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|-----------------|---|----------|
| Time commenced  | - | 6.00 pm  |
| Time adjourned  | - | 6.59 pm  |
| Time reconvened | - | 7.15 pm  |
| Time finished   | - | 10.44 pm |

## **COUNCIL MEETING 19 JANUARY 2011**

Present: The Mayor (Councillor Nath) (in the Chair)  
Councillors Allen, Ashburner, Atwal, Banwait, Barker, Bayliss, Bolton, Carr, Chera, Davis, Dhindsa, Grimadell, Harwood, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, F Khan, S Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Whitby, Williams, F Winter, L Winter, Wood.

### **Apologies for Absence**

Apologies for absence were received from Councillors Batey, Berry and Williamson.

### **Declarations of Interest**

There were no declarations of interest.

### **Point of Order**

Councillor Shanker raised a point of order. He stated that, under Article 3.1 of the Constitution citizens had the right to attend the meetings of the Council and its committees except where confidential or exempt information was likely to be disclosed and the meeting was therefore held in private. He pointed out that a number of members of the public had been refused entry to the Darwin Suite. The Director of Legal and Democratic Services replied that the law required that reasonable provision was made for members of the public and that, to comply with health and safety requirements, a maximum number of 50 members of the public had been determined for the Darwin Room.

## Announcements by the Mayor

The Mayor welcomed Members and the public to the first meeting of the full Council to be held in the Darwin Suite at the Assembly Rooms. He also outlined certain changes to procedures that would be necessary for full Council meetings held in the Darwin Suite.

**Resolved, on the motion of the Mayor, that, for the period that Council meetings are held in the Darwin Suite, Rule CP76 and last sentence of Rule CP83 be suspended for Cabinet Members answering questions.**

## 68/10 Minutes of the Previous Meetings

**Resolved that the minutes of the Special and Ordinary meetings of the Council held on 17 November 2010 be approved as correct records, confirmed and signed by the Mayor.**

## 69/10 Statements by Members of the Council Cabinet

The following statements were made by Members of the Council Cabinet:

1. By Councillor Jennings, Leader of the Council, on initiatives or achievements. Councillors Bayliss and Jones responded.
2. By Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment concerning Localism and the Core Strategy. Councillors Dhindsa and Carr responded.
3. By Councillor Poulter, Council Cabinet Member for Neighbourhoods, concerning dog fouling. Councillors Banwait and Carr responded.
4. By Councillor Marshall, Council Cabinet Member for Resources, concerning Derwent New Deal for Communities. Councillors Rawson and Naitta responded.

## 70/10 Public Questions

Questions from members of the public were asked as follows:

1. By Mark Robinson, concerning the Inner Ring Road timetable, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member of Planning and Environment.
2. By Norman Clayton, concerning work on a protected tree, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.

3. By Simon Bacon, concerning waste contract payments to RRS, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
4. By Dr Catrin Rutland, concerning the timetable for the redevelopment of Arthur Neal House, answered by Councillor Webb, Council Cabinet Member for Adult Social Care and Health.
5. By Peter Barker, concerning rights of access to St Helen's House, answered by Councillor Jennings, Leader of the Council.

## **Adjournment of the Meeting**

As a result of a member of the public interrupting proceedings, the Mayor adjourned the meeting from 6.59pm to 7.15pm in accordance with Rule CP80, and ordered that the member of the public concerned be removed from the meeting room in accordance with Rule CP81.

When the meeting reconvened, Councillor Bayliss raised a point of order. He asked that the Mayor exercise his right under Rule CP17 to ask the question submitted by Vita Snowden, concerning the budget to support informal carers, on behalf of the questioner. The Mayor replied that it was standard practice for only written replies to be sent to questioners who were absent from the meeting.

