsdale	Cllr J Pearce	Kingsway safe crossing
Cllr Martin	Cllr Webb	Padley relocation costs
Cllr Repton	Cllr McCristal	Opening of Moorways Sports Village
Cllr Dhindsa	Cllr Smale	Peartree Carnegie Library Building
Cllr West	Cllr McCristal	Guildhall costs
Cllr Care	Cllr Barker	Council electric advertising screens
Cllr Martin	Cllr Williams	Air purifying units
Cllr Shanker	Cllr McCristal	Derby River Boat
Cllr Repton	Cllr McCristal	Derby Loves You Venue
Cllr Dhindsa	Cllr Webb	Promotion of the Covid-19 vaccine
Cllr West	Cllr McCristal	Moorways Sports Village operator
Cllr Care	Cllr Webb	Wear Warm campaign
Cllr Shanker	Cllr McCristal	Becketwell performance venue
Cllr Care	Cllr Webb	Anchor Executive Group reporting process
Cllr Repton	Cllr Poulter	Support for Derby County Football Club
Cllr Care	Cllr Webb	Public Health Covid-19 plans

80/21 Minute extract 118/21 of the Council Cabinet meeting held on 8 December 2021

A minute extract from the meeting of the Council Cabinet held on 8 December 2021 was considered. The extract related to the Council's Treasury Management Mid-Year forecast, stating that it was recognised as best practice for this information to be reported to Council.

The minute was moved by Councillor Smale, seconded by Councillor Hassall, put to the vote and carried.

Resolved to approve minute 118/21 of the Council Cabinet.

81/21 Minute extract 140/21 of the meeting of the Council Cabinet meeting held on 12 January 2022.

The Mayor introduced a late item, which was a minute extract from the meeting of the Council Cabinet held on 12 January 2022 relating to the calculation of the Council Tax base.

It was noted that the Council Tax base was statutorily required to be calculated by 31 January 2022. The Mayor had therefore agreed to its consideration on the grounds of urgency.

The minute was moved by Councillor Smale, seconded by Councillor J Pearce, put to the vote and carried.

Resolved to approve minute 140/21 of the Council Cabinet.

82/21 Appointments to Statutory Roles

A report of the Strategic Director of Corporate Resources was considered proposing the alteration of the designation of the Proper Officer in respect of Registration Services.

The Monitoring Officer left the meeting for the duration of this item as the report related directly to their role as Director of Legal, Procurement and Democratic Services.

It was noted that the Council was required to designate a Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships under the Registration Services Act 1953. The report summarised the duties of the Proper Officer and noted that since 2018 the role had been performed by the Director of Digital and Customer Management.

It was recommended that the Director of Legal, Procurement and Democratic Services be assigned the designation, due to the legislative nature of the responsibilities and the benefit of legal oversight of the service. However, operational

management of the Registration Service would remain under the Director of Digital and Customer Management and the Head of Customer Management, due to the customer facing nature of the service.

It was moved by Councillor Barker and seconded by Councillor Smale that the recommendations in the report be approved, subject to clarification that the delegation to the Monitoring Officer to make amendments to the Scheme of Delegation applied only to the matter under consideration. The recommendations were put to the vote and carried.

Resolved:

- 1. To designate the Director of Legal, Procurement and Democratic Services and Monitoring Officer, as the Council's Proper Officer for the Registration of Births, Deaths, Marriages and Civil Partnerships under the Registration Services Act 1953.**
- 2. To authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.**

83/21 Public Sector Audit Appointments Limited (PSAA)

A report of the Strategic Director of Corporate Resources was considered in respect of the appointment of the Council's external auditor.

The report noted that under the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015, the Council has the option to use Public Sector Audit Appointments Limited (PSAA) in respect of the future appointment of an external auditor.

It was reported that the PSAA was a not-for-profit company established by the Local Government Association, which acts as the appointing person for auditors for principal government bodies, utilising a national appointments arrangement. The Council had previously opted into this arrangement in 2016 for a period of five years.

The report noted that the matter had previously been considered by the Audit and Governance Committee, with minute extract 47/21 appended to the report.

The recommendation was moved by Councillor West and seconded by Councillor Barker. The recommendations were put to the vote and carried.

