

Time commenced - 6.00 pm  
Time adjourned - 10.00 pm

## **COUNCIL MEETING 26 NOVEMBER 2003**

Present: The Mayor (Councillor P S Berry)  
Councillors Ahern, L Allen, Baxter, Bayliss, Beech, E Berry,  
Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Crosby,  
Dhamrait, Gerrard, Graves, Gupta, J E Hickson, P J Hickson, Hird,  
A Hussain, F Hussain, Jackman, Jackson, Jones, Kalia, Latham,  
Liversedge, Lowe, MacDonald, Nath, Redfern, Rehman, Repton,  
Roberts, Samra, Skelton, Smalley, Travis, Troup, Turner, Webb,  
West, Williamson, Willitts, Winter, Wynn.

### **Apologies for Absence**

Apologies for absence were received from Councillors R J Allen and Wilsoncroft

### **Declarations of Interest**

There were no declarations of interest.

### **Announcements from the Mayor**

The Mayor said that the Council would wish to record its congratulations to the England Rugby team on winning the World Cup. He referred to Councillor Care's recent makeover in aid of BBC Children in Need. The Mayor welcomed Jim Brennan to the Council meeting and reminded Members of their invitations to the Mayor's Annual Christmas Reception.

### **47/03 Minutes of the Previous Meeting**

**Resolved that the minutes of the meeting of the Council, held on 16 September 2003, be approved as a correct record, confirmed and signed by the Mayor.**

### **48/03 Statements by Members of the Council Cabinet**

There were no Statements by Members of the Council Cabinet.

### **49/03 Public Questions**

Questions from members of the public were asked and answered as follows:

1. By Mark Tittley, concerning the Council's Tree Management Policy, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
2. By Mark Tittley, concerning the completion of the T12 road between the A50 "Bonnie Prince" Island and Wilmore Road, Sinfin, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
3. By Dave Taylor, concerning environmental and transport improvements in Alvaston, including the Alvaston Bypass extension, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
4. By Pat Woolley, concerning a presentation by Metro Holst, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
5. By Tony Dunn, concerning the disposal of open space land at Full Street, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
6. By Penny Abreu, concerning plans for Cathedral Green, the former Full Street Police car park and the adjacent Police building, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
7. By Ellen Hutchings, concerning Adult Education in Derby in the light of the closure of St Helen's House, answered by Councillor L Allen, Council Cabinet Member for Lifelong Learning.

## **50/03      Foundation Trust Status for Derby Hospitals**

The Council received a presentation from David Laughlin, Foundation Trust Project Manager, Southern Derbyshire Acute Hospitals NHS Trust, and Chris Calkin, Director of Finance, Southern Derbyshire Acute Hospitals NHS Trust, on the application for Foundation Trust status for Derby Hospitals. Mr Laughlin and Mr Calkin answered questions from members of the Council.

## **51/03      Written Questions about the Business or Functions of the Derbyshire Police Authority or Derbyshire Fire Authority**

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

## 52/03      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 Graves, concerning the provision of dog dirt bins, answered by Councillor Carr, Council Cabinet Member for Personnel, Equalities and Direct Services
2.      By Councillor Bayliss, concerning the Mess Room at Durley Close, Alvaston, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
3.      By Councillor Williamson, concerning consultation with workers and their representatives at Derby Bombardier works, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
4.      By Councillor Roberts, concerning the Council's Health and Safety Management structure, answered by Councillor Carr, Council Cabinet Member for Personnel, Equalities and Direct Services.
5.      By Councillor Roberts, concerning the Display Screen Equipment Regulations 1992, answered by Councillor Carr, Council Cabinet Member for Personnel, Equalities and Direct Services.
6.      By Councillor Graves, concerning openness in decision making and consultation, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
7.      By Councillor Graves, concerning the proposed site of the new school to replace Wilmorton and Southgate schools, answered by Councillor L Allen, Council Cabinet Member for Lifelong Learning.

## 53/03      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.

It was moved by Councillor Burgess, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 7 October and 18 November 2003.

During the debate on Minute No. 205/03 of the Council Cabinet a question was asked by Councillor Nath under Rule CP21 and answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.

**Resolved to approve the minutes and recommendations of the Council Cabinet dated 7 October and 18 November 2003.**

## **54/03 Minutes and Recommendations of the Special Purposes Committee**

The Council considered the minutes and recommendations of the Special Purposes Committee requiring the approval of the Council, set out in Appendix B to these minutes.

