

# ITEM 3

Time commenced - 11.00am  
Time adjourned - 12.20pm  
Time reconvened - 6.00pm  
Time finished - 8.22pm

## **COUNCIL 18 MAY 2016**

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

### **1/16 Election of Mayor**

It was proposed by Councillor Bolton, and seconded, that Councillor Linda Winter be elected as Mayor of the City for the next municipal year.

It was proposed by Councillor Wood, and seconded, that Councillor Frank Harwood be elected as Mayor of the City for the next municipal year.

**Resolved that Councillor Linda Winter be elected Mayor of the City for the next municipal year.**

Councillor Winter made the declaration of acceptance of office and occupied the chair.

### **2/16 Election of Deputy Mayor**

The Mayor asked for nominations for the office of Deputy Mayor.

It was proposed by Councillor Froggatt, and seconded, that Councillor Whitby be elected Deputy Mayor of the City for the next municipal year.

It was proposed by Councillor Wood, and seconded, that Councillor Harwood be elected Deputy Mayor of the City for the next municipal year.

**Resolved that Councillor Whitby be elected Deputy Mayor of the City for the next municipal year.**

Councillor Whitby then made the declaration of acceptance of office.

### **3/16 Thanks to the Retiring Mayor**

It was moved by Councillor Shanker, and seconded, that:

"The thanks of this Council be given to Councillor Paul Pegg, for the zeal, impartiality and ability with which he has discharged the duties of the Office of Mayor of the City for the past year."

It was proposed by Councillor Graves that the motion be amended by the deletion of the word "impartiality".

The amendment was put to the vote and lost.

The motion was put to the vote and carried.

**Resolved that the thanks of this Council be given to Councillor Paul Pegg, for the zeal, impartiality and ability with which he has discharged the duties of the Office of Mayor of the City for the past year.**

Under Council Procedure Rule CP72, Councillor Graves asked that his vote against the motion be recorded in the minutes.

#### 4/16      Apologies for absence

Apologies for absence were received from Councillor Carr.

#### 5/16      Appointment of Pinder and Tenter

**Resolved, on the motion of the Mayor, that the Markets Officer be appointed Pinder and Tenter for the ensuing year.**

#### 6/16      Adjournment of Meeting

**Resolved, on the motion of the Mayor, that Council adjourn until 6pm in the Council Chamber, The Council House, Derby.**

The Council adjourned at 12.20pm and reconvened in the Council Chamber, The Council House, Derby, at 6pm on 18 May 2016.

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

#### 7/16      Apologies

Apologies for absence were received from Councillor Carr.

#### 8/16      Declarations of Interest

There were no declarations of interest.

#### 9/16      Minutes of the Previous Meeting

**Resolved that the minutes of the meeting of the Council held on 2 March 2016 be approved as a correct record, confirmed and signed by the Mayor.**

## **10/16      Announcements from the Mayor**

The Mayor thanked councillors for attending both the Mayor Making ceremony in the morning and the service at Derby Cathedral which had taken place immediately afterwards.

The Mayor invited Councillors Bolton and Grimadell to address Council to report on their recent trip to Osnabruck to mark the 40-year anniversary of the twinning arrangement with Derby. Gifts given to Derby by the cities of Osnabruck in Germany and Haarlem in the Netherlands were presented.

The Mayor invited the Director of Governance and Monitoring Officer to update members on changes to the Council agenda. It was confirmed that a late report had been added relating on a Review of Taxi Licensing, and that the motion at Item 21 on the agenda would instead be considered immediately before Item 16 as it related to Constitutional Appointments.

## **11/16      Announcement of Council Cabinet**

The Mayor invited Councillor Banwait, having been elected to the office of Leader of the Council on a four-year term by Council on 11 June 2014 in accordance with paragraph 7.3 in Article 7 within the Council Constitution, to announce a Council Cabinet for the 2016/7 municipal year.

