

Time commenced - 6.00 pm
Time finished - 9.14 pm

COUNCIL MEETING 23 JANUARY 2008

Present: The Deputy Mayor (Councillor Jackson) (In the Chair)
Councillors Ahern, Afzal, Allen, Banwait, Baxter, Bayliss, Bolton,
Care, Carr, Chera, Dhamrait, Dhindsa, Gerrard, Ginns, Graves,
Grimadell, Hickson, Higginbottom, Hird, Hussain, Ingall,
Jackson, Jones, R Khan, S Khan, Jennings, Leeming, Lowe,
Marshall, Mitchell, Nath, Poulter, Rawson, Redfern, Repton,
Richards, Roberts, Skelton, Smalley, Tittley, Troup, Turner,
Webb, Williams, Willoughby, Williamson, Winter, Wood.

Apologies for Absence

Apologies for absence were received from the Mayor (Councillor Latham) and Councillor Berry.

Declarations of Interest

The following Members declared interests:

Minute No. 72/07(2) – Security of Personal Data – Councillors Care, Chera, Smalley, Williams, Willoughby – all personal interests as the Members were in receipt of child benefit.

Minute No. 72/07(3) – Post Office Closures – Councillor S Khan – personal interest as a post office proprietor.

Minute No. 72/07(4) – Funding of Derby Hospitals NHS Foundation Trust – Councillors Hird, Rawson and Williams – personal and prejudicial. Councillor Rawson stated that he was an employee of the Trust.

Announcements from the Deputy Mayor

There were no announcements from the Deputy Mayor.

59/07 Minutes of the Previous Meetings

Resolved that the minutes of the meeting of the Council held on the 21 November 2007 be approved as a correct record, confirmed and signed by the Deputy Mayor.

60/07 Statements by Members of the Council Cabinet

A Statement was made by Councillor Bolton, Council Cabinet Member for Children and Young People, congratulating:

- a) Alvaston Community Junior School on being removed from special measures.
- b) schools who took part in the Derby City and Derbyshire County Music Partnership Celebration concert.
- c) schools who took part in the Westfield Choir competition.

61/07 Public Questions

In accordance with Rule CP11, the Council agreed to extend the time allowed for public questions beyond thirty minutes.

Questions from members of the public were asked as follows:

1. By Donna Chambers, concerning street parking in Normanton Ward, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
2. By Donna Chambers, concerning spending in different areas of Derby, answered by Councillor Williamson, Leader of the Council and Council Cabinet Member for Corporate Policy.
3. By M Whitehead, concerning consultation over the proposed travellers site in Russell Street, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.
4. By Matthew Holmes, concerning consultation over a possible travellers site in Chellaston Ward, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.
5. By John Armitage, concerning the library service in Chaddesden, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.

6. By Mr A Dunn, concerning the future of the Hippodrome, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
7. By Mr A Dunn, concerning on street parking restrictions in the Cathedral Quarter, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
8. By Louise Noble, concerning plans for a waste disposal site at the Tannery Site on Sinfin Lane, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
9. By Chris Wynn, asking when the works to block off Markeaton Street would be completed, answered by Councillor Banwait, Council Cabinet for Planning and Transportation.
10. By Chris Wynn, asking when residents would have a response to their petition for residents only car parking in Markeaton Street, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
11. By Colin Underhill, concerning Cityscape investment in the Green Lane area, answered by Councillor Roberts, Deputy Leader of the Council and Council Cabinet Member for Personnel, Performance Management and Economic Development.
12. By Penny Abreu, concerning the visual impact of the Westfield Development on the city skyline, answered by Councillor Williamson, Leader of the Council and Council Cabinet Member for Corporate Policy.
13. By Penny Abreu, concerning St Mary's footbridge, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.

62/07 Presentation on the Derby Interactive Physical Futures
Map

The Council received a presentation on the Derby Interactive Physical Futures Map from Robert Salmon, Head of Plans and Policies, Regeneration and Community Department.

63/07 Written Questions about the Business or
 Functions of the Derbyshire Police Authority,
 Derbyshire Fire Authority or Derby Homes Limited.

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

64/07 Written questions from Non-Council Cabinet Members
 to Members of the Council Cabinet.

