

ITEM 3

Time commenced - 6.00pm
Time finished - 9.28pm

COUNCIL

23 January 2019

Present: The Mayor, Councillor Carr, and Councillors Afzal, Anderson, Ashburner, Barker, Bayliss, Bettany, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, Graves, Grimadell, Harwood, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, Hussain, Jackson, Keith, J Khan, S Khan, Marshall, McCristal, Naitta, Nawaz, Peatfield, A Pegg, P Pegg, Potter, Poulter, Rawson, Repton, Roulstone, Russell, Sandhu, Shanker, Skelton, Smale, Stanton, West, Willoughby and Wood.

83/18 Apologies for Absence

Apologies were received from Councillors Raju, Webb, Williams and Winter.

84/18 Declarations of Interest

There were no declarations.

85/18 Minutes of the Extraordinary Meeting held on 21 November 2018

The minutes were agreed as a correct record.

86/18 Minutes of the Ordinary Meeting held on 21 November 2018

The minutes were agreed as a correct record.

87/18 Announcements from the Mayor

The Mayor wished councillors a belated Happy New Year.

A silence was held out of respect for former councillors Richard Keene and Margaret Redfern, who members were told had passed away in December 2018 and January 2019 respectively. Councillors Rawson, Keith and Barker spoke in tribute.

The Mayor praised the hard work of Derby's Holocaust Memorial Day working group, which had been working alongside the council to develop a thorough programme of events for the annual commemoration. Councillors were invited to attend the Mayor's Civic Reception for the event.

Councillors were advised of some procedural matters, including detailing late items that had been received and changes to the order of the agenda.

88/18 Statements from Members of the Council Cabinet

There were none.

89/18 Questions from the Public

Questions and replies were heard as follows:

Questioner	Respondent	Subject
Gaurav Pandey	Councillor Smale	Highways maintenance
Doug Lumley	Councillor M Holmes	A52 completion date and project cost
Brendan Connelly	Councillor M Holmes	Accessible housing
Simon Bacon	Councillor Smale	Waste Treatment Plant noise impact
Dorothy Skrytek	Councillor Smale	Carbon dioxide figure at the waste treatment plant
Brendan Connelly	Councillor Smale	Nottingham Road cemetery
Simon Bacon	Councillor Smale	Contaminated waste disposal

90/18 Questions relating to Derbyshire Fire Authority or Derby Homes

There were none.

91/18 Questions from non-Council Cabinet Members

Questions and replies were heard as follows:

Questioner	Respondent	Subject
Councillor Repton	Councillor Smale	Car parking charges
Councillor Skelton	Councillor M Holmes	E-bikes scheme
Councillor Naitta	Councillor Grimadell	Build date for leisure facilities
Councillor Care	Councillor Smale	Waste Plant assessment report
Councillor Peatfield	Councillor Smale	Current position at Sinfin Waste Plant
Councillor Raju	Councillor Grimadell	Grant awarded to DHA
Councillor Shanker	Councillor Poulter	Sinfin Waste Plant
Councillor Rawson	Councillor M Holmes	Assembly Rooms refurbishment
Councillor Bayliss	Councillor M Holmes	Final phase of revised plans for Alvaston District Centre
Councillor Skelton	Councillor M Holmes	E-bikes scheme future plans
Councillor Care	Councillor M	Access and air quality at the Royal Derby Hospital

	Holmes	and through Littleover
Councillor Peatfield	Councillor M Holmes	Subsidy for Assembly Rooms
Councillor Shanker	Councillor Grimadell	Feasibility study for Leisure Water facility
Councillor Rawson	Councillor M Holmes	Assembly Rooms subsidy
Councillor Bayliss	Councillor Grimadell	The future of Alvaston Library
Councillor Skelton	Councillor Smale	Fly-tipping legislation
Councillor Peatfield	Councillor M Holmes	Public Consultation for the Assembly Rooms refurbishment
Councillor Care	Councillor M Holmes	Touring shows performance requirements
Councillor Peatfield	Councillor Grimadell	Ice Rink funding

92/18 Minute extract from the Council Cabinet meeting held on 16 January 2019

Council considered two minutes of the Council Cabinet meeting on 16 January 2019 which required their approval. These were:

- 158/18 - Council Tax Base for 2019/20; and
- 161/18 - Derby Economic Growth Strategy – Delivery Plan

The minutes were moved by Councillor Poulter and seconded by Councillor M Holmes. The matter was put to the vote and carried.

