

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Darwin Suite at the Assembly Rooms, Derby on Monday 12 September 2011 at 6 pm.

A G E N D A

1. To receive apologies.
2. To receive Declarations of Interest.
3. To approve the minutes of the meeting of the Council held on 13 July 2011 **DOCUMENT 3**

Motion - That the minutes of the meeting of the Council held on 13 July 2011 be approved as a correct record, confirmed and signed by the Mayor.

4. To receive any announcements from The Mayor.
5. To receive any Statements from Members of the Council Cabinet.
6. To receive any questions from the public to members of the Council Cabinet and the answers to those questions.
 - a) Andy Findlay Council Champions
 - b) Simon Bacon Waste Treatment Facility Appeal
 - c) Valerie Beech Normanton Medical Centre
 - d) Dorothy Skrytek Food Saving schemes
 - e) Reg Hand Reduction in carbon emissions
 - f) Andy Findlay Wheelchair access to the River Gardens
 - g) Simon Bacon Financial benefits of re-cycling
 - h) Dorothy Skrytek Car parking on Walbrook Road

(Note – unless the Council decides otherwise, the maximum period of time for questions by the public is thirty minutes. Any questions not answered at the end of thirty minutes will be answered in writing).

7. To receive any written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority and Derby Homes and the answers to those questions.

There are no questions.

8. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.

9. To consider the following minutes and recommendations of the Council Cabinet dated 19 July and 6 September 2011 requiring the approval of the Council. **DOCUMENT 9**

41/11 The Food Law Enforcement Plan DOCUMENT 9A

To recommend Council to approve the Food Law Enforcement Plan 2011/2012.

45/11 Outline Medium Term Financial Strategy 2012/13 to 2014/15 DOCUMENT 9B

To recommend Council to approve this strategy.

47/11 Contract and Financial Procedure Matters Report DOCUMENT 9C

1. To recommend Council to approve the additional borrowing required for Chapel Street lighting scheme detailed in paragraph 4.8 of the report.
2. To recommend Council to approve the budget transfer of £1.3m from the Accommodation Strategy scheme to the Children and Young People school programme.

Motion – To approve the above minutes and recommendations of the Council Cabinet 19 July and 6 September 2011.

10. To consider the following Notices of Motion:

- (1) Councillor Dhindsa to move, Councillor Shanker to second:

‘Derby, as an ambitious Council, wants to achieve a thriving sustainable economy in line with the Derby Plan and meet the housing needs of Derby residents. Derby City Council is also committed through the Derby Plan to reducing carbon emissions and securing a better built and natural environment, including maintaining and promoting bio-diversity through its green environment agenda.

The Council recognises the key role of the Local Development Framework Core Strategy in balancing these objectives and will ensure that in drawing up this plan there is full assessment of the need for new development and the impacts of future development on climate change objectives, green space and biodiversity. ‘

- (2) Councillor Rawson to move, Councillor Bayliss to second:

‘Council notes with concern proposals to change the way Business Rates are collected and distributed. Initial estimates suggest Derby City Council could lose income of up to £13.7 million per year, which would have a massive impact on our

public services. Council therefore requests the Leader of the Council to respond to the consultation and write to the Minister, opposing any measures which leave Derby City Council financially worse off. Also to write to the city's three MPs asking them to support the City Council and oppose any changes in Parliament which are damaging to the city's finances'

- (3) Councillor Hickson to move, Councillor Bayliss to second:

'Council notes with concern and alarm both the Prime Minister's and the Governments continued refusal to reconsider the award of the preferred bidder status for the Thameslink contract to Siemens thus exposing Bombardier to possible closure.

Council reaffirms its view that this decision is fundamentally flawed and perverse bearing in mind the fact that no economic impact assessment was carried out as part of the evaluation process without which any final decision on best value cannot properly be evaluated. This, coupled with the fact that Siemens do not have a working and tested bogie and allegations of corruption against them would suggest that the whole competition process should be started again with new, fairer and more appropriate evaluation criteria.

Council therefore confirms its intention to work with UNITE as the main affected body to explore the viability of a judicial review.

