

# ITEM 4

Time started – 6.00pm  
Time finished – 9.09pm

## NEIGHBOURHOODS COMMISSION 7 FEBRUARY 2011

Present: Councillor Troup (Chair)  
Councillors Barker, Berry, Harwood, Jackson and Rawson

In attendance: Councillors Carr, Holmes, Jennings, F Khan, Leeming, Marshall,  
Poulter, Radford, Richards, Webb & Wood.

### 70/10 Apologies for Absence

Apologies for absence were received from Councillors Batey and Redfern.

### 71/10 Late Items introduced by the Chair

The Chair informed the Commission that there was a late item on burial charges as this was the only opportunity to consider a decision on fee increases before they took effect.

### 72/10 Declarations of Interest

There were no declarations of interest.

### 73/10 Minutes of a Previous Meeting

The minutes of the meeting held on 9 December 2010 were confirmed as correct record and signed by the Chair.

### 74/10 Call-in

There were no call-ins to report to the Commission.

### 75/10 Councillor Call for Action

There were no Councillor Calls for Action to report to the Commission.

### 76/10 Responses of the Council Cabinet to any reports of the former Commissions

There were no responses of the Council Cabinet to report to the Commission.

### 77/10 Review of Bus Lanes – Interim report

The Commission considered a report of the Director of Planning and Environment Councillor Holmes, which reviewed all the bus lanes in the city. Councillor Holmes had requested the review to look at the advantages and disadvantages of all the city's bus lanes. Councillor Matthew Holmes informed the Commission that at an individual cabinet member meeting on 17 January 2011 he had been presented with the results of the review. He had tried to strike the right balance of the needs of car users, cyclists and the bus companies when he made his decision.

The Chair noted that there were no reasons recorded for the Cabinet Member's recommendations. Councillor Holmes stated that all the options had been considered and the matter had been debated at length.

The Trent Barton Managing Director, Jeff Counsell, stated that the bus lanes enabled high numbers of people to quickly travel to and from the city centre without using their cars. He argued that if the bus lanes were removed more people would again use their cars to commute. His company's research showed that 180,000 people a month use the service which runs on the Duffield Road bus lane. And of those service users 39 percent had chosen to take the bus rather than use their car. He added that Duffield Road bus lane was so successful that it was used as a model of best practice in the East Midlands. There were no grounds to remove the bus lane because of safety concerns because research had shown that the narrowing of roads forced drivers to slow down. He conceded that the Mileash Junction did need to be improved.

Councillor Webb stated that the local councillors had campaigned against the Kedleston Road bus lane and had been promised a review after six months. He stated that he was concerned for the safety of road users since the bus lanes had been installed. Differing timescales on the bus lanes was causing problems for motorists and cyclists were particularly in danger because of the narrow roads. Councillor Radford echoed Councillor Webb's safety concerns and said that the roads were now too narrow for cars, buses and cyclists to all safely use. Councillor Barker said that Nottingham had been used as a good example of bus lanes being used to good effect. But Nottingham was not comparable to Derby as its roads were wider and could cope with bus lanes being installed.

The Chair asked officers to clarify the safety aspect. The Head of Traffic, David Gartside, stated that the arguments for and against the improvements to traffic flow were balanced when the bus lanes were initially considered. In terms of safety, five years ago there were roughly 18 accidents a year. Since the bus lane was put in place there have been 11 accidents. If this was scaled up over the same period it would amount to roughly 15 per year. So there has been a drop in the number of accidents.

The Trent Barton Managing Director stated that perceptions of safety were an issue but they did not surmount to evidence, neither was 'an accident waiting to happen.' He added that his company were committed to road safety as they would not want their staff or passengers to be at risk of being involved in road accidents. Any impact on bus journey times would have huge cost implications to all bus companies.

Councillor Rawson asked how much it would cost to remove the bus lanes. The Cabinet Member for Neighbourhoods, Councillor Poulter, stated that in total it would cost about £40,000.

**Resolved to recommend to Cabinet that the bus lanes on Kedleston Road and Duffield Road should be retained for a further period and any decision to remove them should be taken only after a further twelve months to allow a fuller evaluation of the effectiveness of both**

*The above resolution was passed with the casting vote of the Chair*

## 78/10 Neighbourhoods Directorate Fees and Charges – Burial Charges

The Commission considered a report on the Neighbourhoods Directorate's increases to fees and charges for burials and cremations. The Cabinet Member for Neighbourhoods stated that he had considered this report at an individual cabinet member meeting on 2 February 2011. Concerns were raised from the Muslim community that they would be particularly affected by the price increases. He said that he had considered their representations and decided to follow the officer's recommendations. The main intention of the officer's report was to bring the Council's fees and charges into line with the regional average.

