

# ITEM 9

Time commenced - 6.00pm  
Time finished - 9.23pm

## **COUNCIL 2 MARCH 2016**

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

### **93/15      Apologies for absence**

Apologies were received from Councillors Carr, Hickson, Hussain, Jones, Martin, Sandhu and Turner.

### **94/15      Declarations of Interest**

There were no declarations.

### **95/15      Minutes of the extraordinary meeting of Council held on 28 January 2016**

The minutes of the meeting held on 28 January 2016 were approved as a correct record.

### **96/15      Minutes of the extraordinary meeting of Council held on 3 February 2016**

The minutes of the meeting held on 3 February 2016 were approved as a correct record.

### **97/15      Announcements from the Mayor**

The Mayor informed members of the sad news of the passing of Michael Mallender, who had served on the authority's Conservation Area Advisory Committee for several decades in a co-opted, voluntary capacity. Tributes were paid to Mr Mallender by members and a moment's silence was observed.

The Mayor advised councillors that the final design had been approved for the war memorial being built in Mackworth as part of the improvements to the district centre. An artist's impression of the design was provided.

### **98/15      Statements from members of the Council Cabinet**

The Mayor reported that none had been received.

## 99/15 Questions from the public to members of the Council Cabinet

Written questions from the public to members of the Council Cabinet were put and responded to as follows:

- Rob Cooper asked a question about Mackworth Swimming Pool which was answered by Councillor Rawson;
- John Evans asked a question about Alvaston Neighbourhood Board which was answered by Councillor Afzal;
- Simon Bacon asked a question about Garden Waste Recycling which was answered by Councillor Afzal;
- Rob Cooper asked a question about Mackworth Neighbourhood Board which was answered by Councillor Afzal;
- John Evans asked a question about Football Traffic which was answered by Councillor Afzal; and
- Simon Bacon asked a question about Sinfen Waste Plant which was answered by Councillor Afzal.

## 100/15 Questions relating to Derbyshire Fire Authority or Derby Homes

The Mayor reported that none had been received.

## 101/15 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 Graves asked a question about JET Funding which was answered by Councillor Rawson;
- Councillor Poulter asked a question about Bus Stop Enforcement which was answered by Councillor Afzal;
- Councillor M Holmes asked a question about Derby Arena Income and Expenditure which was answered by Councillor Rawson;
- Councillor Care asked a question about Moorways Closure Notice which was answered by Councillor Rawson;
- Councillor Harwood asked a question about JET Monitoring and Evaluation which was answered by Councillor Rawson;
- Councillor Graves asked a question about the Housing Policy which was answered by Councillor Hussain;
- Councillor Care asked a question about EU Project Funding which was answered by Councillor Rawson;
- Councillor Graves asked a question about Children in Care Costs which was answered by Councillor Bolton;
- Councillor Graves asked a question about Mayoral Complaints which was answered by Councillor Banwait;

- Councillor Graves asked a question about Standards Complaints which was answered by Councillor Banwait;
- Councillor Graves asked a question about Housing Allocations which was answered by Councillor Hussain.

## 102/15 Questions relating to Derbyshire Fire Authority or Derby Homes

The Mayor reported that none had been received.

## 103/15 Minute 43/15 of the Licensing Committee meeting held on 21 January 2016

It was moved by Councillor Jackson, and seconded, that the minute 43/15 be approved. The motion was carried.

**Resolved to approve minute 43/15 of the Licensing Committee meeting held on 21 January 2016.**

## 104/15 Minute 156/15 of the Council Cabinet meeting held on 10 February 2016

It was moved by Councillor Banwait, and seconded, that the minute 156/15 be approved. The motion was carried.

**Resolved to approve minute 156/15 of the Council Cabinet meeting held on 10 February 2016.**

## 105/15 Minute 157/15 of the Council Cabinet meeting held on 10 February 2016

It was moved by Councillor Banwait, and seconded, that the minute 157/15 be approved. The motion was carried.

**Resolved to approve minute 157/15 of the Council Cabinet meeting held on 10 February 2016.**

## 106/15 Minute 160/15 of the Council Cabinet meeting held on 10 February 2016

It was moved by Councillor Banwait, and seconded, that the minute 156/15 be approved. The motion was carried.

**Resolved to approve minute 160/15 of the Council Cabinet meeting held on 10 February 2016.**

## 107/15 Council Tax 2016/17

A report of the Chief Executive detailed that the council had calculated its council tax requirement for the year as £80,541,431. The report set out the authority's council tax requirement and the total council tax for Derby residents for 2016/17 including the precepts for Derbyshire Police and Crime Commissioner and Derbyshire Fire Authority. The approved council tax increased of 3.99 per cent, including a two per cent increase for the new Adult Social Care precept, had been applied to calculate the council tax figures for Derby City Council.

