

Time commenced - 6.00 pm
Time finished - 10.00 pm

COUNCIL MEETING 21 NOVEMBER 2007

Present: The Mayor (Councillor Latham)
Councillors Ahern, Afzal, Allen, Banwait, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Dhamrait, 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

An apology for absence was received from Councillor Dhindsa.

Declarations of Interest

All Members declared personal interests in the matters referred to in Minutes No. 55/07 and 57/07 Members Allowances – 1. Dependant Carers Allowances, 2. Allowances While Under Suspension. Councillor S Khan declared a personal interest in Minute No. 58/07(5) as he owned a Post Office.

Personal Statements

With the consent of the Mayor, Councillors Dhamrait and Leeming made personal statements to the Council to the effect that they were joining the Conservative Group.

Announcements from the Mayor

The Mayor (Councillor Latham) made the following announcements:

- (1) That she had sent greetings and congratulations to Her Majesty the Queen and His Royal Highness the Duke of Edinburgh on the occasion of their diamond wedding anniversary.

- (2) Concerning the celebration of Diwali and the birth of Guru Nanak Dev Ji by members of the Sikh community.
- (3) Concerning events to mark World Aids Day on 1 December.
- (4) That the 2nd Battalion The Mercian Regiment was now safely returned from Afghanistan without further casualties. On 5 December there would be a Service of Thanksgiving in Derby Cathedral, followed by a march-past, wreath laying and presentation of medals, together with the formal presentation of the document transferring Freedom of the City to the regiment.
- (5) As there was not a Council meeting in December, to wish everyone a very happy Christmas.

47/07 Minutes of the Previous Meetings

Resolved that the minutes of the Special Meeting of the Council and the Ordinary Meeting of the Council held on the 12 September 2007 be approved as a correct record, confirmed and signed by the Mayor.

48/07 Statements by Members of the Council Cabinet

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

1. By Councillor Roberts, Council Cabinet Member for Personnel, Performance Management and Economic Development concerning Equality Standard Level 3.
2. By Councillor Roberts, Council Cabinet Member for Personnel, Performance Management and Economic Development concerning the Derby Tourist Information Centre.
3. By Councillor Graves, Council Cabinet Member for Leisure and Direct Services, concerning the Community Libraries Programme.
4. By Councillor Bolton, Council Cabinet Member for Children and Young People, concerning recent OFSTED reports.

49/07 Public Questions

Questions from members of the public were asked as follows:

1. By Peter Ansem, concerning the Big Screen in the Market Place, (two questions) answered by Councillor Williamson, Leader of the Council and Council Cabinet Member for Corporate Policy.

2. By Rev'd Kirk Thomasson and Mrs Margaret Bools, concerning cutbacks in the Social Services budget, answered by Councillor Hussain, Council Cabinet Member for Adult Services. This question was asked by the Mayor in the absence of the two questioners.
3. By Mr Tony Dunn, concerning swimming facilities in Derby, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
4. By Mr Tony Dunn, concerning proposed name changes in the Cathedral Quarter, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
5. By Mrs P De Abreu, concerning road pricing in Derby, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
6. By Mrs P De Abreu, concerning the visual view of the Westfield Centre, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
7. By Mr Richard Butler, concerning the Cathedral Quarter banner on Chapel Street Car Park, answered by Councillor Williamson, Leader of the Council, and Council Cabinet Member for Corporate Policy. This question was asked by the Mayor in the absence of the questioner.

50/07 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 Fire Authority or Derby Homes Limited. Written questions about the business or functions of the Derbyshire Police Authority were asked as follows and answered by Glenys Goucher, Chair of the Derbyshire Police Authority Finance and Estates Committee:

1. By Councillor Grimadell, concerning the Full Street site arbitration.
2. By Councillor Poulter, concerning the Comprehensive Spending Review
3. By Councillor Willoughby, concerning Neighbourhood Police Officers.

51/07 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 Webb, concerning development land, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
2. By Councillor Webb, concerning developments in Allestree, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
3. By Councillor Carr, concerning the use of bio-fuels, answered by Councillor Williamson, Leader of the Council and Council Cabinet Member for Corporate Policy.
4. By Councillor Care, concerning Cathedral Green Bridge, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.

52/07 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 2 October 2007.

53/07 Review of Polling Districts and Polling Places

The Council considered a report of the Director of Corporate and Adult Services concerning the Review of Polling Districts and Polling Places.

