

Time commenced - 6.00 pm
Time finished - 9.55 pm

COUNCIL MEETING 20 JANUARY 2010

Present: The Mayor (Councillor Marshall) (In the Chair)
Councillors Allen, Banwait, Batey, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Davis, Dhindsa, Ginns, Graves, Grimadell, Harwood, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Rawson, Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Williamson, Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Leeming and Williams.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Mayor referred to the earthquake in Haiti and said that the Council would wish to extend condolences to the families of those of who had lost their life lives. He also urged the public to contribute to the relief efforts.

69/09 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 18 November 2009 be approved as a correct record, confirmed and signed by the Mayor.

70/09 Statements by Members of the Council Cabinet

There were no statements from members of the Council Cabinet.

71/09 Public Questions

Questions from members of the public were asked as follows:

1. By Brenda Longworth, concerning Boulton Neighbourhood Board, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
2. By Tony Dunn, concerning Elvaston Castle access, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
3. By Tony Dunn, concerning bus station opening hours, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
4. By Steve Hassall, concerning Chaddesden Library, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
5. By Simon Bacon, concerning the Sure Start Unit in Oaklands Avenue, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.
6. By Colin Underhill, concerning air quality management areas, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
7. By Colin Underhill, concerning Connecting Derby works, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

In accordance with Council Procedure Rule CP17, the Mayor stated that in the absence of the questioner, answers to two questions by Richard Butler, concerning the market rent for 40 West Avenue and the land adjacent to the Seven Stars Public House, would be sent in writing.

72/09 Order of Business

Resolved, on the motion of the Mayor (Councillor Marshall), that the order of business be varied in order to consider Item 11(3) – Notice of Motion in respect of the Travel Plan – at this point.

73/09 Notice of Motion – Travel Plan

It was moved by Councillor Carr, and seconded, that Council is aware of the decision of the Personnel Committee of 7 December 2009 on the Travel Plan following the recommendations of the Disputes Resolution Sub Committee. However, with a view to bringing a speedy resolution to the matter Council agrees to the following:

1. In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary agreement to vary their contractual terms and conditions. There would be a fixed time period for this (mid-Feb to mid-March 2010).
2. To offer compensation of £1200 (gross) to essential users and to casual users £120 (gross).
3. To ask employees to sign a COT3 agreement in exchange for the compensation, with the assistance of ACAS being sought in this process.
4. If there are employees remaining who have not voluntarily agreed to the changes, to serve notice of dismissal from existing contracts and re-engagement on new contracts on 1 April 2010 on these individuals. To serve 12 weeks notice to all, irrespective of whether their contractual notice entitlements are less, with no compensation being awarded.
5. To apply an implementation date of 1 July 2010 to all employees, whether they have voluntarily agreed to the changes or not.
6. To make Pool cars available as a priority to high mileage/daily users where a sufficient number of individuals in teams volunteer to participate in a pilot arrangement, but Pool cars will not be imposed upon individuals and they will still be authorised to use their own vehicles, provided they comply with the requirements of the Driving at Work Policy.
7. To run Pool pilots teams / groups of volunteers who do average mileage/travel less frequently, where a sufficient number of individuals volunteer and where there is an economic case for conducting a pilot.
8. To invite Trades Unions representatives to contribute to the development and assessment of pool pilots.
9. To note the current national recruitment and retention pressures in social care and to take these into account when responding to the recommendations of the National Social Work Taskforce Review.

In accordance with Rule CP50 the Council consented to the alteration of the motion by the addition of the following words after the words “terms and conditions” in paragraph 1.:

“by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC’s recommended non-profit rate)”.

(The effect of the alteration was that paragraph 1. of the motion would read as follows:

“In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary

agreement to vary their contractual terms and conditions by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC's recommended non-profit rate). There would be a fixed time period for this (mid-Feb to mid-March 2010).")

During the course of the debate of the above motion, the Director of Corporate and Adult Services gave legal advice to the Council on its powers to amend a decision previously taken by the Personnel Committee.

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 Marshall), Councillors Allen, Batey, Care, Carr, Davis, Ginns, Grimadell, Harwood, Hickson, Hird, Holmes, Ingall, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Richards, Skelton, Troup, Tuplin, Webb, Winter, Wood (30).

The following Members voted against the motion:

Councillors Banwait, Baxter, Bayliss, Berry, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Williamson (17).

Councillor Chera abstained.

The motion was declared carried.

