Time commenced - 6.00 pm Time finished - 8.51 pm

COUNCIL MEETING 30 JULY 2003

Present: The Mayor (Councillor P S Berry)

Councillors Ahern, L Allen, R J Allen, Baxter, Bayliss, Beech, E Berry, Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Crosby, Dhamrait, 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 Gerrard, Graves and Wilsoncroft

Declarations of Interest

All Members present at the meeting declared personal interests in the matters referred to in Minute No. 32/03 - Members Allowances - Recommendations of the Independent Remuneration Panel. The Mayor (Councillor P S Berry) declared a personal and prejudicial interest in the same matter and withdrew from the meeting during consideration of that item of business.

Announcement from the Mayor

The Mayor said that the Council would want to wish Councillor Wilsoncroft, who had been in hospital, a speedy recovery.

25/03 Minutes of the Previous Meeting

Resolved that the minutes of the Annual Meeting of the Council, held on 21 May 2003, be approved as a correct record, confirmed and signed by the Mayor.

26/03 Statements by Members of the Council Cabinet

Statements were made by Members of the Council Cabinet as follows:

 By Councillor Carr, Council Cabinet Member for Personal, Equalities and Direct Services, on training standards and the Apprentice of the Year Award. 2. By Councillor Webb, Council Cabinet Member for Social Care, on visits to children's homes.

27/03 Public Questions

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

- 1. By Jan Salmon, concerning the reopening of a footpath from Owlers Lane/Queens Drive, Littleover through the City Hospital grounds, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
- 2. By Pat Woolley, concerning a penalty clause in the Riverlights agreement, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
- 3. By Pat Woolley, concerning retail development within the Riverlights scheme, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.

28/03 Written Questions about the Business or Functions of the Derbyshire Police Authority or Derbyshire Fire Authority

A written question about the business or functions of the Derbyshire Police Authority, concerning dangerous public places in the City in relation to incidents of violent crime and accidental injury, particularly alcohol related incidents, was asked by Councillor Crosby and answered by Jo Thorton, Chair of the Derbyshire Police Authority.

29/03 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:

- By Councillor Wynn, concerning new initiatives taken personally by the Council Cabinet Member for Lifelong Learning, answered by Councillor L Allen, Council Cabinet Member for Lifelong Learning.
- 2. By Councillor Latham, concerning High View School, answered by Councillor L Allen, Council Cabinet Member for Lifelong Learning.

30/03 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 15 July 2003.

Amendment 1 - Not Carried

It was moved by Councillor Baxter, and seconded, that the motion be amended by the addition of the following words:

"with the exception of paragraph 2 of the resolution in Minute 35/03 which be not approved."

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 Ahern, Baxter, Bayliss, Beech, Blanksby, Bolton, Brown, Chera, Dhamrait, Gupta, A Hussian, F Hussain, Jackson, Kalia, MacDonald, Nath, Redfern, Rehman, Repton, Roberts, Turner, Williamson, Willitts, Wynn (24).

The following Members voted against the amendment:

The Mayor (Councillor P S Berry), Councillors L Allen, R J Allen, E Berry, Burgess, Care, Carr, Crosby, J E Hickson, P J Hickson, Hird, Jackman, Jones, Latham, Liversedge, Lowe, Samra, Skelton, Smalley, Travis, Troup, Webb, West, Winter (24).

The amendment was declared not carried.

Amendment 2 - Carried

It was moved by Councillor Burgess, and seconded, that the motion be amended by the addition of the following words:

"with the exception of paragraph 2 of the resolution in Minute No. 35/03 which be amended by the insertion of the words "to suspend Council Procedure Rule CP4 and to" between the words "to" and "bring".

(The effect of the amendment, if approved, was that paragraph 2 of the resolution in Minute No. 35/03 would read as follows:

"2. To recommend Council to suspend Council Procedure Rule CP4 and to bring forward the September meeting of full Council to 16 September 2003.") The amendment was put to the meeting and carried.

