

# ITEM 3

Time commenced - 18.02

Time finished - 19.57

## COUNCIL

**27 November 2019**

Present: The Mayor, Councillor Frank Harwood, and Councillors Ashburner, Atwal, Barker, Bettany, Carr, Care, Cooper, Dhindsa, Evans, Froggatt, A J Graves, A W Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Ingall, J Khan, S Khan, Kus, Lind, Marshall, McCristal, Naitta, Nawaz, Pattison, Pearce, Peatfield, A Pegg, P Pegg, Poulter, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Testro, Webb, West, Williams, Willoughby and Wood.

### 61/19 Apologies

Apologies for absence were received from Councillors Anderson, Eldret, Potter and Repton.

### 62/19 Declarations of Interest

There were none.

### 63/19 Minutes of the Previous Meeting

**Resolved that the minutes of the meeting of the Council held on 25 September 2019 be approved as a correct record, confirmed and signed by the Mayor.**

### 64/19 Announcements from the Mayor

The Mayor welcomed councillors to the meeting. Councillors were advised that a late item had been received and distributed, and would be considered after Item 12 on the published agenda. It was also noted that a confidential minute Council Cabinet required approval and therefore a resolution to exclude the press and public would be considered following the notices of motion.

Councillors were also reminded of the period of heightened political sensitivity prior to the General Election scheduled for 12 December 2019 and were asked to restrict contributions to matters under consideration on the agenda.

The Mayor welcomed Andrew Tang to the meeting who had recently completed an apprenticeship with Derby City Council and had been recognised as the Highly Commended Advanced Apprentice of the Year at the East Midlands Apprenticeship Awards. Andrew was invited to collect his award from the Mayor and received a round of applause from those in attendance.

It was noted that 1 December 2019 was World AIDS Day and the Mayor asked councillors to wear red ribbons in recognition. It was also reported that the Mayor

intended to hold a Charity Music Night on 2 March 2020 in aid of the Derbyshire Children's Holiday Centre and the Derbyshire, Leicestershire and Rutland Air Ambulance, encouraging councillors to attend.

The Mayor thanked all those from Derby City Council and the emergency services who had been involved in tackling serious flooding that took place across Derby and Derbyshire earlier in the month. It was noted that colleagues worked through the night to protect residents and property from harm.

The passing of former High-Sheriff of Derbyshire Annie Hall and former Mayor Barry Chadwick were reported to Council. Councillors Webb, Dhindsa and Wood shared their recollections of both Annie Hall and former Councillor Chadwick, and a minute's silence was held out of respect.

## 65/19 Statements from members of the Council Cabinet

The Cabinet Member for Regeneration, Planning and Transportation provided a statement on the Our City, Our River project.

Replies were received from spokespeople of the other political groups.

## 66/19 Questions from the public

Questions and responses were heard as follows:

Questioner	Respondent	Summary
Dorothy Skrytek	Councillor Webb	Cancer spike in Derby
David Thompson	Councillor Webb	Aspect House
Simon Bacon	Councillor Smale	Blue bin scheme
Bernadette Grosse	Councillor Roulstone	Welfare Rights advice
Dorothy Skrytek	Councillor Smale	Missed brown bins
Simon Bacon	Councillor Smale	Garden and food waste

## 67/19 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

## 68/19 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

Questioner	Respondent	Summary
Councillor Hezelgrave	Councillor Poulter	Charter against modern slavery
Councillor P Pegg	Councillor Barker	Water fountain
Councillor Peatfield	Councillor M Holmes	Climate Emergency Officer
Councillor Shanker	Councillor M Holmes	Assembly Rooms costs
Councillor Ashburner	Councillor Smale	Brown bin service
Councillor Peatfield Councillor Carr	Councillor Smale	Flood Drainage Team
Councillor P Pegg	Councillor Potter	Personnel Committee
Councillor Care	Councillor M Holmes	Climate change emergency

Councillor Skelton	Councillor Smale	Improvement works
Councillor Care	Councillor Webb	Screens in the Council House
Councillor Care	Councillor M Holmes	Local Plan Part 2

## 69/19 Minute extracts 97/19, 98/19 and 99/19 of the meeting of Council Cabinet held on 13 November 2019

It was moved by Councillor Poulter, and seconded by Councillor M Holmes, that minutes 98/19 and 99/19 of Council Cabinet presented to Council be approved.

It was noted that minute 97/19 would be considered alongside minute 105/19, following consideration of a resolution to exclude the press and public due to the likely disclosure of exempt information.

Approval of minutes 98/19 and 99/19 was put to the vote and carried.

**Resolved to approve minutes 98/19 and 99/19 of Council Cabinet.**

## 70/19 Constitutional Amendments

A report of the Strategic Director of Corporate Resources was considered proposing constitutional amendments. The report recommended changes to the Scheme of Delegations, to provide necessary authorisation for officers to discharge powers granted under the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018.