Written questions from Non-Council Cabinet Members to Members of the Council Cabinet were asked as follows:

1. By Councillor Ahern, concerning the future of the Chesapeake Community Centre, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
2. By Councillor Chera, concerning the Tannery Site on Sinfin Lane, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
3. By Councillor Chera, concerning a shortfall in the Adult Social Services budget, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
4. By Councillor Grimadell, concerning the Chesapeake Community Centre, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
5. By Councillor Jones, concerning Neighbourhood / Ward profiles, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.

65/07 Business Remaining from the Previous Meeting

The meeting of the Council held on 21 November 2007 had been adjourned in accordance with Rule CP10. The following business had been held over until this meeting.

7. *Notice of Motion – Extra Care Services*

It was moved by Councillor Skelton, and seconded, that Council endorses the broad concept of 'extra care' to provide people with a consistent caring community into dependent old age.

Council further recognises that:

1. Derby currently has very few unoccupied residential care beds.

2. The council's residential care homes are in a mixed state of repair. For example, Arthur Neal Home needs major maintenance or rebuilding, but Bramblebrook House has recently had new windows and is in good decorative order, meeting all registration standards.
3. The council owns further land close to Bramblebrook House, including Humbleton View, which is already scheduled for closure.
4. The current trend is to move specialist day care facilities into community settings.

Council therefore resolves to ask Council Cabinet to keep Bramblebrook House open.

Council further resolves to ask the Cabinet Member for Adult Services to explore the opportunities for providing extra-care type housing and other facilities on the Bramblebrook/Humbleton View site.

It was moved by Councillor Marshall, and seconded, that the motion be amended by the deletion of the final paragraph and the addition of the words "as recommended by the Adult Services and Health Commission" after the word "open".

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

"Council endorses the broad concept of 'extra care' to provide people with a consistent caring community into dependent old age.

Council further recognises that:

1. Derby currently has very few unoccupied residential care beds.
2. The council's residential care homes are in a mixed state of repair. For example, Arthur Neal Home needs major maintenance or rebuilding, but Bramblebrook House has recently had new windows and is in good decorative order, meeting all registration standards.
3. The council owns further land close to Bramblebrook House, including Humbleton View, which is already scheduled for closure.
4. The current trend is to move specialist day care facilities into community settings.

Council therefore resolves to ask Council Cabinet to keep Bramblebrook House open as recommended by the Adult Services and Health Commission.")

The amendment was put to the meeting and carried.

The substantive motion was put to the meeting and lost.

66/07 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 Williamson, to approve the minutes and recommendations of the Council Cabinet dated 18 December 2007 and 15 January 2008.

67/07 Minutes and Recommendations of the General Licensing Committee

The Council considered the minutes and recommendations of the General Licensing Committee requiring the approval of the Council set out in Appendix B to these minutes.

Resolved, on the motion of Councillor Dhamrait, to approve the minutes and recommendations of the General Licensing Committee dated 19 December 2007.

68/07 Standing Advisory Council for Religious Education – SACRE – New Representative

The Council considered a report of the Director of Corporate and Adult Services concerning the appointment of a new representative to the Standing Advisory Council for Religious Education – SACRE.

Resolved, on the motion of Councillor Williamson to approve the appointment of Kate Tippen as the Roman Catholic representative for a four year term.

69/07 Appointments to Outside Bodies

The Council considered a report of the Director of Corporate and Adult Services concerning Appointments to Outside Bodies.

Resolved, on the motion of Councillor Williamson:

- 1. To approve the appointment of Councillor Dhindsa to the Board of Governors of Derby College for the remainder of this municipal year.**
- 2. To delete Business Link Derbyshire from the list of outside bodies to which the Council makes appointments.**

70/07 Designated Public Places Order - Chellaston

The Council considered a report of the Director of Corporate and Adult Services concerning the making of a Designated Public Places Order at Chellaston.

Resolved, on the motion of Councillor Williamson:

- 1. To approve the introduction of a Designated Public Places Order in respect of land at Chellaston listed in Appendix 2 and shown shaded on the plan at Appendix 3 to the report.**
- 2. To authorise the Director of Corporate and Adult Services to make the Designated Public Places Order, advertise it in a local newspaper and erect signs in the designated area.**

71/07 Urgent Non-Executive Decisions made by the Chief Executive

The Council considered a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive since the previous meeting.

Resolved, on the motion of Councillor Williamson, to note the report.

72/07 Notices of Motion

1. Performing Arts Provision

It was moved by Councillor Jones, and seconded, that the City of Derby has a diverse and rich cultural mix which should be celebrated in its performing arts provision. The City Council supports action to ensure that professional and amateur theatre and other performing arts continue to thrive in Derby.

