

Time commenced - 6.04pm
Time finished - 9.29pm

COUNCIL

22 JULY 2015

Present: The Mayor (Councillor Pegg), Councillors Afzal, Ashburner, Banwait, Barker, Bayliss, Bolton, Carr, Dhindsa, Froggatt, Harwood, Hassall, Hezelgrave, Hickson, A Holmes, M Holmes, Jackson, J Khan, S Khan, MacDonald, Naitta, Nawaz, Poulter, Raju, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Turner, Webb, West, Whitby, Williams, Winter, Wood and Wright

23/15 Apologies for absence

Apologies were received from Councillors Care, Eldret, Graves, Grimadell, Hussain, Ingall, Jones, Keith, Martin and Redfern

24/15 Declarations of Interest

Councillors Afzal and Nawaz declared a Disclosable Pecuniary Interest in Item 9 – Minutes and Recommendations of the Licensing Committee dated 2 July 2015 (minute 30/15), as they declared themselves licensed members of the taxi trade.

Councillors J Khan, S Khan and Wright had previously declared to the Monitoring Officer non-DPI personal interests in the same item as having previously held taxi licences.

25/15 Minutes of the meeting of Council held on 20 May 2015

Councillor Harwood asked about an error in the printed attendance for the second part of the meeting held on 20 May 2015 had been amended. The Mayor confirmed that the error had been identified and corrected, and the amended minutes republished, prior to the meeting.

It was highlighted by Councillor Winter that she should have been recorded as the Neighbourhood Chair for Chaddesden, rather than Councillor Bolton. This was agreed.

The minutes were approved as a correct record, subject to the amendment as put by Councillor Winter, and signed by the Mayor.

26/15 Announcements from the Mayor

The Mayor reported the passing of former councillor Dave Roberts. Members from across the floor spoke in tribute. There then followed a minute's applause.

The Mayor reported to Council that he had been involved, along with other councillors, with the unveiling of a giant set of cricket stumps on Pentagon Island as part of Derbyshire County Cricket Club's bid for Derby to be a host city for the 2017 Women's Cricket World Cup.

The Mayor reported that Councillor Redfern had not been well and expressed, on behalf of all members, Council's best wishes for her speedy recovery.

The Mayor reported that Councillor Eldret was absent having given birth to twin boys and expressed, on behalf of all members, Council's best wishes and congratulations.

The Mayor reported that the meeting would be the final one for Andrew Bunyan, who was retiring as Strategic Director of Children and Young People. Members from across the floor expressed their gratitude to Mr Bunyan for his service to the authority.

Councillor Poulter presented the Mayor with a Purple Flag to celebrate Derby being awarded Purple Flag Status for the second time.

27/15 Statements from members of the Council Cabinet

The Mayor reported that none had been received.

28/15 Questions from the public to members of the Council Cabinet

The Mayor reported that none had been received.

29/15 Questions relating to Derbyshire Fire Authority or Derby Homes

The Mayor reported that none had been received.

30/15 Questions from non-Council Cabinet members

Written questions from non-Council Cabinet members to members of the Council Cabinet and put and responded to as follows:

- Councillor Poulter asked a question about brown bin charges which was answered by Councillor Afzal;
- Councillor Roulstone asked a question about SEN transport which was answered by Councillor Russell;
- Councillor M Holmes asked a question about Sunday trading hours which was answered by Councillor Shanker;
- Councillor Harwood asked a question about the Audit Certificate for 2013/14 which was answered by Councillor Banwait;
- Councillor Barker asked a question about the Cattle and Wholesale Markets which was answered by Councillor Rawson;

- Councillor Poulter asked a question about city centre CCTV which was answered by Councillor Afzal;
- Councillor M Holmes asked a question about Derby Arena events which was answered by Rawson;
- Councillor Harwood asked a question about the Assembly Rooms site which was answered by Councillor Rawson; and
- Councillor M Holmes asked a question about job evaluation expenditure which was answered by Councillor Banwait.

Councillors Afzal and Nawaz left the meeting.