Resolved to accept the recommendation of the Audit and Governance Committee that the Council becomes an opt-in local authority for Public Sector Audit Appointments Limited to make all arrangements for the appointment of its external auditor from 1 April 2023, for a compulsory appointment period of five financial years.

84/21 Constitutional Appointments

The Mayor introduced a late report of the Strategic Director of Corporate Resources, relating to the allocation of committee places under political proportionality requirements.

The late report was circulated following notice being received by the Monitoring Officer of Councillor James Testro's intention to sit as a Liberal Democrat councillor, with effect from 18 January 2022. Councillor Testro had previously sat as an ungrouped councillor.

To comply with the requirements of the Local Government and Housing Act 1989, which dictates the political composition of committees, the report proposed that the Liberal Democrat Group inherit an additional position on the Licensing Committee, originally reserved for an ungrouped councillor; and, that the Liberal Democrat Group inherit an additional position on the Corporate Parenting Committee originally reserved for an ungrouped councillor, that was currently vacant.

It was moved by Councillor Barker and seconded by Councillor J Pearce that the recommendations in the report be approved.

Resolved:

- 1. To amend the appointments to the Council's committees as detailed in the report.**
- 2. To invite ungrouped councillors to submit nominations to the Monitoring Officer to fill outstanding vacancies.**

85/21 Motion: Flexibility of Local Authority Meetings

The following motion was moved by Councillor Barker, and seconded by Councillor Williams:

Council notes with concern that local authorities remain unable to meet remotely during the ongoing Covid-19 pandemic, despite having done so successfully between April 2020 and May 2021. The temporary legislation that allowed remote meetings has now expired and two High Court rulings have confirmed that the Local Government Act 1972 requires councillors to be present at a single location to form part of the quorum of a meeting.

Council believes that local authorities should have the choice to decide how they run their meetings, depending on local circumstances. Whilst physical meetings open to the public remain an important part of our democratic process, the current public health situation warrants immediate action and holding large public meetings places all in attendance at unnecessary risk and incurs additional costs.

Furthermore, the ability for councils to meet flexibly offers long-term benefits in respect of democratic engagement, public participation and transparency. Council notes that local authorities in Wales and Scotland have been able to meet remotely for several years.

The Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG) have launched a petition calling for Councils in England to be given the flexibility to meet remotely. Council welcomes the petition and encourages councillors, officers and members of the public to lend their support.

Council notes that the Cabinet Member for Governance has written to the Secretary of State on two occasions in the past twelve months requesting permanent adoption of remote and hybrid meetings. Council resolves to request that the Cabinet Member for Governance writes again to the Secretary of State, calling for an urgent response to a recent consultation and a swift resolution to this untenable situation.

It was moved by Councillor Skelton and seconded by Councillor Testro that the motion be amended by the deletion of the final sentence in its entirety and the addition of the following words in their place:

Council further notes in particular the following advantages of being able to hold remote and hybrid council meetings:

- *Some councillors and prospective councillors have work or caring commitments, or mobility or accessibility issues limiting their ability to attend meetings in person. Virtual meeting options provide more flexibility and accessibility for councillors to attend council meetings. In the future, this flexibility and increased accessibility could help to attract a wider range of potential councillors.*
- *Council has acknowledged the challenges around climate change. A reduction in unnecessary travel by attending some meetings virtually rather than driving would reduce emissions and cut down on the council's carbon footprint and also reduce road congestion.*
- *Virtual meetings can save money for the council in terms of venue costs.*
- *Providing virtual meeting options can make council meetings more accessible and produce better engagement from the public and the press on various issues. For example, reporting of council business increased when meetings were held virtually compared to when council meetings must be attended in person by journalists and members of the public.*
- *At times when government advice is to reduce in person contact, holding more virtual or hybrid meetings can set a good example to the public.*

This council would like to have the flexibility to hold virtual, hybrid and in-person meetings to suit the local context and needs of residents and councillors.