Resolved to approve minutes 158/18 and 161/18 of Council Cabinet.

93/18 Proposed change in appointment to an outside body

A report of the Strategic Director of Corporate Resources recommended the appointment of Councillor Grimadell to the Derwent Valley Mills Partnership, to replace the appointment of Councillor Stanton. This had arisen due to Councillor Stanton's work commitments.

The recommendation was moved by Councillor Barker, seconded by Councillor M Holmes, put to the vote and carried.

Resolved to appoint Councillor Grimadell as the Derwent Valley Mills Partnership representative in place of Councillor Stanton.

94/18 Committee System Working Group

Council considered a report of the Interim Monitoring Officer recommending the removal of an outdated requirement for a public referendum to precede any change in the council's governance arrangements, and recommending the appointment of Councillor Marshall to the Committee System Working Group.

The recommendations in the report were moved by Councillor Graves and seconded by Councillor Wood.

It was moved by Councillor Care, and seconded by Councillor Skelton, that the proposed resolution to approve the recommendations in the report be amended by the addition of the following words:

To confirm that Council is minded to change to a Committee decision-making structure at the earliest opportunity and requests that the Working Party consults political groups on working principles to be followed and that officers bring forward outline proposals to meet these principles to the next Council meeting in February, so that a change to a Committees system can take effect from the Annual Meeting of the Council in May 2019.

The amendment was put to the vote and lost.

Resolved to:

- 1) Amend Article 15 of the Council's Constitution to remove the requirement that a "binding referendum" takes place as a prerequisite to any change in governance arrangements; and**
- 2) Agree that Councillor Marshall, as an independent councillor, will formally join the Committee System Working Group in addition to the representatives of the council's four political group representatives.**

95/18 Councillor Training Day 2019

A late report proposing a new Councillor Training Day be introduced as a more efficient and comprehensive way to ensure all councillors receive training for their relevant committees early in the municipal year.

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

Resolved to:

- 1) support and endorse the date of a Councillor Training Day on Wednesday 5 June 2019;**
- 2) agree that political groups will widely communicate this date to candidates at the Local Elections on 2 May to ensure the date is set aside, and will endorse an expectation that all councillors will attend;**
- 3) approve the modular training programme which is proposed, subject to it being finalised by the Acting Director of Legal, Procurement and Democratic Services following consultation with Group Leaders.**

96/18 Motion: Brexit Withdrawal Agreement

The Mayor agreed that the motion which had been moved and seconded at the previous meeting (at Council minute 82/18) and rolled over into this meeting, under

Council Procedure Rule CP10, would be treated as a new motion to enable it to be moved and seconded again to give the debate proper context.

Under Council Procedure Rule CP53, it was proposed by Councillor Evans, and seconded by Councillor Graves, that the original wording of the motion would be altered to reflect changes in circumstances relating to the topic of the motion. In accordance with CP53, the meeting's consent was signified without discussion.

The following motion was moved by Councillor Evans, and seconded by Councillor Graves:

17.4 million people and 58% of Derby residents voted Leave in the referendum in 2016. Parliamentarians should carefully examine the rationale that they will be using when casting their vote on Brexit.

Contrary to what many in the media are implying, this is not a vote on whether Brexit is a good idea. Parliament originally voted to pass this decision to the people via a Referendum and then voted again to trigger Article 50.