Amendment 3 - Carried

It was moved by Councillor P J Hickson, and seconded, that the motion be amended by the addition of the following words:

"with the exception of Minute No. 38/03 which be referred back to the Council Cabinet for further consideration."

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 15 July 2003, as amended, with the exception of Minute No. 38/03 which be referred back to the Council Cabinet for further consideration.

31/03 Notices of Motion

1. Best Value Performance Plan

It was moved by Councillor Williamson, and seconded, that Council is grateful that the two minority Conservative and Liberal Democrat parties, currently controlling the Council, for their decision to adopt the entire 2002 Labour Manifesto commitments into the Council's 2003/04 Best Value Performance Plan

Amendment 1 - Lost

It was moved by Councillor Burgess, and seconded, that the motion be amended by the deletion of the words "the entire 2002 Labour Manifesto commitments into" and the substitution of the word "to" for the word "that" in the first line.

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

"Council is grateful to the two minority Conservative and Liberal Democrat parties, currently controlling the Council, for their decision to adopt the Council's 2003/04 Best Value Performance Plan.")

The amendment was put to the meeting and lost.

Amendment 2 - Carried

It was moved by Councillor P J Hickson, and seconded, that the motion be amended by the deletion of the words "two minority", "currently", and "the entire

2002 Labour Manifesto commitments into", and the substitution of the word "to" for the word "that" in line one.

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

"Council is grateful to the Conservative and Liberal Democrat parties, controlling the Council, for their decision to adopt the Council's 2003/04 Best Value Performance Plan.")

The amendment was put to the meeting and carried.

Resolved that Council is grateful to the Conservative and Liberal Democrat parties, controlling the Council, for their decision to adopt the Council's 2003/04 Best Value Performance Plan.

2. Riverlights Scheme

It was moved by Councillor Bolton, and seconded, that the majority political group on Derby City Council welcomes the change of policy by the controlling administration that now allows them to support the proposed Riverlights development.

Council acknowledges the urgent need for a development of significant status based on the provision of a new bus station with imaginative use of the River Derwent, as a backdrop to it, which will enhance our City Centre.

Council recognises that the former controlling group accepted this need and the acceptance of it by the minority parties' coalition is a much welcome and major step forward for Derby.

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:

The Mayor (Councillor P S Berry), Councillors Ahern, Baxter, Bayliss, Beech, Blanksby, Bolton, Chera, Dhamrait, Gupta, A Hussian, F Hussain, Jackson, Kalia, MacDonald, Nath, Redfern, Rehman, Repton, Roberts, Turner, Williamson, Wynn (23)

The following Members voted against the motion:

Councillors L Allen, R J Allen, E Berry, Brown, Burgess, Care, Carr, Crosby, J E Hickson, P J Hickson, Hird, Jackman, Jones, Latham, Liversedge, Lowe, Samra, Skelton, Smalley, Travis, Troup, Webb, West, Willitts, Winter (25).

The motion was declared lost.

3. Boulton Ward Speed Cushions

It was moved by Councillor Williamson, and seconded, that in view of the clear message from the electorate of Boulton Ward, at the May elections 2003, this Council considers that the speed cushions in Boulton Ward should now be removed as expeditiously as possible.

Council recognises that pre-election Cabinet decision required further consultation, however, this is clearly contrary to the expressed views of the voters in Boulton Ward in two consecutive elections, and might be considered the ultimate consultation. Council urges the Cabinet to call an extraordinary meeting at the earliest possible time to consider this reversal of policy and to fully respect the clear mandate of the local residents.

It was moved by Councillor R J Allen, and seconded, that the motion be amended by the deletion of all words after the word "Council" in the second line and the insertion in their place of the words "welcomes the fact that the removal of speed cushions in Boulton Ward is now being addressed by the Cabinet."