**Resolved, on the motion of Councillor Burgess, to approve the minutes and recommendations of the Special Purposes Committee dated 26 September 2003.**

## **55/03 Notices of Motion**

1. Appointment to the Planning and Environment Overview and Scrutiny Commission

**Resolved, on the motion of Councillor Baxter, that Councillor Rehman be appointed to fill the vacancy on the Planning and Environment Overview and Scrutiny Commission for the remainder of the current municipal year.**

2. Referendum on the proposed European Constitution

It was moved by Councillor Latham, and seconded, that this Council notes the proposed European Constitution

## **44/03 Designation of Alcohol Free Zone – Alvaston Shopping Centre**

The Council considered a report of the Director of Corporate Services which proposed the designation of land at Alvaston Shopping Centre and the surrounding area as an Alcohol Free Zone.

**Resolved, on the motion of Councillor Burgess:**

1. **To approve the designation of land at Alvaston Shopping Centre and the surrounding area, shown shaded on the plan marked B attached to the report, as an Alcohol Free Zone.**
2. **To authorise the Director of Corporate Services to make the necessary order, advertise it in a local newspaper and erect signs in the designated area.**

## **45/03 Appointments to Outside Bodies and Charities**

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

It was moved by Councillor Burgess, and seconded:

1. To approve the appointment of an independent member to Derby Homes Board (name to be notified at the Council meeting).
2. To appoint two representatives to Derby City Charity.

It was moved by Councillor Burgess, and seconded, that the motion be amended by the deletion of all words and their replacement with the following:

- “1. To approve the appointment of Mr Thomas Jagger FCMA FCCA as an independent member of Derby Homes Board.
2. To appoint Councillor P S Berry and Mr Finbar Sony - Richards as trustees of Derby City Charity for the period of 4 October 2003 to 3 October 2007.”

The amendment was put to the meeting and carried.

### **Resolved:**

1. **To approve the appointment of Mr Thomas Jagger FCMA FCCA as an independent member of Derby Homes Board.**
2. **To appoint Councillor P S Berry and Mr Finbar Sonny - Richards as trustees of Derby City Charity for the period of 4 October 2003 to 3 October 2007.**

## **46/03 Minority Ethnic Communities Advisory Committee**

The Council considered a report of the Director of Corporate Services concerning the representation of minority ethnic communities on the Minority Ethnic Communities Advisory Committee. The proposed representation had been recommended to the Council by the Advisory Committee.

### **Resolved, on the motion of Councillor Burgess:**

- 1. To agree that the level of representation for identified minority ethnic communities, following the census 2001, be 23, as follows:**  
  
**5 Indian Community Centre**  
**5 Pakistani Association**  
**4 West Indian Community Association**  
**1 African Community Association**  
**1 Derby Irish Association**  
**1 Derbyshire Chinese Welfare Association**  
**1 Bangladeshi Development Association**  
**1 Bosnia Herzegovina Community Association**  
**1 Farsi Community Association**  
**1 Somalian Support Association**  
**1 Congolese Community Association**  
**1 Unallocated**
- 2. To agree that smaller communities be entitled to nominate one non-voting community advisor, but that the larger Pakistani, Indian and Caribbean communities continue to have two non-voting community advisors.**

MAYOR

**MINUTES OF COUNCIL CABINET REQUIRING THE  
APPROVAL OF COUNCIL****COUNCIL CABINET  
5 AUGUST 2003**

Present: Councillor Burgess – Chair  
Councillors L Allen, Care, Carr, P Hickson, Webb and West

This record of decisions was published on 7 August 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless the decision is called in.

**Budget and Policy Framework****73/03 Statement of Accounts 2002/2003**

The Council Cabinet considered a report of the Director of Finance, which included the draft Statement of Accounts for financial year 2002/2003 which was to be submitted to the Council's external auditors. It required approval by Council by 30 September 2003.

Details of the Revenue and Capital outturn were included in Minutes 83/03 and 84/03 respectively.

The formal capital financing determination 2002/2003, which gives details of how the capital programme outturn had been financed was attached at Appendix 3 of the report. It required approval by Council by 30 September 2003.

**Decision**

1. To recommend Council to approve the draft statement of accounts for 2002/2003, subject to external audit.
2. To recommend Council to approve the Capital financing determination for the financing of the capital programme of 2002/2003.