The regulations allow Penalty Notices to be issued to the keeper of a vehicle, from which litter had been thrown. The proposal followed recent littering cases prosecuted under Section 87 of the Environmental Protection Act 1990, in which sufficient evidence could not be produced, to prove an offender's guilt beyond reasonable doubt in this type of case.

It was moved by Councillor Barker, and seconded by Councillor Poulter, that the recommendations in the report were approved. The recommendations were put to the vote and carried.

**Resolved to:**

- 1. Grant authority to the Director of Public Protection and Streetpride to appoint authorised or proper officers for the purposes of enforcement of the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018.**
- 2. Authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.**

## 71/19 Councillor Training Day 2020

A report of the Strategic Director of Corporate Resources was considered setting the date for Councillor Training Day as 3 June 2020, following the successful adoption of a revised modular format for councillor training introduced in June 2019.

The proposals in the report were moved by Barker, seconded by Councillor Hassall, put to the vote and carried.

**Resolved to:**

- 1. Support and endorse the date of Councillor Training Day on Wednesday 3 June 2020.**
- 2. Agree that political groups will widely communicate this date to candidates standing in the Local Elections on 7 May, to ensure the date is set aside, and will endorse an expectation that all councillors will attend.**
- 3. Endorse the modular training programme proposed at Appendix 1, subject to finalisation by the Director of Legal, Procurement and Democratic Services, following further consultation with Group Leaders and the Councillor Steering Group.**

## **72/19      Urgent non-executive Decisions made by the Chief Executive**

Council considered a report of the Chief Executive which reported to Council urgent non-executive decisions taken under delegated authority, following consultation with political group leaders, since the last meeting of Council.

The recommendation was moved by Councillor Poulter and seconded by Councillor Webb, put to the vote and carried.

**Resolved to note the decision of the Chief Executive, following consultation with the political group leaders, to appoint Dr Robyn Dewis as the Acting Director of Public Health.**

## **73/19      Constitutional Appointments**

A late report of the Strategic Director of Corporate Resources was presented, recommending changes to constitutional appointments usually made at the Council's Annual General Meeting, to ensure compliance with requirements in the Local Government and Housing Act 1989 that dictate the political composition of committees.

The proposals followed the resignation from the Conservative Group and appointment to the Liberal Democrat Group of Councillor Stephen Willoughby. Owing to the short timescale between the announcement of Councillor Willoughby's decision and the Council meeting of 27 November, it had not been possible for nominations to available positions to be identified.

Councillors were asked to agree the re-allocation of committee places to political groups, with individual nominations to be received in due course and appointed under the Director of Legal, Procurement and Democratic Service's delegation to give effect to the wishes of political groups on appointments to relevant bodies.

It was moved by Councillor Barker, and seconded by Councillor Hassall, that the recommendations in the report were approved. The matter was put to the vote and carried.

**Resolved to approve the allocation of committee places as detailed in the report and to request that nominations to available positions were received.**

## 74/19 Notice of motion: A38 Junction Improvements

The following motion was moved by Councillor Care, and seconded by Councillor Carr:

*Council notes the on-going progress of Highways England's A38 junctions project which will replace three roundabouts on the west and north of Derby with grade separated junctions. Council further notes that work on site is scheduled to start in March 2021 and will continue for up to four years.*

*During this time capacity on the A38 will be reduced, leading to longer queues on the A38 and particularly at peak times traffic being displaced onto local roads. Many roads in this area are already running at or beyond capacity.*

*Council therefore asks Highways England to*

- 1. Provide additional traffic modelling to help identify which local roads are likely to be most adversely affected;*
- 2. Help mitigate this by working with local people, the Council and bus companies to improve and encourage use of more sustainable transport modes;*
- 3. Advise on changes to the local road network to accommodate changed traffic flows from the works, including potentially traffic signal sequencing and junction priorities.*
- 4. Set up regular liaison meetings between the A38 Project and councillors whose wards are impacted by the scheme.*

*This should help to avoid reputational damage to both Highways England and the Council, reduce road space demand when it is at a premium during the works and leave a legacy of greater choice of sustainable travel modes.*

It was moved by M Holmes, and seconded by Councillor Barker, that the motion be amended by the deletion of paragraphs one to four and the addition of the following words in their place:

*Council welcomes major Government investment being proposed via Highways England to improve three existing roundabout junctions on the A38 / A5111 Derby (Kingsway Junction) that will remove congestion, smooth out the traffic flows and improve long-distance journeys.*

*Council notes that officers from various services are currently engaged in formal dialogue with the planning inspectorate as part of the process and is expected to continue to the end of March.*

*If the scheme is approved then we anticipate works starting in off carriageway areas in November / December 2020 and is expected to continue for at least four years.*

*During this time capacity on the A38 / A5111 Derby (Kingsway Junction) will be reduced, leading to longer queues on the A38. Traffic will be displaced onto local roads, presenting significant challenges to Derby's existing road network. Many roads in this area are already running at or beyond capacity at peak times.*

*Council therefore asks Highways England to continue to liaise with the Council to:*

