

Time commenced - 6.00pm
Time finished - 8.55pm

COUNCIL MEETING 18 JULY 2007

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

Apologies for Absence

Apologies for absence were received from Councillors Berry Carr, Ginns, and Harbone.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Mayor welcomed new members to their first ordinary meeting of the council.

The Mayor reminded members of the protocol to stand at the end of the meeting while the mace is taken out.

The Mayor reported to Council that a photograph of the former City Secretary Ernest Preston had been presented to the council by his widow Pat Preston. The photograph had been hung in the Council Chamber foyer.

24/07 Minutes of the Previous Meeting

Resolved that the minutes of the Annual Meeting of the Council held on the 23 May 2007 be approved as a correct record, confirmed and signed by the Mayor.

25/07 Statements by Members of the Council Cabinet

A statement concerning the 2007 Teaching Awards was made by Councillor Bolton, Councillor Cabinet Member for Children and Young People.

26/07 Public Questions

Questions from members of the public were asked as follows:

1. Questions relating to Gayton Pool had been submitted by Ms Donna Chambers, Mr John Heavey, Ms Wanda Osborne, and Mr Clive Pearson. The Mayor said that, as legal proceedings against the Council had been instituted, no responses should be given relating to questions about Gayton Swimming Pool. Written responses would be given in due course.
2. By Mr Richard Butler, concerning the bus lane on Kedleston Road, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
3. By Mr Richard Butler, concerning the bus lane on Duffield Road, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
4. By Mr Tony Dunn, concerning the new river bridge from Cathedral Green, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
5. By Mr Tony Dunn, concerning the use of $\frac{3}{4}$ million pounds from the regeneration of Normanton for Connecting Derby purposes, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
6. By Mr Peter Steer, concerning meetings of area panels, neighbourhood forums and neighbourhood boards, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.
7. By Mr Cyril Wood, concerning Social Services Care Homes, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
8. By Mr Cyril Wood, concerning Social Services reassessments in 2007, answered by Councillor Hussain, Council Cabinet Member for Adult Services.

2707 Written question about the business or functions of Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited.

Written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited, were asked as follows:

1. By Councillor Jennings, concerning police and staffing levels, answered by Councillor A Jones, a member of Derbyshire Police Authority.
2. By Councillor Willoughby, concerning collaborative working between police forces, answered by Councillor A Jones, a member of the Derbyshire Police Authority.
3. By Councillor Marshall, concerning the preparedness of the Derbyshire Fire Authority in the event of a widespread emergency and terrorist threat, answered by Councillor Gerrard, Vice Chair of Derbyshire Fire Authority.
4. By Councillor Poulter, concerning Fire and Rescue Service staffing levels, answered by Councillor Gerrard, Vice Chair of Derbyshire Fire Authority.
5. By Councillor Williams, concerning rent arrears, answered by Phil Davies, Chief Executive of Derby Homes Ltd.
6. By Councillor Williams, concerning the performance of Derby Homes Ltd relating to voids, answered by Phil Davies, Chief Executive of Derby Homes Ltd.
7. By Councillor Williams, concerning property statistics, answered by Phil Davies, Chief Executive of Derby Homes.

28/07 Written questions from Non-Council Cabinet Members to Member of the Council Cabinet.

A written question concerning telephone mast installations in Mickleover, was asked by Councillor Hird and answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.

29/07 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.

It was moved by Councillor Williamson, and seconded, to approve the minutes and recommendations of the Council Cabinet dated the 3 July 2007.

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

“With the exception of the resolution in minute number 32/07 which be amended by the deletion of:

- the words “within the roll out to new wards”, “within each ward”, and “any supplementary resident engagement mechanisms be agreed by each neighbourhood board”, from paragraph 2.
- the words “for its views on the implementation of these arrangements” from paragraph 3.
- the whole of paragraph 4.

and the insertion in paragraph 3 of the words “ to review existing neighbourhood arrangements and advise how to share best practice to implement neighbourhood working arrangements across the city including recommending what other organisational structures and service delivery areas should be aligned to the new neighbourhood areas”.