It was moved by Councillor Graves, and seconded, that the motion be amended by the deletion of the words "supports action" and the insertion in their place of the words "requests the Cabinet to continue to unanimously support actions".

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

"The City of Derby has a diverse and rich cultural mix which should be celebrated in its performing arts provision. The City Council requests the Cabinet to continue to unanimously support actions to ensure that professional and amateur theatre and other performing arts continue to thrive in Derby.")

The amendment was put to the meeting and carried.

Resolved that the City of Derby has a diverse and rich cultural mix which should be celebrated in its performing arts provision. The City

Council requests the Cabinet to continue to unanimously support actions to ensure that professional and amateur theatre and other performing arts continue to thrive in Derby.

2. Security of Personal Data

It was moved by Councillor Willoughby, and seconded, that Council notes with concern the recent losses of personal data of residents held by a number of government departments.

Lost data includes names, addresses, dates of birth, bank account details and National Insurance numbers of around 25 million people or 7 million families who have received child benefit from the HM Revenue and Customs.

This loss of private data, along with other incidents where the DVLC lost data related to learner drivers and where nine NHS trusts have admitted losing patient records, has placed our constituents at a severe risk of identify fraud, impersonation and other serious criminal activity.

Council therefore requests the Leader of the Council to write to the Prime Minister to express the Council's serious concerns about:

- the recent cases of loss of personal data, and the risk that it has exposed its residents to identify fraud;
- the ability of the current internal processes of government departments to hold personal data related to private individuals
- and, further, calls on Government to abandon its plans to introduce a national identity card scheme.

Council also requests that the Leader of the Council makes a statement today to be posted on the Council website about the security of personal data held by the Council, particularly data held on electoral rolls, council tax and council tax benefits and whether it is safe and secure and whether such data is ever sent out by post to other agencies and, if it is, whether the arrangements are secure and has any data been lost?

It was moved by Councillor Williamson, and seconded, that the motion be amended by the deletion of the whole of the third bullet point.

The amendment was put to the meeting and carried.

Resolved that Council notes with concern the recent losses of personal data of residents held by a number of government departments.

Lost data includes names, addresses, dates of birth, bank account details and National Insurance numbers of around 25 million people or 7 million families who have received child benefit from the HM Revenue and Customs.

This loss of private data, along with other incidents where the DVLC lost data related to learner drivers and where nine NHS trusts have admitted losing patient records, has placed our constituents at a severe risk of identify fraud, impersonation and other serious criminal activity.

Council therefore requests the Leader of the Council to write to the Prime Minister to express the Council's serious concerns about:

- **the recent cases of loss of personal data, and the risk that it has exposed its residents to identify fraud;**
- **the ability of the current internal processes of government departments to hold personal data related to private individuals**

Council also requests that the Leader of the Council makes a statement today to be posted on the Council website about the security of personal data held by the Council, particularly data held on electoral rolls, council tax and council tax benefits and whether it is safe and secure and whether such data is ever sent out by post to other agencies and, if it is, whether the arrangements are secure and has any data been lost?

3. Post Office Closures

Resolved, on the motion of Councillor Care, that last November Council debated the negative impact that proposed Post Offices closures would have in Derby and called on the government and Post Office Limited to think again.

Despite this plea, all the named Derby Post Offices are to close, and an additional Post Office at Chaddesden has been threatened with closure as well.

Even though the government and Post Office Limited seem to have such low regard for the views of the people and Council in Derby, Council agrees to write again to both bodies to object to this further closure, pointing out that:

- **the Council has a policy of supporting its district centres, and closure of a district centre Post Office would undermine this policy and result in additional journeys**
- **this Post Office serves areas with a significant proportion of council and other 'affordable' housing**
- **the Post Office is served by several good bus services and nearby parking makes it convenient for passing customers, and**

- **Chaddesden has a higher proportion of older people than most areas of Derby, and Derby's Older People's Plan notes that a fifth of over-65s in Chaddesden provide care for over 20 hours per week. Loss of local facilities will hit such people particularly hard.**

4. *Funding of Derby Hospitals NHS Foundation Trust*

It was moved by Councillor Care, and seconded, that the Derby Acute Hospitals Trust has been noted for its good performance in achieving government targets. Despite this, it is needing to make significant savings over the next few years.

