

# ITEM 3

Time commenced - 6.02pm

Time finished - 8.11pm

## **COUNCIL**

**16 SEPTEMBER 2015**

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

### **40/15      Apologies for absence**

Apologies were received from Councillors Eldret, Redfern and West

### **41/15      Declarations of Interest**

There were no declarations.

### **42/15      Minutes of the meeting of Council held on 22 July 2015**

The minutes were approved as a correct record and signed by the Mayor.

### **43/15      Announcements from the Mayor**

The Mayor announced that Philip Hutchinson, a pupil at Landau Forte College, had been elected as Derby's Youth Mayor for 2015/6, and that Kirsty Glover, a pupil at Da Vinci Community School, had been elected as Deputy Youth Mayor. Councillors welcomed the Youth Mayor to the meeting.

Updates were provided on two recent civic events, with the Mayor announcing that the veteran former shipmates of HMS Kenya had visited Derby for the final time and laid down the Standard. Council was informed that the veterans had been attending Derby annually to commemorate the fundraising of Derby residents which had paid for HMS Kenya to be built.

The second civic event reported by the Mayor was the laying of a wreath to mark the 75<sup>th</sup> anniversary of the Battle of Britain. The Mayor highlighted to councillors the significant role Derby had played in the Battle of Britain, as the aircraft were powered by Merlin engines built at Rolls-Royce in the city.

Council was told of the passing of Ron Blanksby, who had served as a councillor in Boulton for a decade from 1996. Tributes were paid by the Mayor and Councillors Banwait, Tittley, Dhindsa, Carr, Graves and Wood before a minute's silence was observed.

The Mayor announced that he had been approached by a number of people in relation to the Syrian refugee crisis, with many people, including employees, asking what the council could do to support the cause. The Mayor informed councillors that he had arranged for a receptacle for donations to be placed in the Council House reception area and that it was hoped more would be placed around the city.

Members were updated on the council's recent trip to London to meet with the Government in relation to the authority's budget deficit. The Mayor advised that separate briefings were being set up by the Chief Executive for group leaders.

The Mayor informed Council that he had been invited to join a delegation of doctors to Nepal, where he would see first-hand the troubles facing people there and the charitable work being done to support them. The trip, which was not being funded by the council, was scheduled for October 2015.

The Mayor's final announcement was to inform Council of the Civic Award Winner for 2015. The Mayor reported that Dani West, having been named Derby Community Champions' Fundraiser of the Year, was the Civic Award Winner. Council was told how the recipient was being recognised for co-founding the Friends of Sam Wright Group, following the tragic death of Sam Wright with an undiagnosed heart condition. It was reported that the group had raised tens of thousands of pounds for good causes in four years. Dani West attended the meeting and was presented to Council as she received the Civic Award for 2015.

#### **44/15      Statements from members of the Council Cabinet**

The Mayor reported that none had been received.

#### **45/15      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:

- Dorothy Skrytek asked a question about the Sinfin Waste Treatment Plant which was answered by Councillor Afzal;
- Robert Cooper asked a question about Mackworth District Centre which was answered by Councillor Rawson;
- Simon Bacon asked a question about Sinfin Tannery Site which was answered by Councillor Rawson;
- Dorothy Skrytek asked a question about Sinfin Plant Night Working which was answered by Councillor Afzal; and
- Simon Bacon asked a question about the Household Waste Recycling Act which was answered by Councillor Afzal.

#### **46/15      Questions relating to Derbyshire Fire Authority or Derby Homes**

The Mayor reported that none had been received.

## 47/15 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 a library strategic needs assessment which was answered by Councillor Rawson;
- Councillor M Holmes asked a question about Derby Arena income and expenditure which was answered by Councillor Rawson;
- Councillor Ashburner asked a question about the Protecting Vulnerable Adults scrutiny board which was answered by Councillor Repton;
- Councillor Graves asked a question about City Point street adoption which was answered by Councillor Afzal;
- Councillor M Holmes asked a question about the Derby Arena Business Plan which was answered by Councillor Rawson; and
- Councillor Graves asked a question about Raynesway road safety which was answered by Councillor Afzal.

Further questions which had been put by Councillors Harwood, Carr, Care, Naitta and M Holmes had not received a written response as permitted under Rule CP23 of the Council Constitution.

In accordance with Rule CP25 of the Council Constitution, and as stipulated under such circumstances, those questions were put and answered orally at the meeting as follows:

- Councillor Harwood asked a question about council tax increase which was answered by Councillor Banwait;
- Councillor Carr asked a question about Derby's refugee response which was answered by Councillor Banwait;
- Councillor Care asked a question about Derby's delegation to Westminster which was answered by Councillor Banwait;
- Councillor Naitta asked a question about meeting attendance which was answered by Councillor Banwait;
- Councillor Care asked a question about scrutiny staffing which was answered by Councillor Banwait; and
- Councillor M Holmes asked a question about job evaluation methodology which was answered by Councillor Banwait.