6. By Colin Underhill, concerning directions and access to Royal Derby Hospital, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
7. By Mark Robinson, concerning the timetable for the Riverlights Project, answered by Councillor Jennings, Leader of the Council.
8. By Simon Bacon, concerning waste landfilled in 2009/10, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

In the absence of the questioners, the Mayor announced that written answers would be sent to questions submitted by Dorothy Skrytek, concerning the consultation on the planned Boyle Electrical Incinerator and the impact of financial cuts on public health, and to Vita Snowden, concerning the budget to support informal carers.

## 71/10 Written Questions about the Business or Functions of Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Ltd

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

## 72/10 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 Graves, concerning repairs to Moorways sports track, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture.
2. By Councillor Ashburner, concerning provision of bus stops on the Morledge development, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
3. By Councillor Shanker, concerning the judicial review of Sinfin Lane incinerator, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
4. By Councillor Shanker, concerning site selection for Sinfin Lane incinerator, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
5. By Councillor Whitby, concerning work undertaken on climate change, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.
6. By Councillor Naitta, concerning City Park for Derby, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture.
7. By Councillor Naitta, concerning closure of public toilets, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
8. By Councillor Naitta, concerning Markeaton Crematorium signage, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
9. By Councillor Troup, concerning an update on Russell Street site development, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.

10. By Councillor Troup, concerning an update on Home Insulation project, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.
11. By Councillor F Winter, concerning situation with the Hippodrome Theatre, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.
12. By Councillor Hird, concerning the employment of an Access Officer, answered by Councillor Marshall, Council Cabinet Member for Resources.
13. By Councillor Shanker, concerning changes to Housing Benefit, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.
14. By Councillor Atwal, concerning the future of Shaftsbury Sports Centre, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture.
15. By Councillor F Khan, concerning access to the council's three bin recycling system, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
16. By Councillor F Khan, concerning future of Oakvale House, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.
17. By Councillor Turner, concerning RRS (Shanks) request for a judicial review, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
18. By Councillor Rawson, concerning the closure of Derwent Children's Centre, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
19. By Councillor Turner, concerning occupancy levels at the Glossop Street Travellers' encampment, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.

## 73/10 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, on the motion of Councillor Jennings, to approve the minutes and recommendations of the Council Cabinet dated 11 January 2011.**

## 74/10 Personnel Procedures

The Council considered a report of the Strategic Director of Resources on Personnel Procedures.

It was moved by Councillor Marshall, and seconded:

1. To note the progress achieved in reforming personnel procedures.
2. To approve the proposal to alter the contractual status of the existing procedures for discipline, grievances, attendance, capability, redeployment, restructuring and redundancy and appeals, so that they no longer form part of employees' contracts.
3. To approve the removal of the current right of appeal to a panel of Members in favour of appeals being determined by senior officers.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the deletion of paragraph 3.

In accordance with Rule CP68 it was demanded by at least ten members that a recorded vote be taken on the amendment.

The following members voted for the amendment:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, S Khan, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Whitby, L Winter (17).

The following members voted against the amendment:

Councillors Allen, Ashburner, Atwal, Barker, Carr, Chera, Davis, Grimadell, Harwood, Hickson, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Richards, Troup, Tuplin, Webb, Williams, Wood (28)

The Mayor (Councillor Nath) and Councillors Skelton and F Winter abstained (3).

The amendment was declared lost.

### **Resolved:**

1. **To note the progress achieved in reforming personnel procedures.**
2. **To approve the proposal to alter the contractual status of the existing procedures for discipline, grievances, attendance,**

**capability, redeployment, restructuring and redundancy and appeals, so that they no longer form part of employees' contracts.**

- 3. To approve the removal of the current right of appeal to a panel of Members in favour of appeals being determined by senior officers.**

## **75/10 Urgent Non-Executive Decisions made by the Chief Executive**

The Council considered a report of the Interim Strategic Director of Resources, concerning Urgent Non-Executive Decisions made by the Chief Executive since the previous meeting.