The Leader of the Council confirmed the following appointments:

Cabinet Member for Strategy and Policy – Councillor Ranjit Banwait  
Cabinet Member for Communities and City Centre Regeneration – Councillor Martin Rawson  
Cabinet Member for Regulatory Services – Councillor Baggy Shanker  
Cabinet Member for Cohesion and Integration – Councillor Asaf Afzal  
Cabinet Member for Urban Renewal – Councillor Fareed Hussain  
Cabinet Member for Safeguarding and CYP – Councillor Sara Bolton  
Cabinet Member for Education and Skills – Councillor Sarah Russell  
Cabinet Member for Jobs and Fair Employment – Councillor Lisa Eldret  
Cabinet Member for Integrated Health and Care – Councillor Martin Repton

## **12/16      Receipt of a Petition**

A report of the Monitoring Officer detailed that the council had received a properly submitted petition including 5,014 valid signatures relating to Derby's Citizens Advice Bureau. In accordance with the Petitions Scheme, the matter was brought before Council for debate. The Mayor invited Mr Matthew Allbones to address Council, Mr Allbones having been identified by the lead petitioner, Mr Tony Fisher, as an appropriate person to present the petition before members.

Following Mr Allbones' representations, it was moved by Councillor Graves, and seconded, that the proposed motion as detailed in the report be amended by the deletion of the word "notes" and the addition of the words "supports" and "and seeks to review budgets in order to keep the Citizens Advice Bureau in Derby open".

The Monitoring Officer reported to members that, if approved, the motion as amended would read as follows:

"That Council supports the petition and seeks to review budgets in order to keep the Citizens Advice Bureau in Derby open".

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 Ashburner, Barker, Care, Evans, Graves, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Hudson, Ingall, Keith, Marshall, Naitta, Poulter, Roulstone, Skelton, Smale, Webb, Williams, Wood and Wright (23)

Against the amendment:

Councillors Afzal, Anderson, Banwait, Bayliss, Bolton, Dhindsa, Eldret, Froggatt, Hezelgrave, Hussain, Jackson, J Khan, S Khan, Nawaz, Pegg, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Turner, West, Whitby and the Mayor, Councillor Winter (26)

Abstentions:

None

The amendment was lost.

The recommendation as printed in the report was put to the vote and carried.

**Resolved that Council notes the petition.**

## **13/16      Schedule of Meetings for 2016/7**

The Council considered a Schedule of Meetings for 2016/7.

It was moved by Councillor Bayliss that the schedule as proposed be amended such that the dates of the Regenerating Our City Overview and Scrutiny Board proposed to take place on 13 December 2016 and 21 March 2017 be brought forward to take place on 29 November 2015 and 21 February 2017 respectively.

The amendment was carried.

It was moved by the Mayor, and seconded, the schedule of meetings as amended be approved. This was carried.

**Resolved to approve the Schedule of Meetings 2016/7 as amended.**

## 14/16 Contract Procedure Rules

A report of the Monitoring Officer proposed minor changes to the Contract Procedure Rules to address an anomaly which had been highlighted in relation to the approved process for the signing and sealing of contracts.

It was moved by Councillor Banwait, and seconded, that the recommendations in the report be approved.

### **Resolved to:**

- 1) approve the revised wording for the signing and sealing of contracts within the Contract Procedure Rules as detailed in the report; and**
- 2) note that the Contract Procedure Rules would be updated to reflect up-to-date job titles of senior officers.**

## 15/16 Members' Steering Group

A report of the Chief Executive proposed a remodelling of the Members' Steering Group to refocus its workload and make it more effective and time-efficient.

It was proposed by Councillor Wood that, as Members' Steering Group was a working group rather than a formal constitutional body, arrangements on attendees be relaxed such that substitute members could attend to represent political groups rather than membership being limited. The proposal was supported by Councillor Banwait and agreed by consensus.

**Resolved to remodel Members' Steering Group as detailed in the report, to include the ability of groups to provide substitute members to attend meetings.**

## 16/16 Notice of Motion

It was moved by Councillor Barker, and seconded, that:

*"Council agrees that the Standards Committee be made exempt from Widdicombe Rules and that an amendment is made to the Constitution, "Article 9 – The Standards Committee", as follows:*

*Membership – The Standards Committee will be composed of:*

- One councillor from each of the recognised political groups, other than the Mayor and the Leader of the Council;*
- Two Independent Persons and two co-opted persons."*

The motion was put to the vote and lost.

## 17/16 Constitutional Amendments

The Mayor invited the Monitoring Officer to update members on changes which had been proposed to the list of Constitutional Appointment nominations that had been circulated to members for 2016/7.