## 48/15 Annual Report of the Standards Committee

A report of the Chief Executive in relation to the Annual Report of the Standards Committee for 2014/15 was considered. Councillor Tittley introduced the report, having been Chair of the committee for 2014/15.

It was moved by Councillor Tittley, and seconded, that Council receive the update.

**Resolved to note receipt of the Annual Report of the Standards Committee for 2014/15.**

## 49/15 Appointments to Derby City Charity

Council received a report of the Monitoring Officer, which sought nominations to two seats on Derby City Charity which were due to arise on 2 October 2015. It was further recommended that any appointment expire on 20 May 2019 in order to bring the appointments in line with the cycle of Annual Meeting dates.

It was moved by Councillor Banwait, and seconded, that Councillors Repton and S Khan be appointed to Derby City Charity. The motion was put to the vote and carried.

**Resolved to appoint Councillors Martin Repton and Shiraz Khan to Derby City Charity until 20 May 2019.**

## 50/15 Anti-social Behaviour, Crime and Policing Act 2014

A report of the Monitoring Officer proposing how the Anti-social Behaviour, Crime and Policing Act 2014 would be implemented, included the necessary delegations to officers, was considered. The Mayor informed councillors of a minor amendment to paragraph 2.3 of the report, such that both the Director of Strategic Partnerships, Planning and Streetpride and the Director of Communities, Environment and Regulatory Services would have delegated authority for powers 71, 72 and 73 detailed in Part A within Part 3 of the Scheme of Delegations.

It was moved by Councillor Repton, and seconded, that the recommendations detailed in the report be agreed. The motion was put to the vote and carried.

**Resolved that:**

- 1) The Strategic Director, Communities and Place, be authorised to exercise the Council's enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014, including:**
  - **issuing closure notices and securing closure orders;**
  - **issuing community protection notices;**
  - **implementing public space protection orders; and**
  - **appointing authorised officers.**
- 2) To amend the Scheme of Delegations in Part 3 of the Constitution by inserting into the list of statutory functions, Part A, new functions as follows:**

Function	Responsible Officer
71. Power to issue closure notices and secure closure orders	Director of Strategic Partnerships, Planning and Streetpride Director of Communities, Environment and Regulatory Services
72. Power to issue Community Protection Notices	Director of Strategic Partnerships, Planning and Streetpride Director of Communities, Environment and Regulatory Services

73. Power to create Public Space Protection Orders	Director of Strategic Partnerships, Planning and Streetpride Director of Communities, Environment and Regulatory Services
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The Acting Section 151 Officer left the meeting.

## 51/15 Appointment of Section 151 Officer

Council received a report of the Chief Executive recommending that the Acting Section 151 Officer, Mr Martyn Marples, be confirmed in post as the council's Section 151 Officer for the purposes of regulating and controlling the finances of the council. The report also detailed how the Chief Executive had utilised his urgent powers, following consultation with group leaders, to extend the period of Mr Marples' acting arrangement from the 1 September to the date of the meeting.

It was moved by Councillor Russell, and seconded, that the recommendations in the report be accepted. The motion was put to the vote and carried.

**Resolved to confirm that the Director of Finance, Mr Martyn Marples, be appointed as Section 151 Officer for the purposes of Section 151 of the Local Government Act 1972, and to note the Chief Executive's urgent decision taken on 22 August 2015.**

The Section 151 Officer returned to the meeting.

## 52/15 Notice of Motion: Government consultation on election fraud

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

*This Council welcomes the government's consultation into election fraud across Britain. Derby City Council encourages people to submit any concerns they have to the government and will issue a press release to include the contact details for the consultation to encourage people in Derby and beyond to respond to this opportunity.*

The motion was carried.

**Resolved:**

**This Council welcomes the government's consultation into election fraud across Britain. Derby City Council encourages people to submit any concerns they have to the government and will issue a press release to include the contact details for the consultation to encourage people in Derby and beyond to respond to this opportunity.**

## 53/15 Notice of Motion: Cuts to adult education and training

Following an intervention by Councillor Care, it was proposed by Councillor Russell 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 addition of the words "and other voluntary sector organisations that deliver ESOL services" after the words "Further Education Institutions" in paragraph 7 of the motion. The proposal was agreed.