Representations were made by Councillor Skelton, proposing that the first recommendation in the report be replaced with a resolution of Council such that money which it was proposed to transfer to the Budget Risk Reserve be instead used to part-fund a retention of funding to local voluntary sector organisations. The meeting was briefly adjourned while this proposal was circulated.

Following the adjournment. It was stated by Councillor Banwait that the proposal was inconsistent with what the council had already approved, and that advice from the chief legal and financial officers was that the proposal carried risks.

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

As required under the Local Authorities Regulations 2014 and reflected in Council Procedure Rule CP71(b), a recorded vote was taken.

For the motion:

Councillors Afzal, Banwait, Bayliss, Bolton, Eldret, Froggatt, Hezelgrave, Jackson, S Khan, MacDonald, Nawaz, Raju, Rawson, Redfern, Repton, Russell, Shanker, Stanton, Tittley, West, Whitby, Winter and the Mayor of Derby, Councillor Pegg (24).

Against the motion:

Councillors Ashburner, Care, Naitta and Skelton (four).

Abstentions:

Councillors Barker, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Ingall, Keith, Poulter, Roulstone, Webb, Williams and Wood (13).

## 108/15 Financial Procedure Rules

A report of the Chief Executive detailed how Council had agreed changes to the Council Constitution on 25 November 2015 and, in doing so, had confirmed it would receive the revised Financial Procedure Rules in due course. It was reported that, following consideration by the Audit and Accounts Committee, the Financial Procedure Rules were presented for approval.

It was moved by Councillor Hezelgrave, and seconded, that the revised Financial Procedure Rules be approved and adopted as Part 5 of the Council Constitution.

**Resolved to approve and adopt the revised Financial Procedure Rules as Part 5 of the Council Constitution.**

It was reported by the Monitoring Officer that a report presented to Council at Item 16, on a proposed date change for the Annual Meeting, was being withdrawn.

## **109/15 Notice of Motion: Mental Health**

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

*Council should note that:*

- *1 in 4 people will experience a mental health problem in any given year.*
- *The World Health Organisation predicts that depression will be the second most common health condition worldwide by 2020.*
- *Mental ill health costs some £105 billion each year in England alone.*
- *People with a severe mental illness die up to 20 years younger than their peers in the UK.*
- *There is often a circular relationship between mental health and issues such as housing, employment, family problems and debt.*

*As a local authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health. Mental health should be a priority across all the local authority's areas of responsibility, not only adults and children but wider services such as housing, community safety and planning. All Councillors, in our community and casework roles, can play a positive role in championing mental health on an individual and for those in the Cabinet and on Scrutiny Boards, a strategic basis.*

*This Council resolves to:*

- *Sign the Local Authorities' Mental Health Challenge run by Centre for Mental Health, Mental Health Foundation, Mental Health Providers Forum, Mind, Rethink Mental Illness, Royal College of Psychiatrists and Young Minds.*
- *Commit to appoint the Cabinet Member for Integrated Health and Care as the 'mental health champion' across the Council.*
- *Support positive mental health in our community, including in local schools, neighbourhoods and workplaces*
- *Work to reduce inequalities in mental health in our community*
- *Work with local partners to offer effective support for people with mental health needs*
- *Tackle discrimination on the grounds of mental health in our community*
- *Proactively listen to people of all ages and backgrounds about what they need for better mental health.*

It was moved by Councillor Care, and seconded, that the motion be amended by the addition of the following words as an additional paragraph:

*Council asks that an Action Plan to achieve these points be developed in consultation with the Health and Wellbeing Board and the relevant Overview and Scrutiny Board, to be brought back to Council.*

The amendment was put to the vote and carried, and the amended motion was subsequently put to the vote and carried.

**Resolved:**

**Council should note that:**

- 1 in 4 people will experience a mental health problem in any given year.
- The World Health Organisation predicts that depression will be the second most common health condition worldwide by 2020.
- Mental ill health costs some £105 billion each year in England alone.
- People with a severe mental illness die up to 20 years younger than their peers in the UK.
- There is often a circular relationship between mental health and issues such as housing, employment, family problems and debt.

As a local authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health. Mental health should be a priority across all the local authority's areas of responsibility, not only adults and children but wider services such as housing, community safety and planning. All Councillors, in our community and casework roles, can play a positive role in championing mental health on an individual and for those in the Cabinet and on Scrutiny Boards, a strategic basis.