Resolved, on the motion of the Mayor, to approve new polling arrangements in the City for Parliamentary Elections, taking into account representations received, as follows:

- a. That the polling Place for Polling District SP5 be The Moon Hotel, Station Road, Spondon.
- b. That polling districts MV2 and MV4 be merged to create a new larger polling district – MV2 - and that the polling place for this newly formed district be St John's Church Hall, Devonshire Drive.

- c. That the polling place for Polling District NM1 be St Augustine's Community Centre, Almond Street.
- d. That the polling place for Polling District SF1 be Osmaston Local Housing Office, Addison Road.
- e. That the polling district boundary between SF4 and SF5 be redrawn along Redwood Road and Arleston Lane, to improve polling place access for electors in both districts.
- f. That the polling place for Polling District SF4 be The Meeting Room, Sinfin Library, Sinfin District Centre, Arleston Lane, Sinfin.
- g. That the polling place for Polling District SF5 be Sinfin Moor Church, Arleston Lane, Sinfin.
- h. That the polling arrangements for other polling districts be as currently designated and shown in Appendix 2.

54/07 Authorisation of Staff in the Housing Standards Team to Enforce Section 215 of the Town and Country Planning Act 1990

The Council considered a report of the Director of Corporate and Adult Services as Monitoring Officer concerning the Authorisation of Staff in the Housing Standards Team to Enforce Section 215 of the Town and Country Planning Act 1990.

Resolved, on the motion of Councillor Williamson, to amend the Appendix to Part 3 of the Constitution as below in order to delegate the power to require proper maintenance of land to the Assistant Director – Regeneration, or Assistant Director – Housing and Advice Services, in consultation with Assistant Director - Legal Services.

Planning and Development Control Functions

Function	Responsible Body	Responsible Officer
19. Power to require proper maintenance of land		Assistant Director – Regeneration, or Assistant Director – Housing and Advice Services, in consultation with Assistant Director – Legal Services

55/07 Appointments to Outside Bodies and Charities and
Urgent Non-Executive Decisions made by the Chief
Executive

The Council considered a report of the Director of Corporate and Adult Services concerning Appointments to Outside Bodies and Charities and Urgent Non-Executive Decisions made by the Chief Executive.

Resolved, on the motion of Councillor Williamson:

1. **To note the Urgent Non-Executive Decisions made by the Chief Executive**
2. **To approve the re-appointment of Independent Board Members Iain MacDonald and Bob Osler on the Derby Homes Board.**

56/07 Civic Awards

The Council considered a report of the Director of Corporate and Adult Services concerning Civic Awards.

Resolved, on the motion of Councillor Williamson:

1. **That the Derby Civic Award Scheme be suspended.**
2. **That the Council becomes a partner in the Community Champions initiative.**
3. **That Community Champions from within the City boundary are invited to, and fully acknowledged at, the Annual Meeting of the Council each year; the level and nature of that to be decided by a cross party working group.**

57/07 Members' Allowances Scheme – Dependant Carers
Allowance

The Council considered a report of the Director of Corporate and Adult Services concerning Members' Allowances – Dependant Carers Allowance.

Resolved, on the motion of Councillor Williamson:

1. **To accept the report and recommendations of the Independent Remuneration Panel at Appendix 2.**
2. **To raise the Dependant Carers Allowance for Members to £6 an hour up to a maximum of £50 a day effective immediately**

3. **To note that the Panel will review this in February 2008, particularly in regard as to whether to introduce different rates for Childcare and Dependants Allowances**
4. **To amend the Members' Allowances Scheme accordingly.**

58/07 Notices of Motion

1. *Congestion Charging*

It was moved by Councillor Smalley, and seconded, that Council views with concern the inexorable push towards introducing Congestion Charging into Derby which would seriously impact on both the travelling public, visitors to the City and the economic well being of businesses in the City.

Council therefore calls on the Leader of the Council to:

1. make an unequivocal statement that Congestion Charging is not on the political agenda
2. that it will not be introduced in the City of Derby
3. and that both he and the other Labour Cabinet Members will resist any political pressure from Government to impose a Congestion Charge on the people of Derby.

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

"Council notes that congestion charging would have an impact on the travelling public, visitors to the City and the economic well being of businesses in the City.