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

*Council is deeply concerned by recently announced cuts to the Adult Skills Budget and in particular the withdrawal of funding for ESOL Plus (English to Speakers of Other Languages) courses.*

*The damaging impact of this decision will be felt across a range of public services with ESOL representing a fundamental tool in supporting as many people as possible into work and away from dependence on state benefits.*

*Council believes that these changes will drive more people towards unemployment and penalise those seeking to better their own circumstances. Moreover, ESOL courses support high-level foreign professionals coming to the UK who have vital skills and experience to offer employers but who are not fluent in English.*

*Council feels that it is unrealistic to expect colleges and learning providers to deliver ESOL classes without the appropriate funding. Council further notes that this latest round of cuts will take effect immediately at a time when places have been offered and resources are already in place for the next academic year.*

*Council further accepts that a common language is essential if challenges such as isolation and extremism are to be overcome. The removal of support for ESOL will inevitably have a damaging impact on Derby's most deprived areas.*

*Council calls on the opposition to support the Fair Deal for Derby campaign to ensure that all residents, regardless of their background, are able to gain work, access services and contribute to society.*

*Council moves that the Cabinet Member for Education and Skills lobby the Government to reconsider this damaging decision and work with Further Education institutions and other voluntary sector organisations that deliver ESOL services in Derby to identify alternative means of provision.*

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, Carr, Dhindsa, Froggatt, Hezelgrave, Hussain, Jackson, Jones, J Khan, S Khan, MacDonald, Naitta, Nawaz, Raju, Rawson, Repton, Russell, Sandhu, Shanker, Stanton, Tittley, Turner, Whitby, Winter, Wright and the Mayor, Councillor Pegg (31)

Against the motion:

Councillor Graves (1)

The motion was carried.

**Resolved:**

**Council is deeply concerned by recently announced cuts to the Adult Skills Budget and in particular the withdrawal of funding for ESOL Plus (English to Speakers of Other Languages) courses.**

**The damaging impact of this decision will be felt across a range of public services with ESOL representing a fundamental tool in supporting as many people as possible into work and away from dependence on state benefits.**

**Council believes that these changes will drive more people towards unemployment and penalise those seeking to better their own circumstances. Moreover, ESOL courses support high-level foreign professionals coming to the UK who have vital skills and experience to offer employers but who are not fluent in English.**

**Council feels that it is unrealistic to expect colleges and learning providers to deliver ESOL classes without the appropriate funding. Council further notes that this latest round of cuts will take effect immediately at a time when places have been offered and resources are already in place for the next academic year.**

**Council further accepts that a common language is essential if challenges such as isolation and extremism are to be overcome. The removal of support for ESOL will inevitably have a damaging impact on Derby's most deprived areas.**

**Council calls on the opposition to support the Fair Deal for Derby campaign to ensure that all residents, regardless of their background, are able to gain work, access services and contribute to society.**

**Council moves that the Cabinet Member for Education and Skills lobby the Government to reconsider this damaging decision and work with Further Education institutions and other voluntary sector organisations that deliver ESOL services in Derby to identify alternative means of provision.**

## **54/15      Notice of Motion: Trade Union Bill**

**It was moved by Tittley, and seconded, that:**

*Council rejects the Government's repeated attempts to undermine public sector employer/employee relations via the underhand mechanisms contained within the Trade Union Bill.*

*Council notes that the Trade Union Bill includes measures to prevent public sector employers deducting union subscriptions from the payroll and seeks to control the amount of money public bodies can invest in collective bargaining and representation in the workplace.*

*Perhaps most shockingly, the Government is planning to take powers that will allow Ministers to revise contracts of employment and collective agreements that have been negotiated between public authorities, their staff and unions.*

*Council therefore moves that the Leader of the Council and the Cabinet Member for Jobs and Fair Employment lead a local campaign opposing these draconian measures and reinforcing the invaluable role of trade unions in the public sector.*

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the words "lead a local campaign" and replacement with the words "write to the Government", and the deletion of the word "reinforcing" and replacement with the word "explaining", both in the fourth paragraph.

The amendment was put to the vote and carried.

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 as amended:

Councillors Afzal, Ashburner, Banwait, Bayliss, Bolton, Care, Carr, Dhindsa, Froggatt, Hezelgrave, Hussain, Jackson, Jones, J Khan, S Khan, MacDonald, Naitta, Nawaz, Raju, Rawson, Repton, Russell, Shanker, Stanton, Tittley, Turner, Whitby, Winter and the Mayor, Councillor Pegg (29)

Against the motion as amended:

Councillors Barker, Harwood, Hassall, Hickson, A Holmes, M Holmes, Keith, Poulter, Roulstone, Williams and Wood (11)

The motion was carried.

#### **Resolved:**

**Council rejects the Government's repeated attempts to undermine public sector employer/employee relations via the underhand mechanisms contained within the Trade Union Bill.**

**Council notes that the Trade Union Bill includes measures to prevent public sector employers deducting union subscriptions from the payroll and seeks to control the amount of money public bodies can invest in collective bargaining and representation in the workplace.**

**Perhaps most shockingly, the Government is planning to take powers that will allow Ministers to revise contracts of employment and collective agreements that have been negotiated between public authorities, their staff and unions.**

**Council therefore moves that the Leader of the Council and the Cabinet Member for Jobs and Fair Employment write to the government opposing these draconian measures and explaining the invaluable role of trade unions in the public sector.**

MAYOR