

Time commenced - 6.00 pm
Time adjourned - 7.44 pm

COUNCIL MEETING 28 JULY 2004

Present: The Mayor (Councillor Skelton)
Councillors Ahern, Allen, Baxter, Bayliss, E Berry, P Berry, Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Dhamrait, Dhindsa, Gerrard, Graves, Gupta, Hickson, Hird, Hussain, Jackman, Jackson, Jones, Latham, Leeming, Liversedge, Lowe, MacDonald, Marshall, Nath, Redfern, Rehman, Repton, Richards, Roberts, Samra, Smalley, Tittley, Travis, Troup, Turner, Webb, West, Williamson, Willitts, Winter

Apologies for Absence

Apologies for absence were received from Councillors Khan and Wynn.

Declarations of Interest

Councillors Bayliss, Gerrard, Lowe, Troup and Webb declared personal interests in Minutes Nod. 47/04 and 48/04 of the Council Cabinet as they were Directors of Derby Homes Limited appointed by the Council. Councillor Richards declared a personal interest in Minutes Nod. 47/04 and 48/04 of the Council Cabinet, as he was a council tenant. Councillor Chera declared a personal interest in Minute No. 46/04 of the Council Cabinet in so far as it related to the Sinfin Moor Social Club, as he was a member of the management committee of the club. Councillor Latham declared a personal and prejudicial interest in Minute No. 46/04 of the Council Cabinet in so far as it related to the Roundhouse, as her husband was involved in advising on the development of the Roundhouse. Councillor Bolton declared a personal interest in Item 11 – Destination of an Alcohol Free Zone at Chaddesden – as she was a council appointed trustee of the Wilmot, Gilbert and Beresford Charity which owned land in the area.

Announcements from the Mayor

The Council stood in silence as a tribute to the memory of former Councillor Gerald Styles and former Mayoress Alice Dilworth, both of whom had died recently.

With the permission of the Mayor, Councillor Roberts made a statement in which he apologised for a recent indiscretion and the publicity that surrounded it.

27/04 Minutes of the Previous Meeting

Resolved that the minutes of the Annual Meeting of the Council held on 30 June 2004 be approved as a correct record, subject to:

- **the inclusion of a reference to the fact that the Council stood in silence as a tribute to the memory of the late Councillor Lonny Wilsoncroft**
- **the amendment of the wording relating to the declaration of an interest by Councillor Gupta to read "Councillor Gupta declared a personal and prejudicial interest in Agenda Item 21 – Appointments to Charities and Other Bodies – as she was employed by Connexions Derbyshire Ltd and the project she was working on was funded through the Council's external funding unit."**

confirmed and signed by the Mayor.

28/04 Statements by Members of the Council Cabinet

There were no statements by members of the Council Cabinet.

29/04 Public Questions

There were no questions from members of the public.

30/04 Written Questions about the Business or Functions of the Derbyshire Police Authority or Derbyshire Fire Authority

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

31/04 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 Tittley, concerning a statement made by Councillor Hickson at an Area Panel 2 meeting relating to the Tree Management Policy, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.

2. By Councillor Graves, asking why the Deputy Leader of the Labour Group could not attend and speak at meetings of the Council Cabinet, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
3. By Councillor Jackson, concerning a statement by Councillor Care at an Area Panel 4 meeting on 21 July relating to quotations received from Commercial Services, answered by Councillor Carr, Council Cabinet Member for Personnel and Direct Services.

32/04 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 the Appendix to these minutes.

It was moved by Councillor Burgess, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 20 July 2004.

It was moved by Councillor Roberts, and seconded, that the motion be amended by the addition of the words "with the exception of the resolution in Minute No. 47/04 which be amended by the deletion of paragraph 2."

The amendment was put to the meeting and lost.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the addition of the following words "with the exception of Minute No. 48/04 which be deferred in order to allow the Community Regeneration Commission to consider the report and refer any comments it may make to the Council Cabinet."

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 20 July 2004, with the exception of Minute No. 48/04 which be deferred in order to allow the Community Regeneration Commission to consider the report and refer any comments it may make to the Council Cabinet.

33/04 Notice of Motion – Census 'Windfall'

It was moved by Councillor Williamson, and seconded, that Council welcomes the successful outcome to the Labour Group's campaign to persuade the Office of National Statistics to revise its population figures for Derby.

The increased population figures should now provide the Council with a £4 million windfall this year and an ongoing £2 million increase in annual government grants.

