

ITEM 3

Time commenced - 18.00

Time finished - 19.38

COUNCIL

25 September 2019

Present: The Mayor, Councillor Frank Harwood, and Councillors Ashburner, Atwal, Barker, Carr, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, 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, Potter, Poulter, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, Testro, Webb, West, Williams, Willoughby and Wood.

46/19 Apologies

Apologies for absence were received from Councillors Anderson, Bettany and A J Graves.

47/19 Declarations of Interest

There were none.

48/19 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 24 July be approved as a correct record, confirmed and signed by the Mayor.

49/19 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 13 on the published agenda.

The Mayor reported a number of sporting achievements for clubs and individuals in the city, noting the accolades of Derby boxer Sandy Ryan and the recent qualification of Derbyshire Falcons for the T20 Blast finals day.

Councillors were also informed that Derby City Council's Livewell Service had been named the best health and wellbeing initiative in the UK at the Association for Public Service Excellence Awards. Those involved received a round of applause in recognition of their achievement.

50/19 Statements from members of the Council Cabinet

The Cabinet Member for Regeneration, Planning and Transportation provided a statement on Gigabit City Derby – a full fibre digital transformation.

Replies were received from spokespeople of the other political groups.

51/19 Questions from the public

Questions and responses were heard as follows:

| Questioner | Respondent | Summary |
|-----------------|-------------------|---|
| Dorothy Skrytek | Councillor Webb | Derby rate of mortality from all cancers |
| Simon Bacon | Councillor Smale | Rolling tonnage figure for residual waste |
| Dorothy Skrytek | Councillor Holmes | Masterplan V7 planned for Elvaston Castle |
| Simon Bacon | Councillor Smale | Sinfin Waste Incineration Plant |

52/19 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

53/19 Questions from non-Council Cabinet members

Questions and answers were put and responded to as follows:

| Questioner | Respondent | Summary |
|-----------------------|---------------------|--|
| Councillor Naitta | Councillor M Holmes | Climate change in Part 2 of the Local Plan |
| Councillor Lind | Councillor Smale | Black bins |
| Councillor Hezelgrave | Councillor Williams | EHC Plans |
| Councillor Shanker | Councillor M Holmes | Assembly Rooms |
| Councillor Peatfield | Councillor M Holmes | Climate change |
| Councillor Care | Councillor Smale | Markeaton crematorium |
| Councillor Potter | Councillor Barker | Taxi checks |
| Councillor Cooper | Councillor M Holmes | Taxi emissions |
| Councillor A Pegg | Councillor A Holmes | Licensing Committee priorities |
| Councillor Naitta | Councillor M Holmes | A38 junction project |
| Councillor Hezelgrave | Councillor Williams | Cut in spending on the High Needs Block |
| Councillor Carr | Councillor M Holmes | Electric vans |

54/19 Overview and Scrutiny Annual Report 2018-19

A report of the Strategic Director of Corporate Resources was considered, detailing the work carried out by the council's Overview and Scrutiny Boards during the previous municipal year. The report summarised the Executive Scrutiny Board's role in examining Council Cabinet decisions, as well as the work undertaken by five scrutiny review boards.

It was moved by Councillor Graves, and seconded by Councillor Marshall, that the recommendations within the report were approved. The matter was put to the vote and carried.

Resolved to note receipt of the Overview and Scrutiny Annual Report for the 2018-19 municipal year.

55/19 Annual Report of the Standards Committee – 2018-19

A report of the Strategic Director of Corporate Resources was presented detailing the activity of the Council's Standards Committee over the previous municipal year. This included the adoption of a new standards regime, following approval by Council in May 2018. It was noted that under the new regime there had been a considerable reduction in the number of complaints received.

It was moved by Councillor A Holmes, and seconded by Councillor M Holmes, that the recommendations within the report were approved. The matter was put to the vote and carried.

Resolved to note the receipt of the Annual Report of the Standards Committee for the 2018-19 municipal year.

56/19 Appointments to Outside Bodies and Charities

A report of the Strategic Director of Corporate Resources was considered detailing nominations to vacancies that had arisen in the Outside Bodies and Charities appointed to by Council at the Annual General Meeting. It was proposed that Councillor Robin Wood was appointed to the Derwent Valley Mills Partnership and that Councillor Jerry Pearce was appointed to the Liversage Trust.

It was moved by Councillor Barker, and seconded by Councillor Webb, that the nominations detailed in the report were approved. The proposed appointments were put to the vote and carried.

Resolved:

- **To endorse the appointment of Councillor Robin Wood to the Derwent Valley Mills Partnership, with immediate effect until 20 May 2020.**
- **To endorse the appointment of Councillor Jerry Pearce to the Liversage Trust, with immediate effect until 24 May 2023.**

57/19 Constitutional Amendments

A report of the Strategic Director of Corporate Resources was considered proposing constitutional amendments.