**This Council resolves to:**

- Sign the Local Authorities' Mental Health Challenge run by Centre for Mental Health, Mental Health Foundation, Mental Health Providers Forum, Mind, Rethink Mental Illness, Royal College of Psychiatrists and Young Minds.
- Commit to appoint the Cabinet Member for Integrated Health and Care as the 'mental health champion' across the Council.
- Support positive mental health in our community, including in local schools, neighbourhoods and workplaces
- Work to reduce inequalities in mental health in our community
- Work with local partners to offer effective support for people with mental health needs
- Tackle discrimination on the grounds of mental health in our community
- Proactively listen to people of all ages and backgrounds about what they need for better mental health.

Council asks that an Action Plan to achieve these points be developed in consultation with the Health and Wellbeing Board and the relevant Overview and Scrutiny Board, to be brought back to Council.

## **110/15 Notice of Motion: Financial Settlement**

Under Council Procedure Rule CP53, it was proposed by Councillor Banwait that the motion as put to the meeting in the agenda papers be amended to amalgamate it

with the similar motion proposed by Councillor Carr at Item 22 on the agenda for the meeting. In the absence of Councillor Carr, it was confirmed by Councillor Care, who had seconded the motion at Item 22, that the proposal to amalgamate the two motions had been agreed. It was further proposed that the new amended motion, which was circulated to members, would be moved by Councillor Banwait and seconded by Councillor Care.

As required under Rule CP53, this proposal was put to the meeting and agreement signified without further debate.

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

*Council is concerned that Derby did not receive a penny of £300 million of transitional funding to help those authorities worst effected by Government cuts.*

*Council notes that 83 per cent of the funding went to Conservative-led councils, with hard-hit urban authorities like Derby, Nottingham and Leicester missing out entirely.*

*Council further notes that the five most deprived areas in the country – Middlesbrough, Knowsley, Hull, Liverpool and Manchester – received no funding, while the five least deprived – Hart, Wokingham, Chiltern, Waverley and Elmbridge – will collectively receive £5.3 million.*

*Council agrees to write to the Local Government Minister Greg Clark, asking that the minister provides a similar amount (£300m) or more to be given as additional funding to urban unitary councils which are very cash strapped, such as Derby.*

*Council calls on local MPs to support the campaign for a Fair Deal for Derby and to lobby for this additional funding on behalf of their constituents.*

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, Ashburner, Banwait, Bayliss, Bolton, Care, Dhindsa, Eldret, Froggatt, Hezelgrave, Jackson, J Khan, S Khan, MacDonald, Naitta, Nawaz, Raju, Rawson, Redfern, Repton, Russell, Shanker, Skelton, Stanton, Tittley, West, Whitby, Winter and the Mayor of Derby, Councillor Pegg (50).

Against the motion:

None.

Abstentions:

Councillors Barker, Grimadell, Harwood, Hassall, A Holmes, M Holmes, Ingall, Keith, Poulter, Roulstone, Webb, Williams and Wood.

**Resolved:**

**Council is concerned that Derby did not receive a penny of £300 million of transitional funding to help those authorities worst effected by Government cuts.**

**Council notes that 83 per cent of the funding went to Conservative-led councils, with hard-hit urban authorities like Derby, Nottingham and Leicester missing out entirely.**

**Council further notes that the five most deprived areas in the country – Middlesbrough, Knowsley, Hull, Liverpool and Manchester – received no funding, while the five least deprived – Hart, Wokingham, Chiltern, Waverley and Elmbridge – will collectively receive £5.3 million.**

**Council agrees to write to the Local Government Minister Greg Clark, asking that the minister provides a similar amount (£300m) or more to be given as additional funding to urban unitary councils which are very cash strapped, such as Derby.**

**Council calls on local MPs to support the campaign for a Fair Deal for Derby and to lobby for this additional funding on behalf of their constituents.**

## **111/15 Notice of Motion: Electoral Cycle**

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

*Council reaffirms its commitment made at the last meeting to hold a debate into Derby's electoral cycle.*

*Council therefore resolves that consultation commence as soon as possible in order that an extraordinary meeting can take place early in the new municipal year to consider if "whole city elections" should be adopted in place of the current "election by thirds".*

*Council formally rescinds the motion made at its previous meeting on this matter, on the basis that the approved amendment to that motion would result in unnecessary delay in commencing the consultation with the public.*

As required under Council Procedure Rule CP66, at least one third of members had signed the motion as its content would result in a motion which had been approved in the previous six months being partially rescinded.