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

"In view of the clear message from the electorate of Boulton Ward, at the May elections 2003, this Council welcomes the fact that the removal of the speed cushions in Boulton Ward is now being addressed by the Cabinet.")

The amendment was put to the meeting and carried.

Resolved that, in view of the clear message from the electorate of Boulton Ward, at the May elections 2003, this Council welcomes the fact that the removal of the speed cushions in Boulton Ward is now being addressed by the Cabinet.

AT THIS POINT, THE MAYOR (COUNCILLOR P S BERRY), HAVING DECLARED A PERSONAL AND PREJUDICIAL INTEREST IN THE FOLLOWING MINUTE, VACATED THE CHAIR AND WITHDREW FROM THE MEETING. THE DEPUTY MAYOR (COUNCILLOR SKELTON) OCCUPIED THE CHAIR FOR THIS ITEM.

32/03 Members' Allowances - Recommendations of the Independent Remuneration Panel

The Council considered a report of the Director of Corporate Services concerning the recommendations of the Independent Remuneration Panel on Members' Allowances.

It was moved by Councillor Burgess, and seconded:

(1) To accept the report and recommendations of the Independent Remuneration Panel at Annex 1.

- (2) To confirm the Basic Allowance at £8,613.68 a year
- (3) To confirm the current list of Special Responsibility Allowances subject to . . .
 - a) the withdrawal of the now unnecessary equalisation process for Council Cabinet Members other than the Leader or the Deputy Leader.
 - b) the fixing of the allowance for all Council Cabinet members, other than the Leader and Deputy Leader, at 50% of the Leader's allowance
 - c) the inclusion of an allowance for the Mayor equal to that paid to the chair of a regulatory committee.
- (4) To continue the current practice whereby, with the exception of the Special Responsibility Allowance payable as a member of the Licensing and Appeals Committee, no councillor shall receive more than one Special Responsibility Allowance. Where a councillor is entitled to receive more than one such allowance, s/he shall receive the higher or highest allowance.
- (5) To reduce the 'Mayor's Purse' to £2,000 a year and to agree that any annual index applied to Members' Allowances should also apply to the 'Mayor's Purse'.
- (6) To increase the maximum limit for the Dependent Carer's Allowance to £40 a day.
- (7) For Travelling and Subsistence Allowances:
 - to continue applying the scale previously approved by the Secretary of State, subject to the inclusion of a cycling allowance of 15p a mile.
 - b) to approve the list of approved duties set out in Appendix 4 to the Panel's report.
- (8) Not to include a Co-optees Allowance in its Members' Allowances Scheme at this stage, and to ask the Independent Remuneration Panel to review this allowance when considering its recommendations for 2004/05.
- (9) To agree that all councillors be entitled to pensions, and that both the Basic Allowance and Special Responsibility Allowances be treated as amounts in respect of which pensions are payable.
- (10) To agree that, allowances be backdated to 1 May 2003 in accordance with the 2003 Regulations.

- (11) To agree that no provision for indexing be included in the 2003/04 Members' Allowances Scheme, and to ask the Panel to review the matter when considering its recommendations for 2004/05.
- (12) To approve the revised Members' Allowances Scheme at Annex 2 and revoke the existing Scheme.

Amendment 1 - Carried

It was moved by Councillor P J Hickson, and seconded, that the motion be amended by the deletion of paragraph (5) and the renumbering of the subsequent paragraphs.

The amendment was put to the meeting and carried.

Resolved:

- (1) To accept the report and recommendations of the Independent Remuneration Panel at Annex 1.
- (2) To confirm the Basic Allowance at £8,613.68 a year
- (3) To confirm the current list of Special Responsibility Allowances subject

to . . .