Council therefore calls on the council cabinet to reinstate the cuts imposed in this year's budget and scrap the home care charges imposed on Derby's vulnerable elderly and disabled residents after they were tripled last year.

It was moved by Councillor Hickson that the motion be amended

by the deletion of:

- All words in paragraph one after the words "Council welcomes the"
- The whole of paragraph two
- All words in paragraph three after the words "Council therefore calls on the"

* and by the insertion of the words:

"..... decision of the Office of National Statistics to revise its population estimates for Derby, following a two year campaign by the Council which, from its inception, received all party support.

It is however a matter of concern that the Office of the Deputy Prime Minister has chosen to consult local authorities on whether the Government should use the ceiling mechanism that limits the size of annual grant increases as a means to avoid reimbursing local authorities such as Derby for the grant lost in both 2003/04 and 2004/05.

..... Government to confirm without delay that it will restore in full the grant lost to Derby in these years as a result of the errors which the ONS now acknowledges."

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

"Council welcomes the decision of the Office of National Statistics to revise its population estimates for Derby, following a two year campaign by the Council which, from its inception, received all party support.

It is however a matter of concern that the Office of the Deputy Prime Minister has chosen to consult local authorities on whether the Government should use the ceiling mechanism that limits the size of annual grant increases as a means to avoid reimbursing local authorities such as Derby for the grant lost in both 2003/04 and 2004/05.

Council therefore calls on the Government to confirm without delay that it will restore in full the grant lost to Derby in these years as a result of the errors which the ONS now acknowledges."

The amendment was put to the meeting and carried.

Resolved that Council welcomes the decision of the Office of National Statistics to revise its population estimates for Derby, following a two year campaign by the Council which, from its inception, received all party support.

It is however a matter of concern that the Office of the Deputy Prime Minister has chosen to consult local authorities on whether the Government should use the ceiling mechanism that limits the size of annual grant increases as a means to avoid reimbursing local authorities such as Derby for the grant lost in both 2003/04 and 2004/05.

Council therefore calls on the Government to confirm without delay that it will restore in full the grant lost to Derby in these years as a result of the errors which the ONS now acknowledges.”

34/04 Designation of an Alcohol Free Zone at Chaddesden

The Council considered a report of the Director of Corporate Services which proposed the designation of an Alcohol Free Zone at Chaddesden. It was moved by Councillor Burgess, and seconded,

1. To consider whether to include additional land in the designation, shown as hatched land, on the attached plan.
2. Subject to a decision to include the additional land referred to in 1. above, to approve the designation of land in Chaddesden, shown as shaded and hatched land on the attached plan, as an Alcohol Free Zone.
3. To authorise the Director of Corporate Services to make the necessary Order; advertise it in a local paper and erect signs in the designated area.

It was moved by Councillor Burgess, and seconded, that the motion be amended:

- * by the deletion of the words:

All of paragraph 1. plus in paragraph 2. the words “Subject to a decision to include the additional land referred to in 1. above” and “attached”

- * and by the insertion of the words :

In paragraph 2. “attached to the report , subject to the extension of the hatched area to include land adjacent to St Mary’s Church currently used as a church car park,”

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

- “1. To approve the designation of land in Chaddesden, shown as shaded and hatched land on the plan attached to the report, subject to the extension of the hatched area to include land adjacent to St Mary’s Church currently used as a church car park, as an Alcohol Free Zone.
2. To authorize the Director of Corporate Services to make the necessary Order, advertise it in a local paper and erect signs in the designated area.”

The amendment was put to the meeting and carried.

Resolved:

- 1. To approve the designation of land in Chaddesden, shown as shaded and hatched land on the plan attached to the report, subject to the extension of the hatched area to include land adjacent to St Mary’s Church currently used as a church car park, as an Alcohol Free Zone.**
- 2. To authorize the Director of Corporate Services to make the necessary Order, advertise it in a local paper and erect signs in the designated area.**

MAYOR

COUNCIL CABINET 20 JULY 2004

Present: Councillor Burgess – Chair
Councillors Allen, E Berry, Care, Carr, Hickson, Samra and West

Also Present: Councillor Williamson

This record of decisions was published on 22 July 2004. 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 a decision is called-in.