Council therefore calls on the Leader of the Council to:

1. reiterate his position that city residents should not be subject to a Congestion charge to drive on roads within the city boundary
2. work to ensure that a charging scheme will not be introduced in the City of Derby unless it is part of a wider scheme that provides first class public transport provision including a comprehensive transformation of park and ride facilities
3. demand that no charges are introduced until a first class public transport network and high quality park and ride facilities are in place on all the city's arterial roads

Council further resolves to call on the Council Cabinet to resist any political pressure from Government to impose a Congestion Charge unless all these conditions are met.”

The amendment was put to the meeting and carried.

Resolved that Council notes that congestion charging would have an impact on the travelling public, visitors to the City and the economic well being of businesses in the City.

Council therefore calls on the Leader of the Council to:

- 1. reiterate his position that city residents should not be subject to a Congestion charge to drive on roads within the city boundary**
- 2. work to ensure that a charging scheme will not be introduced in the City of Derby unless it is part of a wider scheme that provides first class public transport provision including a comprehensive transformation of park and ride facilities**
- 3. demand that no charges are introduced until a first class public transport network and high quality park and ride facilities are in place on all the city’s arterial roads**

Council further resolves to call on the Council Cabinet to resist any political pressure from Government to impose a Congestion Charge unless all these conditions are met.

2. Adult Social Services Budget

It was moved by Councillor Smalley, and seconded, that Council views with concern the current difficulties in balancing the Social Services budget which is being exacerbated by the Council policy of not charging for home care.

Council therefore requests Cabinet to prepare recommendations for the 2008/09 budget which provide Adult Social Services with the full resources they need to deliver services at the current level and do not involve the removal of services from the moderate band.

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

“This Council acknowledges the current difficulties in balancing the Social Services budget which is likely to overspend without additional resources.

Council therefore requests Cabinet explore income generation opportunities within Adult Services for the 2008/09 budget to be able to deliver services at the current level and do not involve the removal of services from the moderate band”

The amendment was put to the meeting and carried.

Resolved that this Council acknowledges the current difficulties in balancing the Social Services budget which is likely to overspend without additional resources.

Council therefore requests Cabinet explore income generation opportunities within Adult Services for the 2008/09 budget to be able to deliver services at the current level and do not involve the removal of services from the moderate band.

3. *Derbyshire Police Authority Funding*

Resolved, on the motion of Councillor Hickson, that the recently announced Comprehensive Spending Review (CSR) will seriously impact on the budget of the Police Authority and will, when coupled with the historic underfunding of the force, provide a real threat to Police numbers in the City and the County with cuts in the Police Officer establishment being a real possibility.

This would be a disaster for the City of Derby where real progress is being made in tackling crime and anti-social behaviour and will significantly impact on the excellent partnership working in the crime and disorder arena which is now paying real dividends to the people of this City.

Council there resolves to:

- 1. Request the Leader of the Council and the relevant Cabinet Member to make urgent representations to the Home Office to express Council's concern about the budgetary settlement and the threats it will pose to Derby and its Policing**
- 2. To make robust representations about the historic underfunding of Derbyshire Police with a view to gaining closer parity in Police numbers with those enjoyed by our East Midlands neighbouring Forces**
- 3. To fully support the Council's representatives on the Police Authority requiring them to oppose and resist any cuts to the Police establishment within the City of Derby."**

4. *European Union Treaty*

It was moved by Councillor Smalley, and seconded, that Council notes with concern the Government's proposals to seek to ratify what is now called an amending Treaty to the EU Constitution without first putting their decision forward for democratic scrutiny by the electorate of this city and this country.

This proposed Treaty is, in all but name, a new EU Constitution, the effects of which will be felt by all the people of this city in one way or another.

Council considers that this is an issue which is too important to be decided by MP's alone and considers that the only legitimate mandate for agreeing to this new Treaty will be one that is obtained by means of a referendum.

Council therefore calls upon the Government to honour its Manifesto pledge from the last Election and to put this crucial issue to a national Referendum.

An amendment moved by Councillor Carr was ruled out of order by the Mayor on the basis that it negated the motion.

Resolved that Council notes with concern the Government's proposals to seek to ratify what is now called an amending Treaty to the EU Constitution without first putting their decision forward for democratic scrutiny by the electorate of this city and this country. This proposed Treaty is, in all but name, a new EU Constitution, the effects of which will be felt by all the people of this city in one way or another.