- a) the withdrawal of the now unnecessary equalisation process for Council Cabinet Members other than the Leader or the Deputy Leader.
- b) the fixing of the allowance for all Council Cabinet members, other than the Leader and Deputy Leader, at 50% of the Leader's allowance
- c) the inclusion of an allowance for the Mayor equal to that paid to the chair of a regulatory committee.
- (4) To continue the current practice whereby, with the exception of the Special Responsibility Allowance payable as a member of the Licensing and Appeals Committee, no councillor shall receive more than one Special Responsibility Allowance. Where a councillor is entitled to receive more than one such allowance, s/he shall receive the higher or highest allowance.
- (5) To increase the maximum limit for the Dependent Carer's Allowance to £40 a day.

- (6) For Travelling and Subsistence Allowances:
 - a) to continue applying the scale previously approved by the Secretary of State, subject to the inclusion of a cycling allowance of 15p a mile.
 - b) to approve the list of approved duties set out in Appendix 4 to the Panel's report.
- (7) Not to include a Co-optees Allowance in its Members' Allowances Scheme at this stage, and to ask the Independent Remuneration Panel to review this allowance when considering its recommendations for 2004/05.
- (8) To agree that all councillors be entitled to pensions, and that both the Basic Allowance and Special Responsibility Allowances be treated as amounts in respect of which pensions are payable.
- (9) To agree that, allowances be backdated to 1 May 2003 in accordance with the 2003 Regulations.
- (10) To agree that no provision for indexing be included in the 2003/04 Members' Allowances Scheme, and to ask the Panel to review the matter when considering its recommendations for 2004/05.
- (11) To approve the revised Members' Allowances Scheme at Annex 2 and revoke the existing Scheme.

AT THIS POINT, THE MAYOR (COUNCILLOR P S BERRY) RE-OCCUPIED THE CHAIR

33/03 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 replace Councillor Burgess with Councillor Lowe as a representative on the Derby Homes Board.
- (2) To replace Councillor Travis with Councillor P J Hickson on the Derwent Valley Trust.

- (3) To appoint Councillor Burgess to the Derwent Valley Mills Partnership.
- (4) To appoint the following representatives to Derby City Partnership Groups:

Osmaston and Allenton Programme Management Group	Councillor Turner
City of Opportunity Strategic Forum	Councillors L Allen, E Berry, Webb and P Hickson

- (5) To appoint Councillor L Allen to Loughborough University Court
- (6) To replace Councillor Care on the Major Cities Housing Group
- (7) To appoint Councillor P S Berry as a representative on the Spondon Relief in Need Charity.

Amendment 1 - Carried

It was moved by Councillor Burgess, and seconded, that paragraph 6 of the motion be amended by the deletion of the words "replace" and "on" and the insertion in their place of the words "remove" and "from" respectively.

(The effect of the amendment, if approved, was that paragraph 6 of the motion would read as follows:

"6. To remove Councillor Care from the Major Cities Housing Group.")

The amendment was put to the meeting and carried.

Resolved:

- (1) To replace Councillor Burgess with Councillor Lowe as a representative on the Derby Homes Board.
- (2) To replace Councillor Travis with Councillor P J Hickson on the Derwent Valley Trust.
- (3) To appoint Councillor Burgess to the Derwent Valley Mills Partnership.
- (4) To appoint the following representatives to Derby City Partnership Groups:

Osmaston and Allenton Programme Management Group	Councillor Turner
City of Opportunity Strategic Forum	Councillors L Allen, E Berry, Webb and P Hickson

- (5) To appoint Councillor L Allen to Loughborough University Court
- (6) To remove Councillor Care from the Major Cities Housing Group
- (7) To appoint Councillor P S Berry as a representative on the Spondon Relief in Need Charity.

34/03 Women's Advisory Committee - Appointment of Vice Chair

Resolved, on the motion of Councillor Burgess, to appoint Sue Preedy as Vice Chair of the Women's Advisory Committee for the Municipal Year 2003/04.

35/03 Proposed Minor Amendments to the Constitution

The Council considered a report of the Director of Corporate Services and Monitoring Officer on Proposed Minor Amendments to the Constitution.