Council therefore recommends Cabinet to financially support any judicial review proceedings brought by Unite (and/or Bombardier) to overturn the decision to award the Thameslink contract to Siemens subject to the Director of Legal & Democratic Services being satisfied that Unite have an arguable case'

- (4) Councillor L Winter move, Councillor Russell to second:

' Council calls on the Cabinet Member to carry out an independent health and safety check on the current method of transporting children to and from school, and on school activities, and to include parents in the proposed consultation with schools, in order to improve safety for passengers, including vehicles having one seatbelt per child'

- (5) Councillor Williams to move, Councillor Bolton to second:

'Section 11, of the Children Act 2004 places a duty on key persons and bodies, to make arrangements to ensure that in discharging their normal functions, they have regard to the need to safeguard and promote the welfare of children.

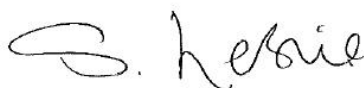
In order to fulfil their duties and under the Children Act 2004, Councillors should:

- a) be aware of how and when to refer child welfare concerns to the Children and Young People's Service
- b) be aware that after the referral has been registered, there are constraints on staff sharing information as set out in the Council's Constitution
- c) be aware of and sign up to their responsibilities as 'Corporate Parents' of Looked after Children
- d) prioritise their attendance at the Safeguarding and Corporate Parenting briefings.

As these responsibilities are set out in law they are extremely important in the protection of children and Councillors cannot opt out of or ignore their responsibilities as corporate parents.

Council therefore confirms that:

awareness training on safeguarding and corporate parenting must be provided after each AGM of the Council, by senior officers from the Children and Young People's Directorate and that such training (subject to confirmation by the Standards Committee) should be mandatory for all Councillors with immediate effect.

A handwritten signature in black ink, appearing to read 'S. Leslie'.

Stuart Leslie
Director of Legal and Democratic Services

Time commenced - 6.00 pm
Time finished - 9.50 pm

**COUNCIL MEETING
13 JULY 2011**

Present: The Mayor (Councillor Allen) (in the Chair)
Councillors Afzal, Ashburner, Atwal, Bailey, Barker, Bayliss, Bolton,
Campbell, Carr, Davis, Dhindsa, Graves, Harwood, Hickson, Higginbottom,
Hillier, Holmes, Hussain, Ingall, Jackson, Keith, F Khan, J Khan, S Khan,
Leeming, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton,
Richards, Roberts, Russell, Sandhu, Shanker, Skelton, Troup, Tuplin, Turner,
Webb, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Banwait, Jennings and Jones.

25/11 Declarations of Interest

Councillor Williams declared a personal interest in item 6(c) as she is a non-executive Director of the PCT.

Councillors Bayliss, Keith, Redfern and Webb declared a personal interest in item 13 as they are Directors of Derby Homes.

Councillor Dhindsa declared a personal interest in item 15(1) as his wife is an employee of Bombardier.

Councillor Wood declared a personal interest in item 15(3) as he a Director of Disability Direct and Derby Community Transport.

Councillor Rawson declared a personal interest in item 15(4) as his brother is an employee of egg.

26/11 Approval of the Minutes of the Annual Meeting of the Council

Resolved that the Minutes of the Annual Meeting of the Council, held 25 May 2011, be approved as a correct record, confirmed and signed by the Mayor.

27/11 Announcements by the Mayor

There were no announcements.

28/11 Statements by Members of the Council Cabinet

Councillor Hickson, Leader of the Council, made a statement on initiatives and achievements. Councillors Bayliss and Carr responded.

29/11 Public Questions

Questions from members of the public were asked as follows:

1. By Colin Underhill, concerning monitoring and detection of pollution, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
2. By Dorothy Skrytek, concerning clarification of a term, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
3. By Valerie Beech, but asked by the Mayor in her absence, concerning Normanton Medical Centre, answered by Councillor Hickson, Leader of the Council.

At this point, it was proposed by Councillor Dhindsa and seconded that in accordance with Council Procedure Rule CP20 this issue be referred to the Adult Health and Housing Scrutiny Commission.

Resolved, to refer the issue of Normanton Medical Centre to the Adult Health and Housing Commission.