**Resolved, on the motion of Councillor Jennings, to note the decisions of the Chief Executive, in consultation with political group leaders, to:**

- Reappoint Peter Cholerton to be a Trustee of the Wilmot Gilbert and Berrysford Charity for a four year term of office from 6 January 2011.**
- Provide cover for the Service Director, Asset Management.**

## **76/10 Notices of Motions**

### **1. *Merrill House and Warwick House***

It was moved by Councillor Hussain, and seconded, that the Council is concerned that the proposed closure of Merrill and Warwick House by September 2011 is causing immense anguish and uncertainty amongst all residents in our care homes. The Council is alarmed by the Cabinet's direction of travel and its aim to close long term residential care beds in all council owned homes within the next two or three years.

Whilst accepting that the threat of closures is causing an unreasonable level of anxiety for both employees and the vulnerable people they are looking after, the Council also accepts that the availability of 10 extra care beds, later this year, at the Leyland's Retail Trust will be insufficient to compensate for the loss of 68 residential beds that will arise from the intended closures. This raises the serious possibility that these actions could lead to a severe shortage of residential care beds in the city. The Council therefore requests that the Cabinet withdraw its consultation on possible closure of Merrill and Warwick House at its next meeting.

In accordance with Rule CP68 it was demanded by at least ten members that a recorded vote be taken on the motion.

The following members voted for the motion:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, S Khan, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Whitby, L Winter (17).

The following members voted against the motion:

Councillors Allen, Ashburner, Atwal, Barker, Carr, Chera, Davis, Grimadell, Harwood, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Richards, Troup, Tuplin, Webb, Williams, F Winter, Wood (28).

The Mayor (Councillor Nath) and Councillor Skelton abstained (2).

Councillor Hickson was not present in the meeting room when the recorded vote was taken.

The motion was declared lost.

**Resolved, on the motion of Councillor Jennings, that, in accordance with Rule CP10, the meeting be extended beyond four hours.**

*2. Appointment to the Adoption Panel*

**Resolved, on the motion of Councillor Williams, that Councillor Frank Harwood be appointed to the Adoption Panel for the remainder of the municipal year.**

*3. Local Studies Library and Silk Mill Museum*

It was moved by Councillor Naitta, and seconded, that this Council notes that the Local Studies Library building needs to be closed and that there is a similar amount of unused floor space in the Silk Mill Museum. It therefore petitions the Cabinet to keep the Silk Mill Museum open to the public, by moving the Local Studies Library into that building and using the money saved by not needing to hire space for the Local Studies Library to keep the Silk Mill open. This proposal is a cost effective way of keeping the Silk Mill Museum open, as a prime tourist attraction in Derby, while providing an integrated service for users of both facilities.

It was moved by Councillor Grimadell, and seconded, that the motion be amended by the deletion of the words 'keep', 'open to the public by moving', 'into that building and using the money saved by not needing to hire space for the Local Studies Library to keep the Silk Mill open', 'is', 'the' and 'in Derby'; and the insertion of the words 'consider', 'as the location for', 'could be', 'Derby's', and 'in the future'.

(The effect of the amendment, if approved, was that the motion would read as follows:



The Council notes that the Local Studies Library building needs to be closed and that there is a similar amount of unused floor space in the Silk Mill Museum. It therefore petitions the Cabinet to consider the Silk Mill Museum as the location for the Local Studies Library.

This proposal could be a cost effective way of keeping Derby's Silk Mill Museum open as a prime tourist attraction in the future, while providing an integrated service for users of both facilities.)

The amendment was put to the meeting and carried.

**Resolved that the Council notes that the Local Studies Library building needs to be closed and that there is a similar amount of unused floor space in the Silk Mill Museum. It therefore petitions the Cabinet to consider the Silk Mill Museum as the location for the Local Studies Library.**

**This proposal could be a cost effective way of keeping Derby's Silk Mill Museum open as a prime tourist attraction in the future, while providing an integrated service for users of both facilities.**

Councillor Rawson raised a point of order. He stated that Rule CP83 required that suspension of a Council Procedure Rule could only be for the duration of the meeting. The Director of Legal and Democratic Services stated that the proposal at Motion 4 would apply for one meeting, i.e. 2 March 2011.