Resolved, on motion of Councillor Burgess:

(1) To approve an amendment to Table 1 to the Council Cabinet Procedure Rules in the Constitution to provide for the following changes to the areas of responsibility of members of the Council Cabinet:

Council Cabinet Member Area of Responsibility	Change
Performance Management, Economic Development and Housing	 Add 'Computer Services Development' and 'Telecommunications' to 'e- Government' Delete 'Derby Pointer Panel'
Regeneration, Social Inclusion, Youth and Community	 Amend 'Unified Advice Service' to 'Derby Advice, including Home Energy Advice' Amend 'Crime and Disorder,

	 including Youth Offending Service' to 'Community Safety Partnership' Insert 'Community Strategy and Neighbourhood Renewal Strategy' Insert 'Community Cohesion and Diversity Events' Insert 'Derby Pointer Panel'
Leisure and Cultural Services	Insert 'City Centre and Neighbourhood Horticultural Features'
Personnel, Equalities and Direct Services	Delete:

(2) To approve an amendment to part D of the Scheme of Delegations in the Constitution to provide for the following changes to the composition to the Appointments Panel:

The Appointments Panel shall comprise:

For the Appointment of a Director:

- Three members of the Council Cabinet
- Two members nominated by the Labour Group

For the Appointment of an Assistant Director:

- Two members of the Council Cabinet
- A member nominated by the Labour Group

36/03 Urgent Non-Executive Decisions of the Chief Executive

The Council considered a report of the Director of Corporate Services on Urgent Non-Executive Decisions taken by the Chief Executive since the last meeting of the Council.

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

37/03 Social Services Structure

The Council considered a report of the Chief Executive concerning the Social Services Structure.

Resolved, on the motion of Councillor Burgess:

- 1. To agree to keep the current structure at Assistant Director level in Social Services
- 2. To agree an Appointments Panel comprising Members to be notified to the Director of Corporate Services by the political groups.

MAYOR

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 15 JULY 2003

Present: Councillor Burgess - Chair

Councillors L Allen, E Berry, Care, Carr, P Hickson, Webb

and West

This record of decisions was published on 17 July 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.

35/03 Date of September Meetings of Council Cabinet and Council

Decision

- 1. To bring forward the September meeting of Council Cabinet to 9 September 2003.
- 2. To recommend Council to bring forward the September meeting of Full Council to 16 September 2003

Matters Referred to Council Cabinet

38/03 Behaviour Support Plan

The Council Cabinet considered a report of the Education Commission. At a meeting on 7 July 2003 the Commission considered the draft Behaviour Support Plan, welcomed the revised Plan and congratulated officers involved in its development.

- 1 To note the report of the Education Commission.
- To recommend Council to approve the Behaviour Support Plan as part of the Budget and Policy Framework.

Key Decisions

41/03 Derby and Derbyshire Access Forum

The Council Cabinet considered a report from the Director of Development and Cultural Services setting out proposals to set up a Derby and Derbyshire Local Access Forum. The Forum would have an advisory role in strategic access and recreation issues under Part 1 of the Countryside and Rights of Way Act 2000.

Options considered

No alternative options had been considered.

Decision

- To establish a joint Local Access Forum with the Derbyshire County Council, to cover Derby and most parts of Derbyshire outside the area covered by the Peak District Joint Local Access Forum.
- To agree the proposals for the establishment, operation and membership of the Derby and Derbyshire Joint Local Access Forum as set out in the report.
- To recommend Council to appoint Councillor Carr to represent the Council on the Derby and Derbyshire Access Forum.

Reason

To enable the Council as an "appointing authority" to meet the requirements of Part 1 of the Countryside and Rights of Way Act 200 and establish a Local Access Forum.

47/03 Parent Partnership Service Review

The Council Cabinet considered a report from the Director of Education setting out proposals to enter into a partnership agreement with Derbyshire Local Education Authority to deliver a Parent Partnership Service - PPS - for Derby City.