Current actions being taken or proposed include:

- changes to medical practices
- salary reductions due to re-grading
- further cuts to job posts
- bed/ward closures

As well as being de-motivating, professional staff are seriously concerned about the impacts that the proposed changes will have on patient care and outcomes.

The Council calls on the Department of Health and the government to recognise the Trust's success and to provide the necessary funding to avoid these unacceptable impacts on hospital staff and the medical services provided to the people of Derby.

It was moved by Councillor Roberts, and seconded, that the motion be amended or by leaving out or inserting various words so that the motion, if approved, would read as follows:

"The Derby Hospitals NHS Foundation Trust has been noted for its good performance in achieving government targets. Despite this, it is needing to make significant savings over the next few years.

If dealt with unsympathetically this may be de-motivating, it might also give professional staff serious concern about the impacts that the proposed changes may have on patient care and outcomes.

The Council calls on the Department of Health and the government to recognise the Trust's success and to provide the necessary funding to ensure a service delivery level that will continue the high level of performance that the Derby Hospital NHS Foundation Trust through its hospital staff and the medical services provide for the people of Derby."

The amendment was put to the meeting and carried.

Resolved, that the Derby Hospitals NHS Foundation Trust has been noted for its good performance in achieving government targets. Despite this, it is needing to make significant savings over the next few years.

If dealt with unsympathetically this may be de-motivating, it might also give professional staff serious concern about the impacts that the proposed changes may have on patient care and outcomes.

The Council calls on the Department of Health and the government to recognise the Trust's success and to provide the necessary funding to ensure a service delivery level that will continue the high level of performance that the Derby Hospital NHS Foundation Trust through its hospital staff and the medical services provide for the people of Derby

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL
--

COUNCIL CABINET 18 DECEMBER 2007

Present: Councillor Williamson (Chair)
Councillors Banwait, Bolton, Graves, Hussain,
Roberts, Smalley and Williams

In attendance Councillor Jones

This record of decisions was published on 20 December 2007. 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

144/07 Longbridge Weir Hydro Electric Power Station

The Council Cabinet considered a report on Longbridge Weir Hydro Electric Power Station. A detailed study had been carried out by specialist consultants and a report prepared which showed that the building of a hydro-electric power station adjacent to Longbridge Weir was both feasible and would generate sufficient revenue income to be self funding using unsupported borrowing. Building and operating this power station would save as much as 1000 tonnes of CO2 annually compared with current supplies. The Council's 25% emissions reduction target equated to a saving of approximately 6000 tonnes of CO2 resulting from Council electricity and gas consumption, excluding street lighting. So this one project could achieve as much as one sixth of the necessary reduction.

Options Considered

1. Investigations were under way to look at the feasibility of a similar, albeit smaller, scheme at Darley Abbey weir. Other weirs would be investigated in due course and reports brought to Cabinet as appropriate.
2. The possibility of building the Longbridge scheme on the opposite bank had been considered but discounted because the civil engineering costs were felt to be prohibitive compared to those for the South Bank of the river.

Decision

1. To recommend Council to approve unsupported borrowing of £1.5 million to fund the design, procurement and construction costs subject to the project achieving planning permission and the various Environment Agency permissions.
1. To recommend Council to approve the associated changes to the Council's prudential indicators to reflect the necessary revisions to the capital programme and unsupported borrowing, subject to further detailed confirmation when these indicators were next updated.
2. To authorise the Corporate Director of Resources to establish appropriate internal controllable recharges between budgets to ensure that corporate costs were directly offset against associated financial savings and income.
3. To approve the waiving of contract procedure rule C15, Requirement to Obtain Quotes or Tenders, and appoint specialist consultant Derwent Hydro for the technical aspects of the project.
4. To establish the hydro-electric power station as a venue for the proposed Time Trail.

Reasons

1. Building this power station would be a significant statement to the people of Derby and others that the Council means business on tackling climate change.
2. As much as 1000 tonnes of CO₂ could be saved every year. This represented a sizeable proportion of the overall target reduction for electricity and gas emissions.
3. The income generated from sale of the renewables obligation certificates (ROC's), the sale of the surplus power and the value of the Council House power demand offset by directly feeding the station output into the Council House would support the borrowing. The scheme long term viability was dependent upon the ongoing availability of ROC's or their equivalent.
4. As the unsupported borrowing was not in the capital programme, the constitution required that the decision be made by full Council.
5. There were few consultants capable of carrying out the technical hydro engineering design aspects of such an installation. Derwent Hydro had a track record in such schemes and had been involved from the start of this project. The design fee, at approximately £20 000, was considered to represent good value for money.