(The effect of the amendment, if approved, was that the resolution in minute number 32/07 would read as follows):

- 1 “To approve in principle the transformation from area panels into neighbourhood forums as part of the new framework for neighbourhood working.
- 2 To agree that the basic structure would include a neighbourhood board of partner and resident representative, lead by elected members, and a neighbourhood forum open to all residents.
- 3 To ask the Community Overview and Scrutiny Commission to review existing neighbourhood arrangements and advise how to share best practice to implement neighbourhood working arrangement across the city including recommending what other organisational structures and service delivery areas should be aligned new neighbourhood areas.

- 4 To ask officers to report back to Council Cabinet and full Council in September 2007 with details of the constitutional and financial implications.
- 5 To agree that, subject to Council's agreement to the final proposals, the final round of area panels will be in September 2007 with the new neighbourhood partnership board and neighbourhood forums being implemented throughout October and November 2007."

The amendment was put to the meeting and lost.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 3 July 2007.

30/07 Urgent Decisions of the Chief Executive

The Council considered a report of the Director of Corporate and Adult Services concerning urgent non-executive decisions taken by the Chief Executive since the last meeting of the Council.

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

31/07 Appointment of Co-optees to the Climate Change Commission

The Council considered a report of the Director of Corporate Adult Services concerning the appointment of co-optees to the Climate Change Commission.

Resolved, on the motion of Councillor Williamson, to approve the co-option of Peter Robinson and Jayne Temple of the Derby Climate Change Campaign to the Climate Change Commission for the 2007/08 municipal year.

32/07 Appointments to the School Admissions Forum

The Council considered a report of the Director of Corporate and Adult Services, concerning appointments to the School Admissions Forum.

Resolved, on the motion of Councillor Williamson, to approve the appointment of the following members of the School Admissions Forum for a 4 year term:

Parent Governor Representatives

Dr Keerthi Devendra
Nasreen Iqbal

Church of England Schools

Alison Brown

Community and Voluntary Controlled Schools

Carran Stevenson
Kathy Mayer
David Keys

Foundation Schools

Dr Roger Shipton
Dr Paul Davies

Voluntary Aided Schools

Sara Bull

Roman Catholic Church Diocese

Edward Hayes

City Technology College

Stephen Whiteley

33/07 **The Review of Polling Districts and Polling Places
(Parliamentary Elections) Regulations 2006.**

The Council considered a report of the Director of Corporate and Adult Services on a proposed review of polling districts and polling places in accordance with the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.

Resolved, on the motion of Councillor Williamson:

- 1. To approve the publication of a notice to review polling districts and polling places on 23 July 2007.**
- 2. To authorise the Director of Corporate and Adult Services to carry out the statutory review in accordance with proposals set out in the report.**

34/07 **Appointments to Outside Bodies and Charities**

The Council considered a report of the Director of Corporate and Adult Services on appointments to outside bodies and charities.

Resolved, on the motion of Councillor Williamson:

- 1. To approve the appointment of Councillor Graves to the East Midlands Museums Service for the remainder of this municipal year.**
- 2. To approve the appointment of Councillor Hussain as the Council's Nominated Governor on the Council of Governors for the Derbyshire Mental Health Services NHS Trust.**
- 3. To confirm the following appointments as trustees of the Liversage Charity nominated by the Council.**

Name	Term of Office Expires
Councillor Webb	30 June 2008
Councillor Grimadell	24 May 2010
Mr B Samra	23 September 2008
Councillor Jackson	1 March 2011
Councillor Richards	13 July 2008
Mr C Wynn	24 May 2010
Ms S Glithero	24 May 2010

- 4. To delete the Eastern Orchestral Board from the list of bodies to which the Council makes appointments.**

35/07 Notices of Motion

1. *Planning Guidance and the Development of Domestic Gardens*

It was moved by Councillor Hickson, and seconded that the effect of planning guidance PPG3 later amended by PPS3 has been to designate domestic gardens as brownfield sites and has led to a large increase of planning applications from developers keen to buy up houses sitting on large plots in established suburbs for demolition and redevelopment with much higher density housing in its place.