31/15 Minutes and recommendations of the Licensing Committee dated 2 July 2015

Minute 10/15 of the Licensing Committee was considered by Council.

The Mayor invited the Monitoring Officer to orally provide members with a legal update which had been circulated in written form prior to the meeting. The update was provided, detailing how external legal advice had been sought and received in relation to paragraph 7 of the resolution before Council. The Monitoring Officer concluded by strongly recommending to Council that the motion before it be amended by the deletion of paragraph 7 of the resolution.

"to restrict those members that have previously held taxi licences from sitting on the Licensing Committee".

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

Council approves the minutes of Licensing Committee dated 2 July 2015.

It was moved by Councillor Banwait, and seconded, that the motion be amended, as recommended following legal advice from the Monitoring Officer, by the deletion of paragraph 7 of the resolution.

If amended, the motion would read as follows:

Council approves the minutes of the Licensing Committee dated 2 July 2015, subject to the deletion of paragraph 7 from the resolution: "to restrict those members that have previously held taxi licences from sitting on the Licensing Committee".

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 Banwait, Bayliss, Bolton, Dhindsa, Froggatt, Hezelgrave, Jackson, MacDonald, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, West, Whitby, Winter and the Mayor, Councillor Pegg (21)

Against the amendment:

Councillors Ashburner, Barker, Carr, Harwood, Hassall, Hickson, A Holmes, M Holmes, Naitta, Poulter, Roulstone, Skelton, Webb, Williams and Wood (15)

The amendment was carried.

It was moved by Councillor Barker, and seconded, that the motion, as amended, be further amended by the deletion of the existing wording and its replacement with the following words:

Council resolves to return the issue to Licensing Committee for further consideration in light of the legal advice and further recommendations to Council.

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, Carr, Harwood, Hassall, Hickson, A Holmes, M Holmes, Naitta, Poulter, Roulstone, Skelton, Webb and Wood (14)

Against the amendment:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Froggatt, Hezelgrave, Jackson, J Khan, S Khan, MacDonald, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, West, Whitby, Winter and the Mayor, Councillor Pegg (23)

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 on the motion, as amended. The voting was as follows:

For the motion:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Froggatt, Hezelgrave, Jackson, J Khan, S Khan, MacDonald, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, West, Whitby, Winter and the Mayor, Councillor Pegg (23)

Against the motion:

Councillors Barker, Carr, Harwood, Hassall, Hickson, A Holmes, M Holmes, Poulter, Roulstone, Webb, Williams and Wood (12)

The motion, as amended, was carried.

Resolved:

Council approves the minutes of the Licensing Committee dated 2 July 2015, subject to the deletion of paragraph 7 from the resolution: "to restrict those members that have previously held taxi licences from sitting on the Licensing Committee".

Councillors Afzal and Nawaz returned to the meeting.

32/15 Minutes and recommendations of the Audit and Accounts Committee dated 8 July 2015

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

Council approves the minutes of Audit and Accounts Committee dated 8 July 2015.

Resolved:

Council approves the minutes of Audit and Accounts Committee dated 8 July 2015.

33/15 Minutes and recommendations of Council Cabinet dated 15 July 2015

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

Council approves the minutes of Council Cabinet dated 15 July 2015.

Resolved:

Council approves the minutes of Council Cabinet dated 15 July 2015.

The Monitoring Officer and Acting Section 151 Officer left the meeting.

34/15 Disciplinary Procedures for Senior Officers

Council received a report on necessary changes to the disciplinary procedures for senior officers in accordance with the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

The Mayor reported to Council that it has been intended for the report to be considered by the independent and co-opted members of the Standards Committee in advance of the meeting as the proposed new disciplinary procedures potentially impacted on them. The Mayor reported that, while that meeting had not gone ahead, the independent and co-opted members had been in attendance and were aware of the report and its consideration by Council.

Resolved to approve that the Council Constitution be amended to give effect to the new arrangements for the disciplining and dismissal of senior staff as set out in the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

The Monitoring Officer and Acting Section 151 Officer returned to the meeting.