6. It was intended that the hydro power station becomes a tourist and educational venue.

Contract and Financial Procedure Matters

147/07 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on the Contract and Financial Procedure Matters Report. The report dealt with the following items that required reporting to and approval by Council Cabinet under contract and financial procedure rules:

- bids against the Youth Opportunities Fund and the Youth Capital Fund
- waiver of contract procedure rules to enter into a contract for the supply of services to schools from the National Association of Professional Teaching Assistants - NAPTA
- additional funding for extra works under the Learn Derwent capital schemes.
- allocation of funding from CYP capital reserves for investigative work relating to possible land contamination
- allocation of funding from the Schools' Access Initiative fund
- staffing within the Change Management Team.

Decision

1. To approve bids against the Youth Opportunities Fund and the Youth Capital Fund previously suggested by the Youth Panel.
2. To approve a waiver of contract procedure rules regarding the supply of services to schools from the National Association of Professional Teaching Assistants – NAPTA.
3. To approve a total of £93,000 additional funding for extra works under the Learn Derwent capital schemes at Beaufort, Derwent and Roe Farm Primary Schools
4. To recommend to full Council the allocation of £40,000 from CYP capital reserves for school site investigation work.

5. To approve the allocation of £33,500 of Schools' Access Initiative funding to Hardwick Primary School, the Specialist Teaching and Psychology Service and Littleover Community School
6. To transfer £113,000 from the Building on Excellence budget to the Change Management and Performance Team budget within the Resources Department.
7. To approve the creation within the Change Management and Performance Team of up to two additional Change Manager posts, subject to one being funded by the East Midlands Improvement Partnership, to create a post of Transformational Change Manager to be filled by one of the existing Change Managers and to regrade the post of Project Support Officer as Project Co-ordinator.
8. To agree that the Budget Scrutiny Accountant post should be funded from 2008/09 from savings achieved from the Transformational Change programme.

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

**COUNCIL CABINET
15 JANUARY 2008**

Present: Councillor Williamson (Chair)
Councillors Banwait, Bolton, Graves, Hickson,
Hussain, Nath, Roberts, Smalley and Williams

In attendance Councillor Jones

This record of decisions was published on 17 January 2008. 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.

Budget and Policy Framework

165/07 Council Tax Base for 2008/09

The Council Cabinet considered a report concerning the Council Tax Base for 2008/09. The report stated that the Council had to calculate the 'Council Tax Base' for 2008/09 as a means of raising council tax income. The tax base was an estimated figure which equated to the effective number of domestic properties in terms of 'Band D' valuations in the Council's area during the year.

The report indicated that the base was used to translate total council tax income requirements in a headline charge for Band D. Charges for other bands were calculated as defined fractions of this headline charge. Due to the continued growth in the number of domestic properties in the city, the Council Tax Base could be increased from 69,560 to 69,854 Band D equivalent properties.

Decision

That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 (SI 12003/3012), to approve the Council Tax Base for the year 2008/09 as 69,854 band D equivalent properties in accordance with the methodology and estimates shown at appendices 2 and 3 and that Council be recommended to approve the calculation.

MINUTES OF GENERAL LICENSING REQUIRING
THE APPROVAL OF COUNCIL

**GENERAL LICENSING COMMITTEE
19 DECEMBER 2007**

Present: Councillor Dhamrait (Chair)

Councillors Baxter, Berry, Hird, Hussain, Jackson, Jennings, S
Khan, Lowe, Redfern and Skelton

**10/07 Review of The Licensing Policy 2008 and
Consultation Results**

The Committee considered a report from the Interim Director of Environmental Services that detailed the results of the review of the Licensing Policy. The Licensing Policy had been the subject of a consultation exercise between July and October 2007, with the results being collated in November 2007. A summary of the consultation plan and the responses to the completed questionnaires were attached at appendices 2 and 3.

The Committee noted that there had been a very low number of questionnaires returned.

The revised policy was attached at Appendix 5 and included two main changes; the removal of the Derby City Crime and Disorder Partnership and the inclusion of a section on Promoting and Achieving Equality.

Resolved to:

- 1. approve the recommendations on the working party.**
- 2. note the comments and information obtained from the consultation process.**
- 3. recommend Council to adopt the final draft 2008 version of the Licensing Policy.**