The aim of a Parent Partnership Service was to ensure that parents of children with additional needs – including the very young – had access to information, advice and guidance in relation to the Special Educational Needs of their children, so that they could make informed decisions.

The Partnership arrangements would include a seat on the PPS management board for Derby LEA to ensure that an appropriate service is delivered.

Options considered

- To seek a voluntary body to run the service on behalf of the Council. An approach was made to Umbrella, a Derby based charity that supports parents of pupils with SEN. The organisation felt unable to offer such a service.
- To maintain the PPS within the Education Service. This would not allow for the development of an 'arms length' neutrality that such a service should provide.

Decision

To recommend Council to enter into a partnership agreement with the Derbyshire Local Education Authority to deliver a parent partnership service for Derby city.

Reasons

- A partnership agreement with Derbyshire would provide a comprehensive information and support service to parents and pupils with special or additional educational needs. The partnership of these two services would ensure that those parents who have their children placed 'cross border' to receive an effective service.
- The partnership would bring benefits to staff involved, as part of a larger service will ensure good professional development and supervision of casework.
- The savings from reorganising the partnership will be allocated to support the increases in child protection and parental complaints casework.

52/03 Derbyshire e-government Partnership

The Council Cabinet considered a report of the Chief Executive and Director of Finance setting out proposals to enter into an agreement with the Derbyshire County Council and other participating Authorities.

Options considered

No alternative options were considered.

- To enter into a formal agreement with Derbyshire County Council and other participating authorities, for the establishment and operation of the Derbyshire e-government management board.
- To recommend Council to appoint the Cabinet Member with Responsibility for e-government and the Chief Executive as the Council's

- representatives on the management board in accordance with the management board agreement.
- To note the memorandum of association between the Derbyshire egovernment partnership and Secretary of State has been signed by Derbyshire County Council, as lead authority, on behalf of the partnership.
- To delegate authority for decisions relating to the Council's commitments to the Management Board and Partnership, to the Chief Executive / Director of Finance and the Council's member representative to the management board. These decisions would be limited to the Scope of Council's own policy and budget framework.

Reasons

- To benefit from the partnership projects and the £2 million funding there was a requirement for all Core Partners to agree the formal legal agreement with the County Council and the memorandum of association.
- The partnership projects are a key component of a Council's e-Derby strategy and IEG statement.
- Delegated powers were requested because of the short time scales, limitations of the duration of the Office of the Deputy Prime Minister funding and the need to facilitate a fast track approach decision making process. Delegated authority for the Council's representative, to the partnership management board, would facilitate making group decisions and meeting the agreed milestones.

Budget and Policy Framework

55/03 Corporate Asset Management Plan

The Council Cabinet considered a report of the Director of Corporate Services setting out the draft Asset Management Plan.

- 1 To approve the draft Corporate Asset Management Plan (AMP).
- To authorise Director of Corporate Services, in consultation with the Cabinet Member with responsibility for Asset Management, to make minor amendments to the draft plan.
- 3 To refer the draft to the Scrutiny Management Commission for comment.
- To recommend Council to adopt the Asset Management Plan as part of the Budget and Policy Framework.

58/03 Social Services – Budget and Strategy Report 2003/04

The Council Cabinet considered a joint report from the Directors of Social Services and Finance, which outlined the position of the Social Services budget 2003/4 and any risks associated with it. The report aimed to provide a very early update of the budget strategy.

Appendix A showed the start point for the 2003/4 cash limit budget. Since this limit was set at the beginning of the year, a range of additional financial pressures had emerged which were given in Appendix B. The actions put in place to alleviate these financial pressures were detailed in Appendix C. The report noted a number of key strategic points in relation to the Social Services' Budget and Service Strategy and the key risks given in Appendix D.

- To note the updated position on the Social Services 2003/04 Budget including a risk associated with this position.
- To recommend Council to approve the appropriate budgetary action as a result of this report of the updated position on Social Services budgeting service Strategy.