Local authorities have little freedom to resist such applications and if the situation is left unchecked this planning freedom for developers will significantly alter and spoil well established residential suburbs to the detriment of residents who live in them. Whilst Council acknowledges the need for brownfield sites to be developed in preference to Greenfield sites it is clearly an anomaly that domestic gardens should fall into the brown field site category and cannot be what the legislation intended.

Council therefore resolves to write to Government asking for more structured guidance on this issue, the removal of domestic gardens

from the brownfield category and the ability to resist such application where it is clear that there is a quality of life and loss of amenity consequence to giving such planning consents.

It was moved by Councillor Roberts, and seconded, that the motion be amended by the deletion of the words “will”, and “spoil” “clearly an anomaly that domestic gardens should fall into the brown field site category and cannot be what the legislation intended”, “the removal domestic gardens from the brown field category and the ability”, “resist”, and “to giving such planning consents”, and the insertion of the words “may”, “concerned about the effect of some domestic garden overdevelopment”, “and”, “ask the Planning Control Committee to consider rejecting”, “which constitute valid planning reasons for refusal”, “over”, “where they be considered”.

The amendment was put to the meeting and carried.

Resolved, that the effect of planning guidance PP3 later amended by PPS3 has been to designate domestic gardens as brownfield sites and has led to a large increase of planning applications from developers keen to buy up houses sitting on large plots in established suburbs for demolition and redevelopment with much higher density housing its place.

Local authorities have little freedom to resist such applications and if the situation is left unchecked this planning freedom for developers may significantly alter well established residential suburbs to the detriment of residents who live in them. Whilst Council acknowledges the need for brownfield sites to be developed in preference to Greenfield sites it is concerned about the effect of some domestic garden overdevelopment.

Council therefore resolves to write to Government asking for more structured guidance on this issue, and to ask the Planning Control Committee to consider rejecting such applications where it is clear that there is a quality of life and loss of amenity consequence which constitute valid planning reasons for refusal.

Government are also asked to consider how to strengthen the role of local ward members to put forward objections on behalf of their constituents to resist such overdevelopment where they be considered inappropriate.

2. Derby County Football Club

Resolved, on the motion of Councillor Smalley, that Council congratulates Derby County Football Club on its promotion to the Premier League and wishes it every success as it begins the new season.

Council acknowledges the considerable opportunities that will result as many more visitors come to the City and the economic spin off that this will have for the local economy is not to be underestimated.

The Council therefore resolves to work with the football club to make the most of these benefits whenever it can to maximise these opportunities.

3. Market Place War Memorial

It was moved by Councillor Smalley and seconded, that Council notes the considerable public concern about unsuitable and disrespectful uses of the war memorial in the Market Place.

Council therefore requests the relevant Cabinet Member to consult with the appropriate local armed services organisations and come forward urgently with proposals both to protect the memorial and maintain its dignity.

It was moved by Councillor Roberts, and seconded, that the motion be amended by the deletion of the words “requests the relevant Cabinet Member to consult with the appropriate”, “and come forward urgently with proposals”, and “to”, and the insertion of the words “welcomes the agreement reached between the Leader of the Council and the representative of the” and “to modifications that will both”.

The amendment was put to the meeting and carried.

Resolved, that Council notes the considerable public concern about unsuitable and disrespectful uses of the war memorial in the Market Place.

Council therefore welcomes the agreement reached between the Leader of the Council and the representative of the local armed services organisations to modifications that will both protect the memorial and maintain its dignity.