The motion was put to the vote and carried.

**Council reaffirms its commitment made at the last meeting to hold a debate into Derby's electoral cycle.**

**Council therefore resolves that consultation commence as soon as possible in order that an extraordinary meeting can take place early in the new municipal year to consider if "whole city elections" should be adopted in place of the current "election by thirds".**



**Council formally rescinds the motion made at its previous meeting on this matter, on the basis that the approved amendment to that motion would result in unnecessary delay in commencing the consultation with the public.**

## **112/15 Notice of Motion: Neighbourhood Working**

It was moved by Councillor M Holmes, and seconded, that:

*Council recognises the significant contribution that devolved funding via ward-based neighbourhood boards has made to our local communities. It has empowered and enabled both councillors and residents to support local community groups, community events, local projects and deliver improvements to their area.*

*Council also recognises the importance of a formal and ward-based framework that allows councillors and residents to propose highways schemes that will form part of the Council's future work programme.*

*Council therefore agrees to re-instate neighbourhood working based on devolved community budgets that are managed via ward committees along with the ability to formally agree highways schemes for delivery via that framework.*

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the final paragraph in full and its replacement with the following words:

*Council further recognises the important role of councillors as representatives of Derby's citizens and as community leaders. Acknowledging the tight budget situation, Council further agrees to help ensure that councillors continue to be able to carry out these roles without the current neighbourhood funding and staffing by;*

- *Continuing to enable ward councillors to propose highway schemes for the Local Transport Programme*
- *Continuing to consult councillors on s106 spending priorities*
- *Allowing the councillors' letter budget to be used to support other ward-based communications such as leaflets and hire of halls for public meetings*
- *Ensuring that officers from all departments continue to work closely with ward councillors regarding issues in their wards.*

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

### **Resolved:**

**Council recognises the significant contribution that devolved funding via ward-based neighbourhood boards has made to our local communities. It has empowered and enabled both councillors and residents to support local community groups, community events, local projects and deliver improvements to their area.**

**Council also recognises the importance of a formal and ward-based framework that allows councillors and residents to propose highways schemes that will form part of the Council's future work programme.**

**Council further recognises the important role of councillors as representatives of Derby's citizens and as community leaders. Acknowledging the tight budget situation, Council further agrees to help ensure that councillors continue to be able to carry out these roles without the current neighbourhood funding and staffing by:**

- **Continuing to enable ward councillors to propose highway schemes for the Local Transport Programme**
- **Continuing to consult councillors on s106 spending priorities**
- **Allowing the councillors' letter budget to be used to support other ward-based communications such as leaflets and hire of halls for public meetings**
- **Ensuring that officers from all departments continue to work closely with ward councillors regarding issues in their wards.**

## **113/15 Notice of Motion: Swimming Facility**

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

*Council recognises the importance of swimming provision in the City and notes with concern the decision to close Moorways swimming pool at a time when significant repair / maintenance work is needed on the main Queens Street pool facility, requiring it to also be unavailable for a currently unspecified amount of time.*

*Council also notes with concern the lack of clarity in regard to a viable leisure strategy for the City and therefore calls upon the current administration to commit to the building of a new swimming facility, offer detail on how this will be achieved and to commit to ensuring that swimming provision remains on offer to the residents of Derby prior to its delivery.*

It was moved by Councillor Banwait, and seconded, that the motion be amended by the deletion of the following words:

*"notes with concern the decision to close Moorways swimming pool at a time when significant repair / maintenance work is needed on the main Queens Street pool facility, requiring it to also be unavailable for a currently unspecified amount of time.", "Council also notes with concern the lack of clarity in regard to a viable leisure strategy for the City and", "the current administration to commit to", "offer detail on how this will be achieved and to commit to" and "prior to its delivery"*

And the insertion of the words:

*"all members to support", "as well as calling on the administration to continue its ongoing discussions with community groups and clubs" and "Council calls on all members to support the Fair Deal to Derby to demand a fairer financial settlement*

*from the government to ensure that adequate swimming provision remains on offer to the residents of Derby."*

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

**Resolved:**

**Council recognises the importance of swimming provision in the city and calls upon all members to support the building of a new swimming facility, as well as calling on the administration to continue its ongoing discussions with community groups and clubs.**

**Council calls on all members to support the Fair Deal to Derby to demand a fairer financial settlement from the government to ensure that adequate swimming provision remains on offer to the residents of Derby.**

As detailed at minute 110/15, the motion proposed at Item 22 on the agenda was withdrawn.

