

Time commenced - 6.00 pm
Time finished - 8.22 pm

COUNCIL MEETING 12 SEPTEMBER 2011

Present: The Mayor (Councillor Allen) (in the Chair)
Councillors Afzal, Ashburner, Atwal, Banwait, Bailey, Barker, Bayliss, Bolton, Campbell, Carr, Davis, Dhindsa, Harwood, Hickson, Higginbottom, Hillier, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, F Khan, J Khan, S Khan, Leeming, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Russell, Sandhu, Shanker, Skelton, Troup, Tuplin, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Graves, Keith, Turner and Webb.

39/11 Declarations of Interest

There were no declarations of interest.

40/11 Minutes of the previous meeting

Resolved that the Minutes of the Meeting of the Council held on 13 July 2011 be approved as a correct record, confirmed and signed by the Mayor.

41/11 Announcements by the Mayor

On behalf of the Council the Mayor congratulated all students, teachers, head teachers, parents and carers, following the successes in recent A-Level and GCSE results – the latter being the city's best ever.

42/11 Statements by Members of the Council Cabinet

Councillor Hickson, Leader of the Council, made a statement on initiatives and achievements. Councillor Bayliss responded.

43/11 Public Questions

Questions from members of the public were asked as follows:

1. By Andy Findlay, concerning Council Champions, answered by Council Hickson, Leader of the Council.

At this point, it was proposed by Councillor Hillier and seconded that in accordance with Council Procedure Rule CP20, this issue be referred to the Scrutiny Management Commission.

Resolved, to refer the issue of Council Champions to the Scrutiny Management Commission.

2. By Simon Bacon, concerning the Waste Treatment Facility Appeal answered by Councillor Wood, Chair of the Planning Control Committee.
3. By Valerie Beech, concerning the Normanton Medical Centre, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
4. By Dorothy Skrytek, concerning food savings schemes, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
5. By Reg Hand, concerning reduction in carbon emissions, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
6. By Andy Findlay, concerning wheelchair access to the River Gardens, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.

At this point it was proposed by Councillor Bayliss and seconded that Council Procedure Rule CP19 be waived, to enable an extension of the time allowed for public questions.

Resolved to waive Council Procedure Rule CP19 to extend the time available for public questions.

7. By Simon Bacon, concerning financial benefits of recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
8. By Dorothy Skrytek, concerning car parking on Walbrook Road, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

44/11 Written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

There were no written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited.

45/11 Written questions from non-Council Cabinet Members

Written questions from non-Council Cabinet Members to Members of Council Cabinet or Committee Chairs were asked as follows:

- 1 By Councillor Russell, concerning the cost of Whittaker Road Day Care consultation, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
- 2 By Councillor F Khan, concerning CCTV reviews, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 3 By Councillor Bolton, concerning budgets for Children and Young People's Services, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
- 4 By Councillor Roberts, concerning BID income and expenditure, answered by Councillor Hickson, Leader of the Council.
- 5 By Councillor Richards, concerning extension of a clean-up area, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 6 By Councillor Richards, concerning the Masterplan, answered by Councillor Hickson, Leader of the Council.

46/11 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet requiring the approval of the Council, set out in appendix A to these minutes.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 19 July and 6 September 2011.

47/11 Notices of Motions

- 1 Local Development Framework Core Strategy.

Resolved on the motion of Councillor Dhindsa and seconded, that Derby as an ambitious Council, wants to achieve a thriving sustainable economy, in line with the Derby Plan, and meet the housing needs of Derby residents. Derby

City Council is also committed, through the Derby Plan, to reducing carbon emissions and securing a better built and natural environment, including maintaining and promoting bio diversity through its green environment agenda.

The Council recognises the key role of the Local Development Framework Core Strategy in balancing these objectives and will ensure that in drawing up this plan, there is full assessment of the need for new development and the impacts of future development on climate change objectives, green space and bio diversity.

2 Business Rates

Resolved on the motion of Councillor Rawson and seconded, that Council notes with concern proposals to change the way Business Rates are collected and distributed. Initial estimates suggest Derby City Council could lose income of up to £13.7m per year, which would have a massive impact on our public services. The Council therefore requests the Leader of the Council to respond to the consultation and write to the minister, opposing any measures, which leave Derby City Council financially worse off. Also to write to the city's three MPs, asking them to support the City Council and oppose any changes in Parliament, which are damaging to the city's finances.

3 Bombardier.

Resolved on the motion of Councillor Hickson and seconded, that Council notes with concern and alarm both the Prime Minister's and the Government's continued refusal to reconsider the award of the preferred bidder status, for the Thameslink contract, to Siemens, thus exposing Bombardier to possible closure.

Council reaffirms its view that this decision is fundamentally flawed and perverse, bearing in mind the fact that no economic impact assessment was carried out as part of the evaluation process, without which any final decision on best value cannot properly be evaluated. This, coupled with the fact that Siemens do not have a working and tested bogie and allegations of corruption against them, would suggest that the whole competition process should be started again, with new, fairer and more appropriate evaluation criteria.

Council therefore confirms its intention to work with UNITE, as the main affected body, to explore the viability of a judicial review.

Council therefore recommends Cabinet to financially support any judicial review proceedings brought by UNITE (and/or Bombardier) to overturn the decision to award the Thameslink contract to Siemens, subject to the Director of Legal and Democratic Services being satisfied that UNITE have an arguable case.

4 Child Safety on School Transport

It was moved by Councillor L Winter and seconded, that Council calls on the Cabinet member to carry out an independent health and safety check on the current method of transporting children to and from school, and on school activities, and to include parents in the proposed consultation with schools, in order to improve safety for passengers, including vehicles having one seatbelt per child.

It was moved by Councillor Holmes and seconded, that the motion be amended by the deletion of the words 'the Cabinet Member to carry out an independent health and safety check on' and 'and to include parents in the proposed consultation with the schools, in order to improve safety for passengers including' and the insertion of the words 'Cabinet Members to co-operate with and support a Scrutiny Commission review of' and 'in order to ensure safety for passengers including the option of' and 'where practical, parents should be consulted'. The amendment was put to the meeting and carried.

Resolved that Council calls on Cabinet Members to co-operate with and support a scrutiny commission review of the current method of transporting children to and from school, and on school activities, in order to ensure safety for passengers, including the option of vehicles having one seatbelt per child. Where practical, parents should be consulted.

5 Mandatory training for Councillors

Resolved, on the motion of Councillor Williams and seconded, that Section 11 of the Children Act 2004 places a duty on key persons and bodies, to make arrangements to ensure that in discharging their normal functions, they have regard to the need to safeguard and promote the welfare of children.

In order to fulfil their duties and under the Children Act 2004, Councillors should:

- a) be aware of how and when to refer child welfare concerns to the Children and Young People's Service**
- b) be aware, that after the referral has been registered, there are constraints on staff sharing information as set out in the Council's Constitution**
- c) be aware of and sign up to their responsibilities as Corporate Parents of Looked After Children**
- d) prioritise their attendance at the Safeguarding and Corporate Parenting briefings.**

As these responsibilities are set out in law they are extremely important in the protection of children and Councillors cannot opt out of or ignore their responsibilities as Corporate Parents.

Council therefore confirms that:

Awareness training on Safeguarding and Corporate Parenting must be provided, after each AGM of the Council, by senior officers from the Children and Young People's Directorate and that such training (subject to confirmation by the Standards Committee) should be mandatory for all Councillors, with immediate effect.

Mayor