It was noted that councillors had previously expressed concern that resolutions of Council resulting from notices of motion had not been implemented effectively. The report proposed altering the Constitution accordingly, to reserve responsibility to the Chief Executive for the delivery of council resolutions, unless otherwise stipulated.

The report also proposed changes to the Scheme of Delegations, following recent changes in legislation granting additional powers in relation to Trading Standards. It was recommended that the Constitution was amended to provide the necessary authorisation for officers to discharge powers granted under the Tenant Fees Act 2019; the Animal Feed (Basic Safety Standards) (England) Regulations 2019; and the Offensive Weapons Act 2019.

It was moved by Councillor Barker, and seconded by Councillor Smale, that the recommendations in the report were approved.

Resolved:

- **To reserve to the Chief Executive responsibility for the delivery of resolutions of Council, unless otherwise stipulated.**
- **To grant authority to the Director of Public Protection and Streetpride to appoint authorised or proper officers for the purposes of enforcement of the Tenant Fees Act 2019; the Animal Feed (Basic Safety Standards) (England) Regulations 2019; and, the Offensive Weapons Act 2019.**
- **To authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.**

58/19 Update to codes and protocols relating to councillor conduct and use of Council resources

A report of the Strategic Director of Corporate Resources was received recommending amendments to various codes and protocols contained within the Council Constitution that set out agreed standards for working relationships between councillors and officers; councillor conduct; and, councillors' access to facilities, services and equipment.

It was noted that the proposed changes followed recommendations made by the Local Government Association as part of the Corporate Peer-Challenge follow-up and also the Committee on Standards in Public Life's review of local government ethical standards, which had made a series of best-practice recommendations relating to councillor conduct. The report also sought to promote the revised documents to both employees and councillors, in order to further embed improved working relationships.

Proposed changes of significance included definitions of bullying and harassment within the councillors' Code of Conduct; revisions to the Member Officer Protocol to set out appropriate timescales for responses to casework enquiries; and, changes to the protocol on use of facilities, services and equipment by councillors to reflect current working practices.

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

Resolved:

- **To approve changes to the Members' Code of Conduct; Member Officer Protocol and Protocol on use of facilities, services and equipment by councillors, contained within the Council Constitution**
- **To endorse the proposed internal communications strategy detailed in the report, to promote the revised documents to employees and councillors**
- **To request that the Standards Committee conduct a full review of the report by the Committee on Standards in Public Life, with a view to**

recommending any further changes to the Code of Conduct or Councillor Complaints Procedure considered necessary.

59/19 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 Labour Group of Councillor Diane Froggatt.

Nominations to positions had been received in advance of the meeting and were detailed in the report. It was noted that should the recommendations be agreed, a vacancy would arise in the position of Vice Chair of the Licensing Committee. It was further noted that prior to the meeting Councillor Ingall's nomination to a position on the Licensing Committee had been withdrawn, leaving Councillor Marshall as the sole nomination.

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

Resolved to approve the appointments to the Council's committees and joint bodies as detailed in the report, and that Councillor Marshall was appointed as a member of the Licensing Committee.

It was subsequently agreed that nominations would be immediately sought to the vacant position of Vice Chair of the Licensing Committee. Councillors Marshall and Peatfield were each nominated to the position. The nominations were put to the vote and Councillor Peatfield was elected.

Resolved to appoint Councillor Peatfield as the Vice Chair of the Licensing Committee.

60/19 Motion: Sustainable long-term waste strategy

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

Derby City Council recognises that following the termination of the original NWTF contract, Derby City Council must review our long-term waste strategy.

The root cause failure of the above contract has been the inability of RRS to obtain an independent certification for the operations on Sinfin Lane. We now must work to produce a medium and long-term sustainable waste strategy for the City of Derby.

Council resolves to request that Council Cabinet:

- 1. Sever all contractual ties to Derbyshire County Council regarding waste disposal strategy as soon as contractually possible.*

2. *Terminate as soon as contractually possible the specific elements of the Services Continuity Contract relating to the NWTF and stop any further investment in the Sinfin Waste Plant.*
3. *In line with the Climate Emergency declaration, apply our resources into creating a sustainable long-term waste strategy that focuses on minimising, re-using, recycling and composting to significantly minimise our reliance on land-fill.*

It was moved by Councillor Graves, and seconded by Councillor Evans, that the motion be amended by the deletion of the words: "Council resolves to request that Council Cabinet", and the addition of the words: "Council asks the Executive Scrutiny Board to urgently look at all aspects of our long term waste strategy, and, in particular, whether the Council should" in their place.

The amendment was put to the vote and lost.

The motion was put to the vote and lost.

MAYOR