Council considers that this is an issue which is too important to be decided by MP's alone and considers that the only legitimate mandate for agreeing to this new Treaty will be one that is obtained by means of a referendum.

Council therefore calls upon the Government to honour its Manifesto pledge from the last Election and to put this crucial issue to a national Referendum.

5. Post Office Closures – First Motion

It was moved by Councillor Graves, and seconded, that this Council is disappointed that further Post Office closures are being considered. Derby City Council urges the Post Office not to close any on its proposed list. These being in the City of Derby:

Abbey Street
Ashbourne Road
Mansfield Road
Shelton Lock
Pear Tree
Wilmorton Derby

The withdrawal of these facilities will cause real difficulties in the neighbourhoods concerned.

Council calls upon the Leader of the Council to write to the Post Office and the Minister in the strongest possible terms.

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

“This Council is angry that further Post Office closures are being considered. Derby City Council urges the Post Office not to close any on its proposed list. These being in the City of Derby:

Abbey Street
Ashbourne Road
Mansfield Road
Shelton Lock
Pear Tree
Wilmorton Derby

The withdrawal of these facilities will cause real difficulties in the neighbourhoods concerned.

Council condemns the government’s current attitude to post offices. Removing government businesses from post offices and demanding specific numbers of post offices to close prevents effective running of the network by Post Office management.”

Council calls upon the Leader of the Council to write to the Post Office to object to these closures and to the Government to review its policy on the Post Office to ensure that no further closures take place.”

The amendment was put to the meeting and carried.

Resolved that this Council is angry that further Post Office closures are being considered. Derby City Council urges the Post Office not to close any on its proposed list. These being in the City of Derby:

**Abbey Street
Ashbourne Road
Mansfield Road
Shelton Lock
Pear Tree
Wilmorton Derby**

The withdrawal of these facilities will cause real difficulties in the neighbourhoods concerned.

Council condemns the government’s current attitude to post offices. Removing government businesses from post offices and demanding specific numbers of post offices to close prevents effective running of the network by Post Office management.”

Council calls upon the Leader of the Council to write to the Post Office to object to these closures and to the Government to review its policy on the Post Office to ensure that no further closures take place.

6. *Post Office Closures – Second Motion*

This motion was withdrawn by the proposer, Councillor Care.

7. *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.

In accordance with Rule CP10, the meeting finished at 10pm and the remaining business was to be considered at a time and date to be fixed by the Mayor or, if she did not fix a date, at the next ordinary meeting of the Council.

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 2 OCTOBER 2007

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 4 October 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.

Contract and Financial Procedure Matters

87/07 Capital Strategy 2008/09 to 2010/11

The Council Cabinet considered a report which set out a strategy for the development of the Council's capital programme over the next 3 years. The major issues it sought to develop were:

- linkage with the approved revenue budget strategy for 2008/09 to 2010/11
- earmarked funding of the accommodation strategy
- continuation of major schemes consistent with the Council's Corporate Plan and priorities
- active pursuit of capital receipts to maximise available resources
- targeting of any future potential Public Realm resources at programmes and strategies which were consistent with the corporate plan and priorities, including the Corporate Asset Management Plan (CAMP), subject to affordability within the revenue budget.

Decision

To recommend to Council

1. To maintain the principles agreed in December 2006 for development of service programmes, subject to the outcomes of the Comprehensive Spending Review, and amending the allocation of 25% of schools' receipts to the schools programme generally rather than the individual school.

2. To agree the planned allocation of resources to the corporate capital programme, as set out in Sections 3.1 and 3.2 and Table 2, subject to receipts becoming available as anticipated, and the affordability of unsupported borrowing within the revenue budget.
3. To agree that £7m of capital receipts should be earmarked to enable a full refurbishment of the Council House to take place.
4. To agree that the total set aside for the remainder of the accommodation strategy should be increased from £10m to £25m, with the increase being funded from £4m of future potential capital receipts, £5.5m of self-financing prudential borrowing and £5.5m prudential borrowing within the Public Realm programme, including potential savings on rents.
5. To agree that allocations of potential Public Realm funding in future years should be determined according to the Council's corporate plans and priorities, subject to affordability within the revenue budget.
6. To confirm the process and timetable for taking decisions on the detailed content of the capital programme for 2008/9 to 2010/11, set out in Appendix 3.