4. Gayton School Swimming Pool

A Notice of Motion had been submitted by Councillor Skelton and Troup relating to Gayton School Swimming Pool. As legal proceedings had been instituted against the Council in respect of Gayton School swimming pool, the Mayor said that this motion could not be debated. Councillor Skelton said that she would withdraw her motion under protest.

Mayor

APPENDIX A

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 3 JULY 2007

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

In attendance Councillor Care

This record of decisions was published on 5 July 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.

29/07 Springwood Leisure Centre and Library

The Council Cabinet considered a report on Springwood Leisure Centre and Library. The report updated Cabinet on the work that had been carried out on the development of Springwood Leisure Centre to form a new gym and library together with revised financial implications since Council approval of the initial scheme on 13 September 2006 and was included in the approved 2007/08 capital programme. The proposed new scheme showed that 40 additional fitness stations could now be accommodated on the site making 65 in total, which was a reduction of 35 on the original estimate of 100 fitness stations. The approved scheme included in 07/08 capital programme had a total cost of £1.172m, of which £1m for the cost of the new gym, was to be funded from self-financing prudential borrowing paid for from anticipated additional membership fee income. The estimated capital cost of the proposed new scheme was £1.262m, made up of £1.09m for the gym and £172k for the library. In order to remove the financial affordability risk based on the ambitious new membership targets included in the original scheme, it was prudent for the funding of the new scheme to be met from overall slippage within the approved capital programme. As it was anticipated that new membership fees would increase gradually over time at the rate of 8 new members a month which would require additional employees and running costs for the new gym, there was a projected revenue budget deficit of £72k in 2008/09, £53k in 2009/10, £33k in 2010/11 and reducing to £2k in 2011/12. This amounted to £160k over the four year period and would be met from within Environmental Services revenue budgets. An additional £57k for ongoing running costs for the library from 2008/09 going forward would be funded through a corporate allocation and would be identified as a pressure in the 2008/11 budget strategy report scheduled for Cabinet on 31 July 2007.

Options Considered

1. Do nothing: this would prevent the development and improvement of the centre.
2. Library only: this would not be cost effective and could not be substantiated in terms of capital and running costs.

Decision

To recommend Council to approve:

1. the amendment to the 2007/08 capital programme for the Springwood Leisure Centre and Library at a revised cost of £1.262m to be funded from slippage within the overall approved capital programme.
2. the underwriting of the annual running cost deficit of the gym for the first four years amounting to £160k in total from within Environmental Services revenue budgets.
3. £57k corporate budget allocation for the Library running costs from 2008/9.
4. the commencement of the capital scheme as soon as possible.

32/07 From Areas to Neighbourhoods.

The Council Cabinet considered a report which stated that a review of the current arrangements for Area and Neighbourhood working had taken place following Council's decision in May 2006 to deliver more strategic management at a neighbourhood level. This had included an examination of Area Panels and the new neighbourhood management arrangements introduced in the priority neighbourhoods.

The conclusion of the review, was that a comprehensive new framework should now be introduced which replaced Area Panels with Neighbourhood Forums in each of the Council's 17 wards.

Decision

To recommend Council

1. To approve in principle the transformation from Area Panels into Neighbourhood Forums as part of the new framework for neighbourhood working.
2. To agree that within the rollout to new wards the basic structure within each ward would include a Neighbourhood Board of partner and resident representatives, led by elected members, and a Neighbourhood Forum open to all residents. Any supplementary resident engagement mechanisms would be agreed by each Neighbourhood Board.

3. To ask the Community Overview and Scrutiny Commission for its views on the implementation of these arrangements.
4. To ask officers to report to Council Cabinet on whether ward based neighbourhood arrangements should be integrated with the area management arrangements being developed for Children and Young People's Services.
5. To ask officers to report back to Council Cabinet and Council in September 2007 with details of the constitutional and financial implications.
6. To agree that, subject to Council's agreement of the final proposals, the final round of Area Panels would be in September 2007 with the new Neighbourhood Partnership Boards and Neighbourhood Forums being implemented throughout October and November 2007.