People's opinion on Brexit was canvassed on 23rd June 2016. Parliamentarians need to adhere to a clear set of tests. Those tests were articulated by the Prime Minister in her Lancaster House Speech in 2017 as follows:

- 1. The UK controls its own laws;*
- 2. The UK controls immigration (increasing and decreasing the net level in response to economic and social demands);*
- 3. The UK leaves the Single Market whilst securing access through a new, comprehensive, bold free trade agreement; and*
- 4. The UK frees itself from the Common Commercial Policy and the Common External Tariff thus leaving the Custom Union.*

Where the proposed arrangement fails to deliver any one of these tests, it is not delivering the Brexit that was promised in the 2016 Referendum. The tests above are the promises that were made to the British people and our parliamentarians should honour them.

Now that parliament has resoundingly rejected the doomed Withdrawal Plan there is an opportunity to unshackle British business from regulations from Brussels without any recourse to their creation and application. British business does not need to be locked in a Customs Union, and allow the UK to pursue its own independent global trade strategy.

Despite hugely unhelpful narratives from an increasingly partisan press, Brexit under WTO rules is not a 'cliff edge' nor need it be 'chaotic'. At present, 92% of British companies do not trade with the EU at all. And this 92% account for 87% of the UK economy. Business leaders already export all over the world often on WTO terms and many run JIT supply chains across APAC and the US. The WTO provides a ready-made framework for co-operation with a set of rules the UK itself helped to co-author. Given that the EU is a member of the WTO it is bound to ensure, come 29th March 2019 that it will not put up any additional barriers to trade nor take punitive measures against the UK. Indeed, if it did, what does that say about the organisation

we are attempting to leave? Businesses are well aware what an exit on WTO terms means and do not fear it. They recognise that there may be considerable short term turbulence but they are confident that they, and the people of the UK, will be able to steer through any short term upheaval to a prosperous future.

The effect on our democracy and on our society of failing to deliver Brexit is far more toxic, long term and dangerous than any exit scenario.

Council calls on the Government to deliver on the tests the Government gave itself and to exit on the default basis of the Referendum on WTO terms.

An amendment by Councillor Care was moved, and seconded by Councillor Skelton. A point of order was raised by Councillor Graves under Council Procedure Rule CP42 that the amendment should be disallowed on the basis that it negated the original motion. Following the receipt of advice from the Interim Monitoring Officer, the Mayor agreed with Councillor Graves and the amendment was ruled out.

The motion was put to the vote and lost.

97/18 Motion: Car parking charges in district shopping centres

The following motion was moved by Councillor Bayliss, and seconded by Jackson:

The traders and residents of Alvaston, Allenton and Spondon call upon the Conservative led and UKIP supported Derby City Council not to impose car parking charges at the local district shopping centres as this will have a further detrimental effect on the retail viability of these much treasured local amenities.

It was moved by Councillor Smale, and seconded by Councillor Poulter, that the motion be amended by the wording being replaced with the following:

Council both welcomes and respects the views of residents, traders and businesses of Alvaston, Allenton, Spondon and across the City.

Any local measures that aim to improve or enhance parking facilities will be fully consulted upon and only be progressed and delivered where there is support to do so. Council recognises that to do otherwise would have a detrimental impact on the retail viability of these much treasured local amenities.

The amendment was put to the vote and carried.

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

Resolved:

Council both welcomes and respects the views of residents, traders and businesses of Alvaston, Allenton, Spondon and across the City.

Any local measures that aim to improve or enhance parking facilities will be fully consulted upon and only be progressed and delivered where there is support to do so. Council recognises that to do otherwise would have a detrimental impact on the retail viability of these much treasured local amenities.

98/18 Motion: Maintenance and improvement of road network

Under Council Procedure Rule CP53, it was proposed by Councillor Repton, and seconded by Councillor Froggatt, that the original wording of the motion would be altered. In accordance with CP53, the meeting's consent was signified without discussion.

The following motion was moved by Councillor Repton, and seconded by Councillor Froggatt:

Council notes that in the 2018 budget the Chancellor announced a £420 million 'pot hole' fund intended to address the deteriorating condition of UK roads.

