



Council
Wednesday 27 November 2019
 At 6pm

Council Chamber, Council House
 Corporation Street, Derby, DE1 2FS

Members:

The Mayor, Councillor Frank Harwood, and Councillors Anderson, Ashburner, Atwal, Barker, Bettany, Carr, Care, Cooper, Dhindsa, Eldret, Evans, Froggatt, Graves Jr., Graves Sr., 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.

Agenda

1. Apologies
2. Declarations of Interest **Attached**
3. Minutes of the meeting of Council held on 25 September 2019 **Attached**
4. Announcements from the Mayor
5. Statements from members of the Council Cabinet
6. Questions from the Public

	Questioner	Respondent	Summary
A	David Thompson	Councillor Webb	Aspect House
B	Simon Bacon	Councillor Smale	Blue bin scheme
C	Bernadette Grosse	Councillor Roulstone	Access to welfare rights advice
D	Simon Bacon	Councillor Smale	Garden and food waste

7. Questions relating to Derbyshire Fire Authority or Derby Homes
8. Questions from non-Council Cabinet members
9. Minute extracts 97/19, 98/19 and 99/19 of the meeting of Council Cabinet held on 13 November 2019 **Attached**
10. Constitutional Amendments **Attached**

11. Councillor Training Day 2020 **Attached**
12. Urgent non-executive decisions made by the Chief Executive **Attached**
13. **Notice of Motion: A38 Junction Improvements**

Moved by Councillor Care, 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.

14. **Notice of Motion: Electoral Cycle**

Moved by Councillor Shanker, 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.

15. **Notice of Motion: Responsible Tax Conduct**

Moved by Councillor West, seconded by Councillor Hezelgrave

Council notes that:

For more information or if you have any specific requirements please contact Democratic Services on Derby 643656. Documents can be accessed online at <http://cmis.derby.gov.uk>

- *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.*

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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.*

16. Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following item

“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 involves 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 outweighs the public interest in disclosing the information”

17. Minute extract 105/19 of the meeting of Council Cabinet held on 13 November 2019

Attached



**Emily Feenan
Monitoring Officer**