35/15 Constitutional Appointments

Council received a report on changes to Constitutional Appointments. The report detailed changes which had been made under the Monitoring Officer's delegation

under Part F of the Scheme of Delegations within the Council Constitution and sought approval for those requiring a resolution of Council.

Resolved to:

- 1) Approve the appointment of Andy Smith to the Health and Wellbeing Board as statutory officer with responsibility for Children and Young People, to take effect immediately following the retirement of the Strategic Director for Children and Young People, Andrew Bunyan;**
- 2) Note changes to the Labour appointments to its allocated places on the Personnel Committee from Councillor Redfern to Councillor Hezelgrave;**
- 3) Note the resolution of the Personnel Committee, on 2 July 2015, to appoint Councillor Raju as Chair.**

36/15 Appointment to the post of Head of Paid Service and Chief Executive

Council received a report recommending a permanent appointment to the post of Chief Executive and Head of Paid Service, following the unanimous agreement of an Appointment Panel constituted to select a new candidate.

Resolved to:

- 1) Appoint Paul Robinson as the Council's Chief Executive and Head of Paid Service with effect from 23 July 2015 on the following terms:**
 - A salary of £160,000 per annum. Remuneration of the role of Chief Executive and Head of Paid Service will be reviewed using the Hay methodology in common with the remainder of the work force and any proposals be considered and implemented alongside the Pay and Reward project for the Council.**
 - The national conditions of service for local authority Chief Executives, including pay awards determined from time to time by the Local Authority Chief Executives Joint Negotiating Committee, supplemented by the provisions of the local Derby City Council Personnel Handbook where appropriate.**
- 2) Agree that the Leader of the Council should set the objectives for the Chief Executive and Head of Paid Service on an annual basis and progress against delivery of these objectives should be reviewed every six months in-line with the Council's individual performance management arrangements.**

37/15 Notice of Motion: Rail Electrification

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

Council notes with dismay the Government decision to halt the electrification of the Midland Mainline by 2020.

Council notes the comments of the Secretary of State for Transport, who confirmed that the scheme has been 'paused' with no clear timetable for completion. Council is concerned that this lack of certainty undermines the thousands of jobs in the East Midlands that rely on the rail industry and that were preparing to bid for lucrative contracts relating to electrification.

Engineering consultancy Arup estimated that electrification would:

- Reap economic benefits totalling £450m, including £195m in the East Midlands alone
- Generate network cost savings of £30m per year
- Reduce journey times by approximately 10 minutes between Derby and London

There are financial and environmental costs to halting the work. It is estimated that:

- Carbon dioxide emissions are 20-30% higher on diesel trains
- Running costs are 80% more expensive on diesel engines
- Maintenance costs are 50% higher on diesel engines
- Leasing costs are 22% higher on diesel trains
- Network wear and tear is 11% higher where diesel trains are used

Council fully supports the Derby Telegraph and the Derby and Derbyshire Rail Forum's 'Electrify Our Line' campaign. Council views the decision to halt the programme as a snub to the region and evidence that the East Midlands is not considered a priority by the Government. The region risks being left behind its neighbours if it is not given a fair deal from Westminster.

Council calls on the Prime Minister to:

1. Immediately agree to a meeting with the Leader of the Council and leaders of other East Midlands authorities so that the true scale of the delays can be evaluated and its impact discussed
2. Justify why the reasons for halting progress have only come to light in the two months since pledges were made prior to the General Election and, in lieu of that, instruct the Secretary of State and Chairman of Network Rail to explore ways in which the promised work can continue on schedule
3. Re-affirm the Government's commitment to electrification and provide a detailed timescale for completion of the project at the earliest opportunity to enable local firms to safeguard the thousands of East Midlands jobs that could depend upon it.

The motion was carried.

Resolved:

Council notes with dismay the Government decision to halt the electrification of the Midland Mainline by 2020.

Council notes the comments of the Secretary of State for Transport, who confirmed that the scheme has been 'paused' with no clear timetable for completion. Council is concerned that this lack of certainty undermines the thousands of jobs in the East Midlands that rely on the rail industry and that were preparing to bid for lucrative contracts relating to electrification.