4. By Andy Findlay, concerning Council Meetings, answered by Councillor Carr, Council Cabinet Member for Resources.
5. By Tony Dunn, concerning Queen's Leisure Centre Café, answered by Councillor Hickson, Leader of the Council.
6. By Simon Bacon, concerning Cardboard and Paper Recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
7. By Penny De Abreu, concerning Lighting in Conservation Areas, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
8. By Colin Underhill, concerning Darley Park Terrace, answered by Councillor Hickson, Leader of the Council.
9. By Dorothy Skrytek, concerning Reducing Waste, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
10. By Tony Dunn, concerning Queens Leisure Centre Changing Rooms, answered by Councillor Hickson, Leader of the Council.
11. By Simon Bacon, concerning Landfill Tax, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

12. By Penny De Abreu, concerning Street Lighting Contract, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

30/11 Written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

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

31/11 Written questions from non-Council Cabinet Members

Written questions from non-Council Cabinet Members to Members of Council Cabinet or Committee Chairs were asked as follows:

- 1 By Councillor Repton, concerning lighting in conservation areas, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 2 By Councillor Naitta, concerning Oakland's Avenue Sure Start, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
- 3 By Councillor Naitta, concerning a proposed city park, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
- 4 By Councillor Naitta, concerning pot holes on Stenson Road, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 5 By Councillor Naitta, concerning ownership of parking spaces, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 6 By Councillor F Khan, concerning pot hole repairs, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 7 By Councillor F Khan, concerning the Royal Mail sorting office, answered by Councillor Hickson, Leader of the Council.
- 8 By Councillor Higginbottom, concerning bus services in Mackworth, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 9 By Councillor Hillier, concerning library opening hours, answered by Councillor Hickson, Leader of the Council.
- 10 By Councillor Russell, concerning day care services, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
- 11 By Councillor Dhindsa, concerning neighbourhood forums and boards, answered by Councillor Hickson, Leader of the Council.

- 12 By Councillor L Winter, concerning seat belt policy, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
- 13 By Councillor Bolton, concerning Academy status implications, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
- 14 By Councillor Shanker, concerning Sinfin Lane proposals, answered by Councillor Hickson, Leader of the Council.

32/11 Minutes and Recommendations of the Council Cabinet

There were no minutes of the Council Cabinet meetings of 7 and 28 June 2011 that required the approval of the Council.

33/11 Annual Report of the Overview and Scrutiny Commissions

The Council considered a report of the Scrutiny Management Commission which was the annual report of the Overview and Scrutiny Commissions for 2010/11.

Resolved, on the motion of Councillor Carr, to receive the Annual Report of the Overview and Scrutiny Commissions.

34/11 Amendment to Council Procedure Rule CP17 – Questions by the Public at Council Meetings

Council considered a report of the Director of Legal and Democratic Services, concerning public questions

Resolved, on the motion of Councillor Hickson and seconded, to amend Council Procedure Rule 17 to read as follows:

‘The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may either require the Mayor to put the question on his/her behalf or nominate another person to do so. If the questioner is absent and has not required the Mayor or a nominated person to put the question on his/her behalf, the Mayor may indicate that a written reply will be given or decide that the question will not be dealt with.’

35/11 The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006

Council considered a report of the Director of Legal and Democratic Services, detailing the requirements under the Electoral Administration Act 2006 for the Council to review all of its polling districts and polling places every four years. The report set out a time table for the review and proposed that the Governance Committee agree draft proposals, prior to submission of the final reports and recommendations to full Council on 23 November 2011.

Resolved, on the motion of Councillor Hickson, and seconded:

- 1. To approve the publication of the statutory notice on Friday 22 July 2011 indicating the commencement of the 2011 review of polling districts and polling places.**
- 2. To authorise the Director of Legal and Democratic Services to carry out the statutory review in accordance with the proposals and timescales set out in the report.**
- 3. To delegate to the Governance Committee agreement of draft proposals prior to the submission of the final report and recommendation to full Council on 23 November 2011.**

36/11 Appointment of Independent Board Members to Derby Homes Board

Council considered a report of the Strategic Director of Adults, Health and Housing which sought approval of appointments made to the Board of Derby Homes Limited.

Resolved, on the motion of Councillor Hickson, and seconded, to approve the appointment to the board of Derby Homes as independent members:

- Mike Ainsley: 29 September 2011 – 25 October 2012**
- Mark Menzies: 27 October 2011 – 30 October 2014**

37/1 Annual Report of the Standards Committee 2010/11

At the invitation of the Mayor, Mr Phillip Sunderland, Chair of the Standards Committee, presented the Annual Report of the Standards Committee 2010/11.