The Monitoring Officer advised Council that:

- The Conservative vacancy on Derbyshire Fire Authority was proposed to be filled by Councillor Williams;
- The Conservative vacancy on Derbyshire Development Plan Joint Advisory Committee was proposed to be filled by Councillor Wood;
- The Conservative nomination for Vice Chair of the Supporting Derby's Workforce Overview and Scrutiny Committee was Councillor Barker, with Councillor Alison Holmes now nominated as an ordinary member of the committee;
- The Conservative nomination on the Health and Wellbeing Board of Councillor Smale was withdrawn and Councillor Hudson was now nominated;
- The Conservative nomination on Audit and Account Committee of Councillor Hudson was withdrawn and Councillor Smale was now nominated; and
- The Labour nomination for Chair of the Standards Committee was Councillor Shanker, with Councillor Jackson now nominated as an ordinary member of the committee.

It was moved by Councillor Graves, and seconded, that the motion to approve the appointments be amended by the addition of the following words:

"subject to the number of overview and scrutiny boards being reduced to three, to include the Corporate Scrutiny and Governance Overview and Scrutiny Board".

The amendment was put to the vote and lost.

It was moved by Councillor Evans, and seconded, that the motion to approve the appointments be amended by the addition of the following words:

"subject to the special responsibility allowance for all vice chairs being removed with immediate effect".

The amendment was put to the vote and lost.

Councillors Poulter and Skelton were each nominated to be Vice Chair of the Integrating Communities Overview and Scrutiny Board. The nominations were put to the vote and Councillor Skelton was elected.

Councillors Hassall and Naitta were each nominated to be Vice Chair of the Regenerating Our City Overview and Scrutiny Board. The nominations were put to the vote and Councillor Naitta was elected.

Councillors West and Wood were each nominated to be Vice Chair of the Planning Control Committee. The nominations were put to the vote and Councillor West was elected.

Councillors Ashburner and Harwood were each nominated to be Vice Chair of the Audit and Accounts Committee. The nominations were put to the vote and Councillor Ashburner was elected.

It was moved by the Mayor, and seconded, that the Constitutional Appointments as amended be approved. This was carried.

**To approve the Constitutional Appointments, subject to the amendments reported by the Monitoring Officer.**

## **18/16      Neighbourhood Chairs**

The Mayor informed members that nominations had not been received for Neighbourhood Chairs. It was confirmed by the Monitoring Officer that it was proposed that the councillors within a ward not appointed to Neighbourhood Chair would each act as Vice Chair.

Councillors Bayliss and Graves were each nominated to be Neighbourhood Chair for Alvaston. The nominations were put to the vote and Councillor Bayliss was elected.

Councillors Smale and Winter were each nominated to be Neighbourhood Chair for Chaddesden. The nominations were put to the vote and Councillor Winter was elected.

Councillors Hudson and Rawson were each nominated to be Neighbourhood Chair for Derwent. The nominations were put to the vote and Councillor Rawson was elected.

**Resolved to appoint the following councillors as Neighbourhood Chairs for the 2016/7 municipal year, and to agree that other councillors in that ward would be appointed as Co-Vice Chairs:**

- **Abbey – Councillor Hezelgrave**
- **Allestree – Councillor Hassall**
- **Alvaston – Councillor Bayliss**
- **Arboretum – Councillor Nawaz**
- **Blagreaves – Councillor Naitta**
- **Boulton – Councillor Banwait**
- **Chaddesden – Councillor Winter**
- **Chellaston – Councillor Ingall**
- **Darley – Councillor Eldret**
- **Derwent – Councillor Rawson**
- **Littleover – Councillor Carr**
- **Mackworth – Councillor Pegg**
- **Mickleover – Councillor M Holmes**
- **Normanton – Councillor Dhindsa**
- **Oakwood – Councillor Wood**
- **Sinfin – Councillor Shanker**
- **Spondon – Councillor Roulstone**

## 19/16 Appointments to Outside Bodies and Charities

The Mayor invited the Monitoring Officer to update members on changes which had been proposed to the list of nominations for appointments to Outside Bodies and Charities that had been circulated to members for 2016/7.

The Monitoring Officer advised Council that:

- Councillor Bolton was the Labour nomination to be reappointed to the Gilbert, Wilmot and Berrysford Charity;
- The Conservative nominations of Councillor Ingall to both Derby Hospitals NHS Foundation Trust and Derbyshire Healthcare NHS Foundation Trust had been withdrawn;
- Councillor Grimadell was the Conservative nomination on the War Memorial Village;
- Councillor Poulter was the Conservative nomination to be reappointed to the Spondon Relief in Need Charity.