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Council calls on the Prime Minister to:

- 4. Immediately agree to a meeting with the Leader of the Council and leaders of other East Midlands authorities so that the true scale of the delays can be evaluated and its impact discussed**
- 5. Justify why the reasons for halting progress have only come to light in the two months since pledges were made prior to the General Election and, in lieu of that, instruct the Secretary of State and Chairman of Network Rail to explore ways in which the promised work can continue on schedule**
- 6. Re-affirm the Government's commitment to electrification and provide a detailed timescale for completion of the project at the earliest opportunity to enable local firms to safeguard the thousands of East Midlands jobs that could depend upon it.**

38/15 Notice of Motion: Fox Hunting

Following an intervention by Councillor Wood, it was proposed by Councillor Stanton that a notice of motion published in the Council agenda be altered, in accordance

with Rules CP53 and CP55 within the Council Procedure Rules, by the deletion of paragraphs 2 and 3 from the original published motion. The proposal was agreed.

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

Council is opposed to the repeal or amendment of the Hunting Act 2004 and the legalisation of hunting with dogs including fox hunting, deer hunting, hare hunting and hare coursing.

Council recognises that hunting with dogs causes unnecessary suffering and distress to animals and is only undertaken to provide entertainment for a tiny minority of the British population.

Council accepts that there is no evidence that hunting with dogs makes any contribution to effective wildlife management.

Council notes that repealing or weakening the Hunting Act would be inconsistent with Derby City Council's Animal Welfare Charter.

Therefore, Council resolves to instruct the Leader of the Council to:

1. Amend the Council's Animal Welfare Charter to include a clause explicitly opposing hunting with dogs.
2. Arrange a meeting with individuals and organisations such as the RSPCA, PDSA, Derbyshire Wildlife Trust, Derby Animal Rights and the League Against Cruel Sports to initiate a local campaign against proposed changes to the Hunting Act.

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 motion. The voting was as follows:

For the motion:

Councillors Afzal, Banwait, Bayliss, Bolton, Carr, Dhindsa, Froggatt, Hezelgrave, Jackson, J Khan, S Khan, MacDonald, Nawaz, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Turner, West, Whitby, Winter and the Mayor, Councillor Pegg (27)

Against the motion:

None.

The motion was carried.

Resolved:

Council is opposed to the repeal or amendment of the Hunting Act 2004 and the legalisation of hunting with dogs including fox hunting, deer hunting, hare hunting and hare coursing.

Council recognises that hunting with dogs causes unnecessary suffering and distress to animals and is only undertaken to provide entertainment for a tiny minority of the British population.

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- 1. Amend the Council's Animal Welfare Charter to include a clause explicitly opposing hunting with dogs.**
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39/15 Notice of Motion: Derby West Indian Community Association

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

Council recognises the contribution the African-Caribbean community have made to Derby and the valuable work they have performed in promoting community cohesion. It is testament to their example that Derby is the diverse and welcoming city it is today.

In light of this achievement, Council congratulates the Derby West Indian Community Association (DWICA) on their sixtieth anniversary as well as recognising forty years of the Derby Caribbean Festival.

Amongst numerous successes, DWICA have organised and delivered a range of social and cultural events; introduced educational programmes to support disadvantaged young people; supported the elderly through schemes like the Hadhari Project and established a Community Credit Union.

Council moves that the Cabinet Member for Cohesion and Integration write to representatives of the African-Caribbean community, recognising their achievements and pledging the council's continued support in building stronger ties between residents of all creeds and cultures in Derby.

The motion was carried.

Resolved:

Council recognises the contribution the African-Caribbean community have made to Derby and the valuable work they have performed in promoting

community cohesion. It is testament to their example that Derby is the diverse and welcoming city it is today.

In light of this achievement, Council congratulates the Derby West Indian Community Association (DWICA) on their sixtieth anniversary as well as recognising forty years of the Derby Caribbean Festival.

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MAYOR