Resolved, on the motion of the Mayor, Councillor Allen, and seconded, to receive the Annual Report of the Standards Committee for the 2010/11 municipal year and to extend the thanks of the Council to the members of that Committee.

38/11 Notices of Motions

- 1. *Bombardier***

Resolved on the motion of Councillor Hickson and seconded, that Council notes with dismay the Government's decision not to award the £1.4 billion contract for Thameslink to Bombardier but instead to award it to Siemens in Germany.

The consequences of this decision will put up to 3000 Derby jobs in jeopardy - the economic costs of which are outlined as follows:

- (a) **The Gross Value Added for each employee in the workforce in Derby (at 2008 figures) is £22,594.**
- (b) **The approximate cost to the Treasury to maintain someone on benefit and in terms of lost income tax and National Insurance etc is circa £9,000 for each person**
- (c) **The total cost of a redundancy could therefore be said to be £31,594 per annum.**
- (d) **When this figure is multiplied out by 1,200 jobs at Bombardier (in a best case scenario) or 2,000 (in a worst case scenario) this generates a cost to the nation of between £38 million and £63 million per annum. When the supply chain effect of 2.4 supply jobs to 1 Bombardier job are applied this cost spirals to a figure from £91m to £151m per annum**

The lost contract may also spell the end of 170 years of train manufacturing in Derby and the end of the last UK train manufacturing base in this country meaning that in future every train or tram ever ordered by the UK would come from abroad. This is a completely unacceptable situation.

The City of Derby has a proud and distinguished history of high quality train manufacturing with a skilled and loyal workforce who are devastated by this decision.

Council therefore calls on the Prime Minister to:

- 1, Immediately agree to the meeting requested by the Leader of the Council, the Derby Renaissance Board, the Chamber of Commerce and Marketing Derby so that the full ramifications of this decision can be evaluated**
- 2. To consider suspending the award of preferred bidder status to Siemens pending a thorough independent review of the tendering process with a view to running the tender again with an economic impact assessment as an integral part of the tendering process and measures to give the same inbuilt protection to UK workers that competitors in Spain, Germany and France manage to achieve for their own workforces**
- 3. To instruct officials across government to immediately engage with and work with the City to consider what economic and financial support can be put in place to accelerate its regeneration and employment prospects**

In accordance with rule CP68, it was requested by at least ten Members that a recorded vote be taken on the motion.

The following Members voted for the motion:

The Mayor (Councillor Allen)

Councillors: Afzal, Ashburner, Atwal, Bailey, Barker, Bayliss, Bolton, Campbell, Carr, Davis, Dhindsa, Harwood, Hickson, Higginbottom, Hillier, Holmes, Hussain, Ingall, Jackson, Keith, F Khan, J Khan, S Khan, Leeming, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Russell, Sandhu, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Whitby, Williams, F Winter, L Winter, Wood. (47)

No members voted against the motion.

2. *Access to degree courses for ex service personnel with disabilities*

Resolved, on the motion of Councillor Hickson, and seconded, that this Council recognises the enormous contribution made by service women and men to the security of our nation and our city. Their dedication often involves personal sacrifice which can result in loss of life or injury.

The Council therefore welcomes a scheme being launched by Chris Van-Hilton, to provide access to degree courses for ex service personnel with disabilities and commends the University of Derby for providing two fee free places. The Royal British Legion is also supporting the scheme.

The Council resolves to endorse the scheme and provide support as it can, other than direct funding, to help make the scheme a success.

3. *Community Transport and Subsidised Services*

It was moved by Councillor Campbell, and seconded that, Derby City Council has a responsibility to ensure that residents from across the city are able to access amenities and services; especially for vulnerable groups such as elderly and disabled people who need a specialised public transport service. The cabinet decision to withdraw this valuable service will isolate many vulnerable residents in their homes and adversely affect their quality of life. Council therefore calls upon Council Cabinet to reinstate all the community transport and subsidise services affected until such a time as reasonable alternatives have been identified.

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

The following Members voted for the motion:

Councillors Afzal; Bayliss, Bolton, Campbell, Dhindsa, Higginbottom, Hillier, Hussain, Jackson, J Khan, S Khan, Rawson, Redfern, Repton, Roberts, Russell, Sandhu, Shanker, Turner, Whitby, L Winter (21)

The following Members voted against the motion:

Councillors Ashburner, Atwall, Bailey, Barker, Carr, Davis, Harwood, Hickson, Holmes, Ingall, Keith, F Khan, Leeming, Marshall, Naitta, Poulter, Radford, Richards, Troup, Tuplin, Webb, Williams, F Winter, Wood (24).