Council asks the Leader of the Council to:

- 1) *Write to the Secretary of State for Levelling Up, Housing and Communities (DLUHC) urging a permanent amendment to the meeting rules set out in the Local Government Act 1972 enabling local authorities to hold virtual, hybrid or physical meetings.*
- 2) *Write to our local MPs to ask for support for this flexible approach to council meetings.*

Council also asks officers to:

- 1) *Think about what changes might be needed to our Constitution to accommodate this new opportunity.*
- 2) *Continue to explore our use of technology to develop online meetings we are already able to hold, for example for consultations, and thus be ready for greater use of online technologies for all meetings, once approved.*

The amendment was put to the vote and carried.

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

Resolved:

Council notes with concern that local authorities remain unable to meet remotely during the ongoing Covid-19 pandemic, despite having done so successfully between April 2020 and May 2021. The temporary legislation that allowed remote meetings has now expired and two High Court rulings have confirmed that the Local Government Act 1972 requires councillors to be present at a single location to form part of the quorum of a meeting.

Council believes that local authorities should have the choice to decide how they run their meetings, depending on local circumstances. Whilst physical meetings open to the public remain an important part of our democratic process, the current public health situation warrants immediate action and holding large public meetings places all in attendance at unnecessary risk and incurs additional costs.

Furthermore, the ability for councils to meet flexibly offers long-term benefits in respect of democratic engagement, public participation and transparency. Council notes that local authorities in Wales and Scotland have been able to meet remotely for several years.

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press on various issues. For example, reporting of council business increased when meetings were held virtually compared to when council meetings must be attended in person by journalists and members of the public.

- At times when government advice is to reduce in person contact, holding more virtual or hybrid meetings can set a good example to the public.

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- 2) Write to our local MPs to ask for support for this flexible approach to council meetings.

Council also asks officers to:

- 1) Think about what changes might be needed to our Constitution to accommodate this new opportunity.
- 2) Continue to explore our use of technology to develop online meetings we are already able to hold, for example for consultations, and thus be ready for greater use of online technologies for all meetings, once approved.

86/21 Motion: The future of swimming in Derby

The following motion was moved by Councillor Repton, and seconded by Councillor West:

Council recognises the vital role swimming pools play in our local community. Swimming pools are community hubs where people of all ages come together for fun, fitness and sport and we therefore eagerly await the opening of Moorways Sports Village in Spring 2022.

It is estimated that the enormous benefits swimming brings to people's physical and mental health saves NHS and Social Care services more than £357 million each year across the UK.

Council reaffirms its commitment to providing top class swimming facilities in Derby.

Council notes with concern the report published by Swim England in September 2021 – A Decade in Decline: The Future of Swimming Pools in England – which warns that, without proper investment and refurbishment, up to 2000 swimming pools could be lost across the UK over the next decade. Indeed, many pools have closed during the pandemic.

Council further notes Swim England reports that leisure centres can account for as much as 40 per cent of a council's direct carbon emissions. New or refurbished pools are much more sustainable (both economically and environmentally) and can play a key part in meeting our climate change ambitions.

As has been discussed over recent years, Queen's Leisure Centre is coming to the end of its lifespan having been built 90 years ago. Cabinet confirmed last month that Queen's would be closed once the new pools at Moorways open in Spring.

Council resolves to:

- 1. Ensure Moorways Sports Village is affordable for all.*
- 2. Improve numbers of swimmers in Derby for safety and health and wellbeing reasons, and to build new pools to address any shortfall in the provision of local swimming facilities.*
- 3. Bid for full Government funding for the creation of a new centrally located pool if Queen's Leisure Centre closes.*
- 4. Instruct the Chief Executive to write to the Chancellor of the Exchequer to demand that the full £1 billion of grant funding recommended in Swim England's report is made available to local authorities to refurbish and expand their swimming pool provision.*

It was moved by Councillor McCristal and seconded by Councillor Jennings that the motion be amended by the deletion of the fourth bullet point of the final paragraph and the addition of the following words in its place:

"Request the Chief Executive, Leader of the Council and relevant Cabinet Member write to the Chancellor of the Exchequer, asking the Chancellor to consider the recommendation in Swim England's report that £1 billion of grant funding is made available to local authorities to refurbish and expand their swimming pool provision."

The amendment was put to the vote and lost.

The motion was put to the vote and carried.

Resolved:

Council recognises the vital role swimming pools play in our local community. Swimming pools are community hubs where people of all ages come together for fun, fitness and sport and we therefore eagerly await the opening of Moorways Sports Village in Spring 2022.