Derby City Council is set to receive a one off sum £982,000 from this fund towards fixing Derby potholes.

Council further notes that recent estimates suggest that in order to bring the Derby Highways infrastructure up to an acceptable standard would require approximately £20 million of capital investment and £5 million a year for ongoing maintenance and improvements.

The £982,000 one off grant is therefore woefully inadequate. Without an urgent injection of funds Derby roads will continue to deteriorate causing serious difficulties for drivers, cyclists and other road users and negatively impacting the local economy.

Council therefore calls on the Cabinet to secure the funds necessary to invest in the maintenance and improvement of Derby's road network and to work with the LGA to lobby government for the funding to meet this need.

It was moved by Councillor M Holmes, and seconded by Councillor Smale, that the motion be amended by the wording being replaced with the following:

Council welcomes that in the 2018 budget the Chancellor announced a £420 million fund of which Derby City Council is set to receive a sum of £982,000 to help repair potholes and protect local roads from future severe weather. Since 2010, Derby City Council has gratefully received very significant funding from government for investment in our local road network and for repairs.

Council accepts that significant and on-going investment will continue to be required in the future to ensure an acceptable standard of infrastructure and that the annual one off grants received in recent years greatly assist us in avoiding difficulties for drivers, cyclists and other road users and that would negatively impact the local economy.

Council recognises the council administration continues to be committed to the maintenance and improvement of Derby's road network as a transport priority and supports its on-going efforts to secure the funds necessary to invest in the vital work.

The amendment was put to the vote and lost.

The motion was put to the vote and carried.

Resolved:

Council notes that in the 2018 budget the Chancellor announced a £420 million 'pot hole' fund intended to address the deteriorating condition of UK roads.

Derby City Council is set to receive a one off sum £982,000 from this fund towards fixing Derby potholes.

Council further notes that recent estimates suggest that in order to bring the Derby Highways infrastructure up to an acceptable standard would require approximately £20 million of capital investment and £5 million a year for ongoing maintenance and improvements.

The £982,000 one off grant is therefore woefully inadequate. Without an urgent injection of funds Derby roads will continue to deteriorate causing serious difficulties for drivers, cyclists and other road users and negatively impacting the local economy.

Council therefore calls on the Cabinet to secure the funds necessary to invest in the maintenance and improvement of Derby's road network and to work with the LGA to lobby government for the funding to meet this need.

99/18 Motion: Swimming pool complex

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

*Council calls on the Cabinet to urgently decide and make public its plans for the new swimming pool complex at Moorways with details of the cost and funding of these plans, along with the timeframe for the new pool to be built and opened.
The delay and diversion of previously identified funding is causing great concern amongst residents, swimming clubs and employers in the city.*

It was moved by Councillor Grimadell, and seconded by Councillor M Holmes, that the motion be amended by the wording being replaced with the following:

Council welcomes the recently released plans for an enhanced swimming pool complex with a 50-metre pool and significantly larger leisure water that includes flumes, slides and a wave pool.

Council calls on the Cabinet to bring the details of the cost and funding of these plans, along with the timeframe for delivery of the new pool to the scheduled February 2019 Cabinet meeting.

The amendment was put to the vote and carried.

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

Resolved:

Council welcomes the recently released plans for an enhanced swimming pool complex with a 50-metre pool and significantly larger leisure water that includes flumes, slides and a wave pool.

Council calls on the Cabinet to bring the details of the cost and funding of these plans, along with the timeframe for delivery of the new pool to the scheduled February 2019 Cabinet meeting.

100/18 Designation of Monitoring Officer

A report of the Strategic Director of Corporate Resources proposed that the Interim Director of Legal, Procurement and Democratic Services be designated as the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

Clarification was provided by the Interim Monitoring Officer on the appointment process for acting or interim director appointments.

The recommendation in the report was moved by Councillor Barker and seconded by Councillor Poulter.

Resolved:

To designate the Acting Director Legal, Procurement and Democratic Services as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

MAYOR