4. *The Budget Meeting of the Council to be held on 2 March 2011*

It was moved by Councillor Jennings, and seconded, that:

1. In view of the importance of the decisions to be made on the Budget, Council Procedure Rules be suspended for the meeting of the Council on 2 March 2011 so that the only items on the agenda are:
  - a. to receive apologies
  - b. to receive any declarations of interest from members
  - c. to approve the minutes of the last meeting
  - d. to receive announcements from the Mayor
  - e. to consider minutes or reports from the Council Cabinet on the General Fund Revenue Budget, Capital Programme and Council Tax 2011/12; Treasury Management and Prudential Code Indicators 2011/12; Derby Plan (Sustainable Community Strategy); and Council Plan (Corporate Plan); and to pass resolutions on these matters.

2. In order to deal with other business, an additional ordinary meeting of the Council be held on Wednesday 30 March 2011 at 6pm.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the insertion of a new paragraph e. 'to receive any questions from the public to members of the Council Cabinet or the Committee Chairs and the answers to those questions' and the re-lettering of paragraph e. as paragraph f..

In accordance with Rule CP68, it was demanded by at least ten members that a recorded vote be taken on the amendment.

The following members voted for the amendment:

Councillors Banwait, Bayliss, Dhindsa, Graves, Hussain, Jackson, S Khan, Rawson, Redfern, Repton, Shanker, Turner, Whitby, L Winter (14).

The following members voted against the amendment:

Councillors Allen, Ashburner, Atwal, Barker, Carr, Chera, Davis, Grimadell, Harwood, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, Williams, F Winter (29).

The Mayor (Councillor Nath) abstained (1)

Councillors Bolton, Hickson and Higginbottom were not present in the meeting room when the recorded vote was taken.

The amendment was declared lost.

It was moved by Councillor Ingall, and seconded, that the motion be amended by the addition of the words 'Housing Rents and Service Charges 2011/12' to paragraph e..

The amendment was put to the meeting and carried.

**Resolved that:**

1. **In view of the importance of the decisions to be made on the Budget, Council Procedure Rules be suspended for the meeting of the Council on 2 March 2011 so that the only items on the agenda are:**
  - a. **to receive apologies**
  - b. **to receive any declarations of interest from members**
  - c. **to approve the minutes of the last meeting**

- d. to receive announcements from the Mayor
  - e. to consider minutes or reports from the Council Cabinet on the General Fund Revenue Budget, Capital Programme and Council Tax 2011/12; Treasury Management and Prudential Code Indicators 2011/12; Derby Plan (Sustainable Community Strategy); and Council Plan (Corporate Plan); Housing Rent and Service Charges 2011/12; and to pass resolutions on these matters.
2. In order to deal with other business, an additional ordinary meeting of the Council be held on Wednesday 30 March 2011 at 6pm.

5. *Wild Derby Project*

It was moved by Councillor Troup, and seconded, that 2010 was the International Year of Biodiversity. The United Nations considers the threat to wildlife to be so serious that it has immediately followed up by launching the International Decade of Biodiversity. This Council accepts that, when times get tough, it is wrong to take it out in the environment and let future generations live with the consequences.

This Council acknowledges and celebrates the excellent work done by the Wild Derby project in promoting and protecting biodiversity in the city despite having only a very small budget to work with. Therefore, in developing budget proposals, the Council asks the Cabinet to do everything it can to protect the modest budget needed for the Wild Derby project and not to sacrifice the future for our short term benefit.

It was moved by Councillor Hussain, and seconded, that the motion be amended by the deletion of the words 'to do everything it can' from the second paragraph.