Resolved, that Council is aware of the decision of the Personnel Committee of 7 December 2009 on the Travel Plan following the recommendations of the Disputes Resolution Sub Committee. However, with a view to bringing a speedy resolution to the matter Council agrees to the following:

- 1. In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary agreement to vary their contractual terms and conditions by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC's recommended non-profit rate). There would be a fixed time period for this (mid-Feb to mid-March 2010).**
- 2. To offer compensation of £1200 (gross) to essential users and to casual users £120 (gross).**

3. To ask employees to sign a COT3 agreement in exchange for the compensation, with the assistance of ACAS being sought in this process.
4. If there are employees remaining who have not voluntarily agreed to the changes, to serve notice of dismissal from existing contracts and re-engagement on new contracts on 1 April 2010 on these individuals. To serve 12 weeks notice to all, irrespective of whether their contractual notice entitlements are less, with no compensation being awarded.
5. To apply an implementation date of 1 July 2010 to all employees, whether they have voluntarily agreed to the changes or not.
6. To make Pool cars available as a priority to high mileage/daily users where a sufficient number of individuals in teams volunteer to participate in a pilot arrangement, but Pool cars will not be imposed upon individuals and they will still be authorised to use their own vehicles, provided they comply with the requirements of the Driving at Work Policy.
7. To run Pool pilots teams / groups of volunteers who do average mileage/travel less frequently, where a sufficient number of individuals volunteer and where there is an economic case for conducting a pilot.
8. To invite Trades Unions representatives to contribute to the development and assessment of pool pilots.
9. To note the current national recruitment and retention pressures in social care and to take these into account when responding to the recommendations of the National Social Work Taskforce Review.”

74/09 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 Police Authority, Derbyshire Fire Authority or Derby Homes Limited.

75/09 Written Questions from Non-Council Cabinet Members

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

1. By Councillor Higginbottom, concerning the potential use of Government funding, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
2. By Councillor Graves, concerning Brindley Court, Alvaston, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
3. By Councillor Bayliss, concerning Alvaston District Centre, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
4. By Councillor Tuplin, concerning the provision of care for the elderly in Derby, answered by Councillor Skelton, Council Cabinet Member of Adult Services and Health.
5. By Councillor Graves, concerning temporary fencing at Durley Close, Alvaston, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
6. By Councillor Roberts, concerning the gritting programme, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
7. By Councillor Nath, concerning highway defects, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
8. By Councillor Turner, concerning Council committee decisions, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
9. By Councillor Wood, concerning Twinning arrangements, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
10. By Councillor Holmes, concerning chewing gum on pavements and pedestrian areas, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
11. By Councillor Holmes, concerning economic development, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
12. By Councillor Turner, concerning Victory Road residents, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
13. By Councillor Davis, concerning the Audit and Accounts Committee, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.

14. By Councillor Ingall, concerning street lighting, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
15. By Councillor Poulter, concerning Council House refurbishment, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
16. By Councillor Shanker, concerning Glossop Street, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
17. By Councillor Jennings, concerning Exeter House, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
18. By Councillor Jennings, concerning the Kedleston Road bus lane, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
19. By Councillor Berry, concerning the bus station, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

A question by Councillor Grimadell, concerning Chaddesden Library consultation, was withdrawn by the questioner. In accordance with Rule CP27 a question from Councillor Leeming concerning Tree Policy, was held over until the next meeting of the Council in the absence of the questioner.

76/09 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 Jones, to approve the minutes and recommendations of the Council Cabinet dated 12 January 2010.

77/09 Urgent Non-Executive Decisions made by the Chief Executive

The Council considered a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive since the last meeting of the Council.

Resolved, on the motion of the Mayor (Councillor Marshall), to note the report.

78/09 Notices of Motion Deferred from the November 2009 Meeting

1. 10 : 10 Campaign

It was moved by Councillor Williamson, and seconded, that Council supports the 10 :10 campaign to reduce the UK's carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure that the Council reduces its carbon emissions by 10% in 2010.

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 Marshall), Councillors Allen, Banwait, Batey, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Dhindsa, Ginns, Graves, Grimadell, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Rawson, Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Williamson, Winter, Wood (46).

No Members voted against the motion.

Councillor Harwood abstained. Councillor Davis was not present in the Council Chamber when the recorded vote was taken.

The motion was declared carried.

Resolved that Council supports the 10 :10 campaign to reduce the UK's carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure that the Council reduces its carbon emissions by 10% in 2010.

2. Considerate Building / Contractors Scheme

It was moved by Councillor Holmes, and seconded, that Council recognises construction and building developments can cause significant disruption and disturbance to local residents. Therefore, Council agrees to the implementation of a considerate building / contractors scheme that would control and limit working hours and control other disturbances in or close by to residential areas.

The Planning and Control Committee would be asked to consider the procedures involved and ensure that it will be low-cost for the Council to operate and exclude householder development.

While Council understands any scheme will cover a wide range of detail to be decided upon by the Planning and Control Committee, it strongly recommends that where residential dwellings are likely to be affected by noise, the hours of noisy works must be restricted to:

Monday to Friday: 8am to 6pm

Saturday: 8am to 1pm

Sunday and bank holidays: no noisy activities on site

Vehicles and plant arriving at and leaving the site must also comply with the stated hours of work."

The motion was put to the meeting and lost.