## **114/15 Notice of Motion: Transatlantic Trade and Investment Partnership**

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

*Council notes the on-going negotiations between the European Commission and the US Government regarding the Transatlantic Trade and Investment Partnership (TTIP).*

*Council further notes that civil society groups and trade unions have expressed serious concerns about TTIP and its potential impact on the public sector and Local Government Council is concerned to note that multinational corporations have been afforded the opportunity to lobby the European Commission in relation to TTIP, without the same privileges being extended to trade unions and civil society groups.*

*Concerns raised include:*

- that TTIP will inhibit the delivery and regulation of public services, giving multinational corporations the right to bid for all Government spending.*
- that TTIP threatens to weaken the ability of democratically elected bodies to act in the interests of their citizens, with multinational corporations able to sue governments and other public bodies for lost profits as a result of policy decisions.*

*Council therefore resolves to request officers to investigate the likely impact of TTIP on local government, in order to bring forward a report that can be thoroughly considered and reviewed by the Corporate Scrutiny and Governance Board, enabling it to make recommendations to Council and/or Council Cabinet as appropriate.*

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the final paragraph and the insertion of the following replacement paragraph:

*Council therefore resolves to circulate briefings prepared by the Local Government Association (LGA) on TTIP to all members, and to ask the LGA to encourage discussion of TTIP by the scrutiny functions in all councils, including our Corporate Scrutiny and Governance Board, enabling our Board to make further recommendations to Council and/or Council Cabinet as appropriate.*

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

#### **Resolved:**

**Council notes the on-going negotiations between the European Commission and the US Government regarding the Transatlantic Trade and Investment Partnership (TTIP).**

**Council further notes that civil society groups and trade unions have expressed serious concerns about TTIP and its potential impact on the public sector and Local Government Council is concerned to note that multinational corporations have been afforded the opportunity to lobby the European Commission in relation to TTIP, without the same privileges being extended to trade unions and civil society groups.**

#### **Concerns raised include:**

- **that TTIP will inhibit the delivery and regulation of public services, giving multinational corporations the right to bid for all Government spending.**
- **that TTIP threatens to weaken the ability of democratically elected bodies to act in the interests of their citizens, with multinational corporations able to sue governments and other public bodies for lost profits as a result of policy decisions.**

**Council therefore resolves to circulate briefings prepared by the Local Government Association (LGA) on TTIP to all members, and to ask the LGA to encourage discussion of TTIP by the scrutiny functions in all councils, including our Corporate Scrutiny and Governance Board, enabling our Board to make further recommendations to Council and/or Council Cabinet as appropriate.**

## **115/15 Notice of Motion: Road Signage**

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

*Council notes that good road signage is a balance between having enough signs and avoiding sign clutter, and that signs need both to meet regulatory expectations*

*and be understandable to road users. In addition, poor road signage can lead to people taking wrong turnings, travelling longer routes or, in worst cases, being involved in collisions.*

*Council further notes that signage has a finite life and has to be replaced around every 20 years.*

*At a time when internal resources are stretched Council recognises that it can be valuable to draw upon community expertise and involvement to maximise value for money.*

*Council therefore welcomes comments from road users to, over time, help improve our road signage as part of the council's routine highways maintenance programme. In particular it agrees to contact recognised road safety and road user organisations, such as the Institute of Advanced Motorists, RoSPA and our own taxi operators, to encourage discussion and specific suggestions on changes.*

It was moved by Councillor Banwait, and seconded, that the motion be amended by the addition of the following words:

*"subject to recognition that many of these suggestions may only be deliverable with a fairer funding settlement from Government for Derby."*

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

**Resolved:**

**Council notes that good road signage is a balance between having enough signs and avoiding sign clutter, and that signs need both to meet regulatory expectations and be understandable to road users. In addition, poor road signage can lead to people taking wrong turnings, travelling longer routes or, in worst cases, being involved in collisions.**

**Council further notes that signage has a finite life and has to be replaced around every 20 years.**

**At a time when internal resources are stretched Council recognises that it can be valuable to draw upon community expertise and involvement to maximise value for money.**

**Council therefore welcomes comments from road users to, over time, help improve our road signage as part of the council's routine highways maintenance programme. In particular it agrees to contact recognised road safety and road user organisations, such as the Institute of Advanced Motorists, RoSPA and our own taxi operators, to encourage discussion and specific suggestions on changes, subject to recognition that many of these suggestions may only be deliverable with a fairer funding settlement from Government for Derby.**

MAYOR