The amendment was put to the meeting and carried.

**Resolved that 2010 was the International Year of Biodiversity. The United Nations considers the threat to wildlife to be so serious that it has immediately followed up by launching the International Decade of Biodiversity. This Council accepts that, when times get tough, it is wrong to take it out in the environment and let future generations live with the consequences.**

**This Council acknowledges and celebrates the excellent work done by the Wild Derby project in promoting and protecting biodiversity in the city despite having only a very small budget to work with. Therefore, in developing budget proposals, the Council asks the Cabinet to protect the modest budget needed for the Wild Derby project and not to sacrifice the future for our short term benefit.**

6. *Health and Wellbeing Board*

**Resolved, on the motion of Councillor Skelton, that the establishment of the Health and Wellbeing Board provides an opportunity for closer working between the Council and the NHS. The aim should be to work together so that the resources of the two organisations are used to the maximum benefit of Derby's citizens.**

**The Government has allocated £3.2m to Derby via the NHS to support social care in the city. It is vital that this finance is used to address the social care problems of each organisation, such as enablement and intermediate care, where the interface between the Council and the NHS must work well to avoid such problems as bed blocking.**

**Council therefore calls on the Cabinet to ensure that collaborative working with the NHS makes best use of the resources and infrastructure of both organisations. Furthermore, any planned changes in provision made for budgetary reasons are thought through holistically and do not end up costing more money either elsewhere or in the future.**

7. *Rowditch Recreation Ground*

**Resolved, on the motion of Councillor Atwal, that it is recognised that from time to time that an Administration may need to move financial resources from one area to another.**

**However, Council is concerned that the removal of the Rowditch Recreation Ground Capital funding programme to meet the additional costs of improvements to the Alvaston Park changing facilities may result in a lost opportunity for improvements to the Rowditch Park Facility.**

**Council recognises that the Rowditch Recreation Grounds are in an area in need of much improvement. Council therefore requests the Council Cabinet together with the Director of Resources, to make available the reserved sums for the Rowditch Recreation Ground scheme as soon as a decision has been made on the Barracks building.**

Mayor

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| MINUTES OF COUNCIL CABINET REQUIRING THE<br>APPROVAL OF COUNCIL |
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### **COUNCIL CABINET 11 JANUARY 2011**

Present                                      Councillor Jennings (Chair)  
   Councillors Grimadell, Holmes, Marshall, Poulter,  
   Webb and Williams

In attendance                              Councillors Bayliss and Jones

This record of decisions was published on 13 January 2011. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

## Key Decisions

### 166/10      Council Tax Base

The Council Cabinet considered a report on Council Tax Base. The Council has to calculate its 'council tax base' for 2011/12 as a means of raising council tax income for the 2011/12 financial year from Derby council tax payers. The tax base is an estimated figure of the number of domestic properties in terms of 'band D' in the Council's area during the year. It is used to determine a headline charge for band D properties in the city. Charges for other bands are calculated as defined fractions of the headline charge. The proposed council tax base for 2011/12 was 72,278.83 band D equivalent properties compared with the 2010/11 council tax base of 71,114.57. This represented an increase of 1,164.26 band D equivalent properties. The reasons for the increase were:

- An increase in the number of domestic properties within the city at the time of calculating the proposed council tax base for 2011/12 when compared to the figure used for calculating 2010/11 council tax base. The actual increase in domestic properties was 919.
- A prudent estimate of the number of newly built homes between 1 December 2010 and 31 March 2012 that would add to the tax base.

## **Options Considered**

Setting the council tax base is a statutory duty.

## **Decision**

1. ...
2. To recommend Council in accordance with the methodology and estimates shown at Appendices 2 and 3 to approve this calculation.

## **Reasons**

Agreeing the council tax base was the first step in the process of setting the council tax to be collected in 2011/12 and was an essential part of establishing the 2011/12 budget.