Councillors Grimadell and Rawson were each nominated to East Midlands Museum Service. The nominations were put to the vote and Councillor Rawson was elected.

Councillor Poulter and Mr Michael Winfield were each nominated Spondon Relief in Need Charity. The nominations were put to the vote and Mr Michael Winfield was appointed.

It was moved by the Mayor, and seconded, that the Appointments to Outside Bodies and Charities as amended be approved. This was carried.

**Resolved to approve the Appointments to Outside Bodies and Charities for 2016/7, subject to the changes reported by the Monitoring Officer.**

## 20/16 Attendance at Annual Conferences

The Council considered a schedule of attendances at annual conferences for the 2016/7 municipal year.

**Resolved to approve attendances at annual conferences for the 2016/7 municipal year.**

At this stage of the meeting, Councillors Afzal and Nawaz left the meeting.

## 21/16 Review of Taxi Licensing

A late report on a proposed review of taxi licensing was considered.

It was moved by Councillor Care that the recommendations in the report be amended by the addition of a further paragraph at point 2.2(c) as follows:

"Other proposals assessed by officers as meeting the regulations and to be credible".



The amendment was put to the vote and lost.

It was moved by Councillor Shanker, and seconded, that the recommendations in the report be agreed. This was carried.

**Resolved to:**

- 1) approve constitutional changes to transfer the Licensing Committee's taxi licensing policy-making powers, to determine the principles of an administrative licensing scheme, to Council (as set out in paragraph 4.1 in the report);**
- 2) approve consultation on the introduction of an administrative licensing system for the council in accordance with:**
  - a. the principles of the 'First Proposal', details of which are set out in paragraph 4.3 of this report;**
  - and/or**
  - b. the principles of the 'Second Proposal', details of which are set out in paragraph 4.4 of this report;**
- 3) delegate to the Director of Communities, Environment & Regulatory Services, following consultation with the Cabinet Member for Regulatory Services, authority to finalise the consultation details that will form the basis of the exercise;**
- 4) approve officers undertaking a consultation exercise on the proposed changes based on the draft timetable set out in Appendix 2 of the report; and**
- 5) note that the results of the consultation exercise will be considered by Council for a final decision in the future to introduce, with effect from 28 November 2016 (subject to the consultation process), a new administrative decision making process after the consultation exercise has been completed, taking into account the outcome of consultation and, if necessary and/or applicable, the outcome of an equality impact assessment.**

At this stage of the meeting, Councillors Afzal and Nawaz returned to the meeting.

## **22/16 Complaint about a councillor**

The Council considered a report of the Standards Committee. The Mayor invited Mr Philip Sunderland, a co-opted member of the committee, to introduce the report.

It was agreed by consensus, as recommended in paragraph 2.4 of the report, that Council Procedure Rule CP70 be suspended for consideration of this item and that a recorded vote be taken. The voting was as follows:

For the motion as recommended in the report:

Councillors Afzal, Anderson, Ashburner, Banwait, Barker, Bayliss, Bolton, Care, Dhindsa, Eldret, Evans, Froggatt, Graves, Grimadell, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, Jackson, Keith, J Khan, S Khan, Marshall, Naitta, Nawaz, Pegg, Poulter, Raju, Rawson, Repton, Roulstone, Russell,

Sandhu, Shanker, Skelton, Smale, Stanton, Turner, Webb, West, Whitby, Williams, Wood, Wright and the Mayor of Derby, Councillor Winter (49)

Against the motion:  
None

Abstentions:  
None

**Resolved to:**

- 1) authorise the Chief Executive, following consultation with Group Leaders, to determine a definitive list of 'Mandatory Training' that councillors must undertake;**
- 2) agree that where councillors fail to undertake that training within eight weeks of being informed of the necessity to do so, and having been given opportunity to complete it, then this will be reported to the Standards Committee for it to consider publishing a report detailing any concerns; and**
- 3) authorise the Chief Executive, under exceptional circumstances, to grant extensions beyond the eight weeks.**

## **23/16      Exclusion of Press and Public**

To consider a resolution to exclude the press and public during consideration of the following item.

**Resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

## **24/16      Complaint about a councillor**

The Council considered a report of the Chief Executive. The Mayor invited Mr Philip Sunderland, a co-opted member of the committee, to introduce the report.

**Resolved to note the report.**

MAYOR