Budget and Policy Framework

46/04 Corporate Asset Management Plan

The Council Cabinet considered a report from the Director of Corporate Services which set out the Asset Management Plan for 2004. It was noted that the Government Office for the East Midlands – GOEM – had assessed to the July 2002 Asset Management Plan – AMP – as ‘good’ and as a result there was no requirement to submit a plan in 2004. However, Property Performance Indicators still had to be submitted to GOEM, although at the time the final details were awaited. A copy of the Asset Management Plan was attached at Appendix 2 to the report.

Decision

1. To recommend Council to approve the Corporate Asset Management Plan as part of the Budget and Policy Framework.
2. To note the progress and outcome of the ‘Peppercorn Rent’ Review.
3. To note the Sinfin Neighbourhood Review Initiatives.

47/04 Housing Rents

The Council Cabinet considered a joint report from the Directors of Finance and Policy, which set out the requirement to bring the Housing Revenue Account rents to convergence by 2011/12. In order to achieve this, rent rises above inflation would be necessary over the following few years.

It was proposed that the existing rent policy of the Council would be maintained but vary it slightly over the next two increases, to make sure that the balance of

increases over that period was more even than a strict interpretation of the policy.

In order to implement the proposal to bring the rents to convergence by 2011/12 it was proposed that a review of existing rents, setting policy, timing of future rent increases and rent free weeks were proposed and detailed in the report.

It was noted that this matter would be referred to the Community Regeneration Commission on 26 July 2004 before consideration at Council.

Decision

To recommend Council to

- 1 approve the revision of rent and service charges from 27 September 2004 on the basis set out in the report, including:
 - an average weekly rental increase of £2.19 or 4.9% calculated over 52 weeks
 - an average increase of 4.9% on service charges and garage rents.
- 2 resolve to change the normal date for future rent increases to April, starting in April 2005
- 3 confirm the previously established policy of increasing rents annually to attempt to avoid the payment of rent Rebate Subsidy Limitation Penalty, with a longer term aim of convergence of rents by 2011/12
- 4 approve a variation to this policy in 2004/05 and 2005/06 during the transition from a rent increase part way through the year to a rent increase at 1 April.
- 5 approve the implementation of new rent free weeks.

48/04 Housing Revenue Account Budget Review

The Council Cabinet considered a joint report from the Directors of Finance and Policy, which set out details of the Housing Revenue Account Budget Review, Business Plan and budget, which had to be balanced at the end of each financial year. It was noted that there was also a requirement on the Council, to plan for the HRA, over a period of 30 years. It was reported that there had been a number of developments over the previous few months which considerably affected the balance of the latest business plan and it was therefore recommended that the plan take these developments into account. The developments included Arms-Length Management Organisation – ALMO – funding, the HRA and general fund split, the management fee which was adjusted to include the special funding for 2004/05 and 2005/06 for a modernisation fund of £200,000 per year. The HRA out-turn position for 2003/04 was a surplus of £1.268 million. The details of which, were given in paragraph 4 of the report. The HRA Business Plan and budget and the Derby

Homes Management Fee 2003/04 were set out at Appendices 2 and 3 respectively.

Decision

To recommend Council to

- 1 amend the Housing Revenue Account, HRA, budget for 2004/05 as set out in Appendix 2 to the report.
- 2 adopt a revised Business Plan for the HRA pending further consideration of the joint strategic HRA Working Party, as set out in Appendix 2 to the report.
- 3 note the HRA out turn for 2003/4.
- 4 note the impact of changes as a result of the investigation in the appropriate split of costs between the HRA and General Fund.
- 5 note the outgoing issues being considered by the HRA Strategic Working Party, including the potential scale of future estate sustainability works.
- 6 delegate the approval of future Derby Homes' carry forwards to the Director of Policy, subject to the continuation of existing requirements.

Performance Monitoring

54/04 Treasury Management Strategy Update 2004/05 and Annual Report 2003/04

The Council Cabinet considered a report from the Director of Finance setting out the Treasury Management Strategy update 2004/05 and the Annual Report 2003/04. The report set out the investment counter party criteria and limits, money market brokers and the revised prudential indicators. The Annual Treasury Management Report 2003/04 was attached at Appendix 2 of the report.

Decision

1. To approve amendments to counterparty investment criteria and limits, as detailed in section 2.1
2. To include the addition of Martin Brokers to the Councils approved list of money market dealers as detailed in section 2.2
3. To recommend to Council, the approval of the revised prudential indicators as detailed in section 2.3 and Appendix 3

4. To note the Annual Treasury Management report for 2003/4 as shown at Appendix 2.