- 1. Consider, identify, analyse and advise on local network constraints and pinch points along with the council's future planned highways works and provide options for pro-active mitigation measures.*
- 2. Align communication, technical support and co-location with the council's transport management network team.*
- 3. Work via the multi-agency Derby Behavioural Change Group that has been established to maximise the opportunity the A38 scheme presents to move people away from cars and onto public transport, cycling and walking (sustainable transport modes).*
- 4. Work collectively with clear lines of communication to engage / liaise with councillors, residents, businesses and stakeholders.*

*This pro-active work will help to plan for and manage the impact on Derby's road network and therefore help to avoid reputational damage to both Highways England / the Council along with delivering a legacy of greater choice of sustainable travel modes.*

The amendment was put to the vote and carried.

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

#### **Resolved:**

**Council welcomes major Government investment being proposed via Highways England to improve three existing roundabout junctions on the A38 / A5111 Derby (Kingsway Junction) that will remove congestion, smooth out the traffic flows and improve long-distance journeys.**

**Council notes that officers from various services are currently engaged in formal dialogue with the planning inspectorate as part of the process and is expected to continue to the end of March.**

**If the scheme is approved then we anticipate works starting in off carriageway areas in November / December 2020 and is expected to continue for at least four years.**

**During this time capacity on the A38 / A5111 Derby (Kingsway Junction) will be reduced, leading to longer queues on the A38. Traffic will be displaced onto local roads, presenting significant challenges to Derby's existing road network. Many roads in this area are already running at or beyond capacity at peak times.**

**Council therefore asks Highways England to continue to liaise with the Council to:**

1. Consider, identify, analyse and advise on local network constraints and pinch points along with the council's future planned highways works and provide options for pro-active mitigation measures.
2. Align communication, technical support and co-location with the council's transport management network team.
3. Work via the multi-agency Derby Behavioural Change Group that has been established to maximise the opportunity the A38 scheme presents to move people away from cars and onto public transport, cycling and walking (sustainable transport modes).
4. Work collectively with clear lines of communication to engage / liaise with councillors, residents, businesses and stakeholders.

This pro-active work will help to plan for and manage the impact on Derby's road network and therefore help to avoid reputational damage to both Highways England / the Council along with delivering a legacy of greater choice of sustainable travel modes.

## 75/19 Notice of motion: Electoral cycle

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

*Council resolves to run a public consultation from January to March 2020 to engage with stakeholders across the city on the issue of moving from the current electoral cycle to whole council elections from 2022.*

*Council further resolves to convene a special Full Council meeting in June 2020 to consider and vote on whether to move to whole council elections from 2022.*

The motion was put to the vote and carried.

### **Resolved:**

**Council resolves to run a public consultation from January to March 2020 to engage with stakeholders across the city on the issue of moving from the current electoral cycle to whole council elections from 2022.**

**Council further resolves to convene a special Full Council meeting in June 2020 to consider and vote on whether to move to whole council elections from 2022.**

## 76/19 Notice of motion: Responsible tax conduct

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

*Council notes that:*

- *The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.*

- *Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.*
- *Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company’s ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.*
- *Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.*
- *It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.*
- *The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.*

*Council believes that:*

- *Paying tax is often presented as a burden, but it shouldn’t be.*
- *Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.*
- *As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.*
- *Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.*
- *More action is needed, however, current law significantly restricts councils’ ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.*
- *UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.*

*Council resolves to:*

1. *Approve the Councils for Fair Tax Declaration.*
2. *Lead by example and demonstrate good practice in our tax conduct, right across our activities.*
3. *Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.*
4. *Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.*



5. *Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.*
6. *Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.*
7. *Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.*
8. *Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.*
9. *Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.*

It was proposed by Councillor Roulstone, and seconded by Councillor Barker, that under Committee Procedure Rule CP59(j) the subject of debate be referred to the Corporate Services Overview and Scrutiny Board for further consideration. The matter was put to the vote and carried.

**Resolved that under Committee Procedure Rule CP59(j) the following motion be referred to the Corporate Services Overview and Scrutiny Board:**

**Council notes that:**

- **The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.**
- **Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.**
- **Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company’s ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.**
- **Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.**
- **It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.**
- **The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.**

**Council believes that:**

- **Paying tax is often presented as a burden, but it shouldn’t be.**
- **Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.**
- **As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring**

contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

- Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
- More action is needed, however, current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
- UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

**Council resolves to:**

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

## **77/19      Exclusion of Press and Public**

A resolution to exclude the press and public during consideration of the following item was moved by Councillor Poulter, seconded by Councillor Barker, put to the vote and carried.

**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 paragraph 3 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.**

**78/19      Minute extract 105/19 of the meeting of Council  
Cabinet held on 13 November 2019**

It was moved by Councillor Poulter, and seconded by Councillor M Holmes, that the minutes of Council Cabinet presented to Council be approved.

This was put to the vote and carried.

**Resolved to approve minute 105/19 of Council Cabinet.**

MAYOR