79/09 Notices of Motion Submitted for this Meeting

1. *Ring Road Hospital Bus Service*

It was moved by Councillor Bayliss, and seconded, that Council calls on the Council Cabinet to implement as soon as possible in negotiation with the bus companies and the Royal Hospital Trust, a 'ring road' bus service that would serve both the hospital employees, patients and visitors.

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 Marshall), Councillors Allen, Banwait, Batey, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Davis, Dhindsa, Ginns, Graves, Grimadell, Harwood, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Rawson, Redfern, Repton, Richards, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Williamson, Winter, Wood (47)

No councillors voted against the motion and no councillors abstained. Councillor Roberts was not present in the Council Chamber when the recorded vote was taken.

The motion was declared carried.

Resolved that Council calls on the Council Cabinet to implement as soon as possible in negotiation with the bus companies and the Royal Hospital Trust, a 'ring road' bus service that would serve both the hospital employees, patients and visitors.

2. *Footway Renewal and Planned Maintenance*

Resolved, on the motion of Councillor Poulter, that Council recognises that many pavements across the City are in an increasingly poor state of repair and notes with concern that the revenue footway renewal

programme has again been removed and reallocated by the current administration.

This and other reallocations of funding will further reduce the amount of footway renewal schemes undertaken, add to the ever increasing preparation pool and result in considerably more LTP capital provision being spent on maintenance, thereby threatening this councils “excellent” status in relation to the LTP.

Council therefore calls for the cabinet to evaluate the extent of urgent works required and re-instate a suitable programme of renewal and planned maintenance.

3. *Car Parking Provision*

Resolved, on the motion of Councillor Wood, that this Council welcomes the imminent completion of Derby’s Inner Ring Road, and recognises the right of its citizens to choose all forms of transport, including the motor car, for safe and efficient movement throughout the City.

Council therefore calls upon the Cabinet to recognise this right in framing future policies and also, where required, to reconsider relevant policy taking into account the need for car users to park within reasonable distance of their work place, local facilities and developments.

4. *Waste Collection – Side Waste*

Resolved, on the motion of the Mayor (Councillor Marshall), that the motion on the agenda relating to waste collection – side waste be deferred for consideration at the next meeting of the Council.

Mayor

APPENDIX A

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 12 JANUARY 2010

Present: Councillor Jones (Chair)
Councillors Allen, Care, Carr, Naitta, Skelton and
Troup

In attendance Councillors Dhindsa and Holmes

This record of decisions was published on 14 January 2010. 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.

Key Decisions

155/09 Review of Council Leisure Facilities

The Council Cabinet considered a report on a Review of Council Leisure Facilities. The report outlined proposals for the most exciting and significant leisure developments for the city in the last 40 years. It would deliver two iconic sporting hubs complemented by a network of neighbourhood sports facilities.

The new facilities would provide sporting, cultural, economic and regeneration benefits that would have a considerable impact on the city and its residents. It would change the landscape of sporting provision in the city, provide a wider range of cultural opportunities for local people, including major sporting events, concerts, and exhibitions and attract additional visitors and businesses to Derby. In the wake of London 2012 it would provide an exciting and innovative legacy for Derby which would support wider participation and motivate and inspire current and future generations of local people to be active. The two hub facilities would be of county and regional significance providing outstanding facilities for both local and visiting athletes, spectators, coaches, volunteers, clubs and officials. These proposals would build on Derby's sporting heritage, placing it firmly back 'on the map' whilst also contributing to the local economy by helping to regenerate areas where the new facilities are located.

Options Considered

There were no options considered.

Decision

1. ...
2. To recommend to Council that the proposals for new leisure facilities are approved and that provision for the funding required is made provisionally within the Council's Revenue Budgets and Capital Programme from 2010/11.
3. ...

Budget and Policy Framework

156/09 Council Tax Base for 2010/11

The Council Cabinet considered a report on Council Tax Base for 2010/11. The Council had to calculate its 'council tax base' for 2010/11 as a means of raising council tax income for the 2010/11 financial year from Derby council tax payers. The tax base was an estimated figure of the number of domestic properties in terms of 'Band D' in the Council's area during the year. It was used to determine a headline charge for Band D properties in the city. Charges for other bands were calculated as defined fractions of the headline charge. The proposed council tax base for 2010/11 was 71,114.57 Band D equivalent properties compared with the 2009/10 council tax base of 70187.03. This represented an increase of 927.54 Band D equivalent properties.

The reasons for this increase were:

- An increase in the number of domestic properties within the city at the time of calculating the proposed council tax base for 2010/11 when compared to the figure used for calculating 2009/10 council tax base. The actual increase in domestic properties was 544.
- A reduction in the number of long term empty homes within the city from 2070 in 2009/10 to 1633 in 2010/11.
- When the council tax base was calculated for 2009/10 it included a forecasted reduction to take account of outstanding work at that time. Existing workload was up to date so no forecast was necessary for the 2010/11 council tax base calculation.

Decision

1. ...

2. To recommend Council In accordance with the methodology and estimates shown at Appendices 2 and 3 to approve this calculation.