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Council resolves to:

1. Ensure Moorways Sports Village is affordable for all.
2. Improve numbers of swimmers in Derby for safety and health and wellbeing reasons, and to build new pools to address any shortfall in the provision of local swimming facilities.
3. Bid for full Government funding for the creation of a new centrally located pool if Queen's Leisure Centre closes.
4. Instruct the Chief Executive to write to the Chancellor of the Exchequer to demand that the full £1 billion of grant funding recommended in Swim England's report is made available to local authorities to refurbish and expand their swimming pool provision.

87/21 Motion: Derby city centre

The following motion was moved by Councillor Peatfield, and seconded by Councillor Shanker:

Council notes with concern the continued decline of Derby City Centre, accelerated by the Covid pandemic and acknowledges that drastic steps need to be taken beyond the Levelling Up and Future High Streets funding plans to address the rapid decline and footfall loss.

While Council recognises there are future plans in place for the Market Hall, Eastern Gateway and Becketwell, it notes that these are all being delivered at undetermined future years, the future of the Assembly Rooms remains a mystery, there are no plans for the Guildhall and more and more shops are vacant across the city.

Council therefore resolves to:

1. *Facilitate the creation of a City Centre Improvement Hub to bring together businesses, community organisations and city centre residents to galvanise action for Derby City Centre including:*
 - *Liaising with landlords to re-utilise and/or re-purpose empty buildings and offer low rent for renovation.*

- *Creating an online hub for information, advice, resource, support, landlord/ property directory etc. including support for community and co-operative businesses to take on ownership or management of vacant high street properties to enable communities to have a stake in their city centre.*
- 2. *Encourage meanwhile use/low rent for renovation for City Centre council and Anchor Institution owned buildings.*
- 3. *Investigate compulsory purchase of long-term empty buildings with alternative meanwhile use and low rent for renovation options.*
- 4. *Explore the creation or enhancement of a Capital Scheme for matched funding loans / grants to bring empty retail units back in to use.*
- 5. *Campaign to devolve national funding pots to give local communities, councils and regions the ultimate say in how it is spent in their area.*

It was moved by Councillor Smale and seconded by Councillor Hassall that the motion be amended by the deletion of the first two paragraphs in their entirety and the addition of the following words in their place:

“Council acknowledges that Derby City Centre faces challenges from the changing nature of the usage of City Centre locations, which has been accelerated by the Covid pandemic.

Council recognises that numerous plans to regenerate Derby City Centre are currently in progress, including the Derby Market Hall, Derby Riverboat, Becketwell Regeneration, Eastern Gateway and Castleward, and that these plans are already increasing consumer confidence both within and outside of the City.

Council acknowledges that these projects are not yet completed, that the future of all City Centre locations has not yet been determined, and that too many shops are vacant across the City.”

The amendment was put to the vote and carried.

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

Resolved:

Council acknowledges that Derby City Centre faces challenges from the changing nature of the usage of City Centre locations, which has been accelerated by the Covid pandemic.

Council recognises that numerous plans to regenerate Derby City Centre are currently in progress, including the Derby Market Hall, Derby Riverboat, Becketwell Regeneration, Eastern Gateway and Castleward, and that these plans are already increasing consumer confidence both within and outside of the City.

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 - Creating an online hub for information, advice, resource, support, landlord/ property directory etc. including support for community and co-operative businesses to take on ownership or management of vacant high street properties to enable communities to have a stake in their city centre.**
- 2. Encourage meanwhile use/low rent for renovation for City Centre council and Anchor Institution owned buildings.**
- 3. Investigate compulsory purchase of long-term empty buildings with alternative meanwhile use and low rent for renovation options.**
- 4. Explore the creation or enhancement of a Capital Scheme for matched funding loans / grants to bring empty retail units back in to use.**
- 5. Campaign to devolve national funding pots to give local communities, councils and regions the ultimate say in how it is spent in their area.**

88/21 Motion: Virtual Council meetings

Councillor Skelton informed the Mayor that they wished to withdraw the motion of which they had previously given notice, owing to the earlier consideration of a similar motion in relation to the flexibility of local authority meetings.

MAYOR