The Mayor (Councillor Allen) abstained (1)

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

The motion was declared lost.

4. *egg*

It was moved by Councillor Holmes, and seconded, that Council notes with concern the loss of 650 jobs at the former egg site at Pride Park now owned by Barclays and the potential for other job losses for 600 other workers at that site but owned by Citibank. Council resolves to do all it can to support those faced with redundancy and calls upon Barclays and Citibank to enter in to immediate discussions with the Council and its Renaissance Board to explore ways of mitigating the effects on workers at the Pride Park site.

It was moved by Councillor Repton, and seconded, that the motion be amended by the addition of an additional paragraph:

'this Council also requests an urgent meeting with senior members of the government, to facilitate discussions about how they can bring forward major investment plans and employment opportunities to mitigate the damaging effect to our local economy of these considerable potential job losses in the city.

The amendment was put to the meeting and carried.

Resolved that Council notes with concern the loss of 650 jobs at the former Egg site at Pride Park now owned by Barclays and the potential for further job losses for approximately 600 other workers at that site but owned by Citibank.

Council resolves to do all it can to support those faced with redundancy and calls upon Barclays and Citibank to enter into immediate discussions with the Council and its Renaissance Board to explore ways of mitigating the effects on workers at the Pride Park site.

This Council also requests an urgent meeting with senior members of the government, to facilitate discussions about how they can bring forward major investment plans and employment opportunities to mitigate the damaging effect to our local economy of these considerable potential job losses in the city.

Mayor

<p>MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL</p>
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**COUNCIL CABINET
19 JULY 2011**

Present Councillor Hickson (Chair)
 Councillors Carr, Holmes, Ingall, Poulter and Skelton

In attendance Councillor Bayliss

This record of decisions was published on 21 July 2011. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

Budget and Policy Framework

41/11 The Food Law Enforcement Plan

The Council Cabinet considered a report on the Food Law Enforcement Plan. Each year the Council must produce a Food Law Enforcement Plan. This plan was required to identify the obligations placed on the Council by The Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2006, The Food Labelling Regulations 1996, The Agriculture Act 1970 and The Animal Health Act 2006 and the resources made available to officers to discharge these obligations.

Decision

To recommend Council to approve the Food Law Enforcement Plan 2011/2012.

45/11 Outline Medium Term Financial Strategy 2012/13 to 2014/15

The Council Cabinet considered a report which outlined the medium term financial strategy – MTFS – for the revenue and capital budget over the next three year period 2012/13 to 2014/15. The key issues covered include:

- the current financial climate and funding implications, outlined in section 4 of the report
- future Government funding beyond 2012/13, outlined in paragraphs 4.3 of the report and

- the 2011/12 in year forecast position, outlined in paragraphs 4.4 and 5.2 of the report
- risk planning, outline in sections 5 and 6 of the report
- revenue reserves, outlined in section 7 of the report
- the approach to delivering savings to set a balanced budget, outlined in section 8 of the report
- the 2012-15 capital strategy, outlined in section 9 of the report
- the next steps and budget timetable, outlined in section 10 of the report.

Actions to address the existing budget gaps in 2012/13 and 2013/14 would be developed during the next few months and scrutinised by Council Cabinet, prior to consultation in the autumn. The funding position facing the Council over the next three years would be investigated further to ensure that the service levels adopted for future years were in line with the funding available. An ambitious timetable had been set for delivering the MTFS. This was a positive step to ensure that actions were implemented in time to support prompt delivery of budget savings.

Decision

1. ...
2. ...
3. ...
4. ...
5. To recommend Council to approve this strategy.

Contract and Financial Procedure Matters

47/11 Contract and Financial Procedure Matters Report

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

- changes to the capital programme
- change to the capital programme to support schools infrastructure improvements, funded from savings against the Accommodation Strategy capital scheme

Decision

1. ...
2.
3. To recommend Council to approve the additional borrowing required for Chapel Street lighting scheme detailed in paragraph 4.8 of the report.
4. ...
5. ...
6. To approve the budget transfer of £1.3m from the Accommodation Strategy scheme to the Children and Yung People school programme.
7. To recommend Council to approve the budget transfer.
8. ...