**74/03 Housing Revenue Account – Budget Plan from  
2003/04 and 2003 Rent Review**

The Council Cabinet considered a joint report of the Directors of Finance and Policy, which stated that the short-term position of the Housing Revenue Account (HRA) was reasonably secure, but there were major uncertainties over its long-term position. The most certain issue was whether the Council's HRA could continue to receive housing subsidy linked to its Arms Length Management Organisation (ALMO) at the payable rate of 10% after 2005/06.

The report set out the key issues for consideration in relation to the HRA as well as providing financial projections from 2002/03 to 2007/08, consistent with these key issues. Further more, the impact of these revisions upon the Derby Homes Management Fee for 2002/03 and 2003/04 was set out in Appendix 4 of the report.

Detailed proposals for changes to rent from 29 September 2003 were explained in Appendix 5 of the report. The proposed rent increase averaged 2.79% but the effect on individual properties will vary. The proposals maintain the Council's long standing policy of increasing rent only up to a point where repayment of Housing Subsidy to the government can be avoided.

Officers of Derby Homes had been consulted during the preparation of this report. Presentations on the proposals have been made to the Council's Community Regeneration Commission (22 July), City Housing Consultancy Group (29 July) and the Derby Homes Resources Committee (21 July).

#### Decision

- 1 To recommend Council to adopt the revised Housing Revenue Account budget for 2003/04, including the revised management fee for Derby Homes, and the updated indicative budget plans from 2004/2005 onwards.
- 2 To approve the outturn position on the Housing Revenue Account for 2002/03, and the associated treatment of budget variances and the Derby Homes Management Fee.
- 3 To approve the revision of rent and service charges from 29 September 2003 on the basis set out in Appendix 5 of the report, including:
  - An average weekly rental increase of £1.21 or 2.79% calculated over 52 weeks.
  - An average increase of 3.25% on service charges and garage rents.
  - Introduction of the service charge of £3.25 per week to be charged on the construction of hard standing / dropped kerbs from 29 September 2003.
- 4 To report any decisions and outturn reports to the Community Regeneration Commission at the appropriate.



MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL
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## **COUNCIL CABINET**

### **9 SEPTEMBER 2003**

Present: Councillor Burgess – Chair  
Councillors L Allen, E Berry, Care, P Hickson, Webb and West

This record of decisions was published on 11 September 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless the decision is called in.

### **108/03     Audit Commission/Social Services Inspectorate Joint Review Report and Draft Action Plan**

The Council Cabinet considered a report of the Director of Social Services, which detailed a review of Derby Social Services between October and December 2002, carried out by a team working on behalf of the Audit Commission and the Department of Health Social Services Inspectorate. The review was part of a rolling programme covering the whole of England and Wales. The purpose of the review was to give local people a clear and independent view of how well Derby:

- responded to individual people who need information and help;
- planned for its population as a whole;
- managed its resources and performance.

The report was positive on the Council's Social Services functions.

The recommendations of the report fell under five main headings and the action plan which was attached to the report, addressed each of these.

In summary, they were to:

- review the operational arrangements for some children's services
- draw up a comprehensive elderly persons strategy
- review out of hours services
- invest in modern office environments and working arrangements
- promote devolution, empowerment and accountability.

### **Decisions**

To recommend Council:

- 1 To receive the report of the Audit Commission/Social Services Inspectorate (SSI) Joint Review Teams review of Social Services in Derby.
- 2 To endorse the Action Plan to improve those areas of service identified in the report, and authorise the Director of Social Services in consultation with the Chief Executive and the Cabinet Member for Social Care to revise the plan following consultation with staff and partners.
- 3 To ask the Director of Social Services to present to Council Cabinet quarterly performance monitoring reports on progress made on the Action Plan.
- 4 To thank staff for their hard work in ensuring the Council received a positive inspection report and their contributions to implementing the Action Plan.

## 114/03 Local Government Ombudsman Annual Letter

The Council Cabinet considered a report of the Director of Corporate Services which presented a letter from the Local Government Ombudsman summarising performance in dealing with complaints received by the Ombudsman and providing any other information felt to be relevant or useful to the Authority. A pilot scheme involving some authorities, including Derby City Council ran during the year. It was agreed with the ombudsman that for the pilot scheme the annual letter would be provided to Council Cabinet.

The contents on the letter a copy of the letter was sent out in appendix 1 of the report. The appendix showed the number of complaints received, the area to which they related and the respected outcome. Whilst a letter did note some areas that the Council may wish to look at further it complimented the Council of the new complaints arrangement, and the fact that no formal reports were issued and no maladministration found. And that decision is that Council Cabinet note the annual letter in the report.

### Decision

To recommend Council to note the annual letter from the Ombudsman.