Councillor F Khan addressed the Commission stating that the increases to fees and charges were disproportionate to the costs incurred. In some cases the charges had increased by 200 percent. The Council should not be generating income when providing these services. He questioned whether an equality impact assessment had been carried out as Muslim communities would be the most adversely affected. The Head of Trading Standards and Bereavement Services, Julian DeMowbray, informed the Commission that his team had bench marked their pricing structure against comparable neighbouring authorities. The Council's pricing policy was well below its neighbours and the new fees and charges were now an average of the consultation results.

Councillor Rawson asked what had prompted the price increases. The Head of Trading Standards and Bereavement Services stated that it was simply to bring the Council's pricing strategy on a par with neighbouring authorities. The crematorium did need significant investment but this would come from capital funding.

Councillor Carr expressed concern that the charges appeared to target Muslim residents who had no other choice than to bury their relatives. He added that often residents from these backgrounds came from deprived areas.

Councillor Poulter assured the Commission that this was not a money making exercise. The bench marking exercise was to ensure that the price rises were not over the top.

Councillor F Khan stated that there was nothing requiring the Council to meet the national or regional average. The amount the Council decided to charge was at its discretion. Councillor Berry stated that he had assessed the base line costs and he

did not think these charges would discriminate against anyone. Councillor Harwood stated that he thought that graves that were dug seven feet and six inches should cost more than one that is four feet six inches because it required more work.

The Scrutiny Co-ordination Officer informed the Commission that Councillor Poulter had already taken the decision on this report. Members could only request that he reconsidered his original decision.

**Resolved to accept the decisions made by the Cabinet Member for Neighbourhoods on burial fees and charges**

**79/10 Dog Fouling Resolution – Response**

The Commission considered the actions taken by the Cabinet Member for Neighbourhoods in response to a resolution made at Council on 7 July 2011.

Councillor Harwood asked what the 88.7 percent of reported incidents equated to as a numerical value. The Head of Environmental Health and Licensing, Mike Kay, stated that he did not have the breakdown of the figures. Councillor Poulter stated that it equated to roughly 90 incidents a month.

Councillor Berry stated that this issue was regularly discussed at neighbourhood forums. He added that this could be dealt with by more explicit signage in the wards and asked for details of costs to be circulated to the neighbourhood managers to enable the boards and forums to consider using this option to solve the problem. The Head of Environmental Health and Licensing stated that it was an issue of enforcement and education. The more modern signage near recently installed bins was much clearer than at earlier installed locations. There were issues enforcing the dog fouling at night.

Councillor Rawson asked how dog fouling hotspots were identified. The Head of Environmental Health and Licensing stated that both members of the public and councillors identified dog fouling hotspots and officers welcome their continued support.

**Resolved to support the campaign and recommend officers to:**

- A. investigate improvements to signage,**
- B. note the difficulties of enforcement work at night; and**
- C. request that councillors notify officers of dog fouling hotspots.**

**80/10 Highways and Transport Works Programme - Process**

The Commission received an update by the Team Leader for Transport Programming and Performance, Sam Divall, on the development of the 2011/12 programme, the stages involved and the consultation undertaken. The 8 March meeting would have the detailed programme to comment on prior to submission to Cabinet for approval.

Councillor Rawson expressed his disappointment in the large drop in funding for the programme from £5.5m to £3m. He added that the Council should be investing in the road infrastructure.

Councillor Berry asked for clarification of the process behind section 106 agreements and how they were allocated. Head of Spatial and Transport Planning, Rob Salmon, informed the Commission the allocation of section 106 agreements were governed by Council's planning policies. The Council was not looking to make a profit out of section 106 agreements but to mitigate the impact of a development.

Councillor Rawson asked if any funding had been allocated for repairs to footways. The Director of Planning and Transportation stated that these repair schemes were funded by both revenue and capital. Officers were trying to decide how to invest this money but there were pressures on the funding.

### **Resolved to note the update**

## **81/10      Derby LIVE**

The Commission considered a presentation by the Director of Derby LIVE, Peter Ireson, informing the Commission of the progress made since their last update in February 2010. He informed the Commission that in Autumn 2010 Arts Council England (ACE) announced a new funding regime whereby its existing portfolio of Regularly Funded Organisations (RFOs) would be replaced by National Portfolio Organisations (NPOs). This scheme was open to all organisations and not just to the existing RFOs. Derby LIVE assembled a bid which, based on its track record of success and the recommendations of the ACE consultant's report, was thought to be extremely strong. However the University of Derby, which owns the lease to Derby Theatre, committed to submitting its own bid through the entity University of Derby Theatre Ltd (UDTL). As it was predominantly felt that two bids could be counterproductive and that UDTL's charitable trust status better met ACE's governance expectations, it was decided that Derby LIVE would not submit their bid and that instead, the Council would support Derby Theatre's bid. The closing date for the bids was 24 January 2011 and the result of the application will be made public on 31 March 2011. The new funding will run from April 2012.

Councillor Rawson asked if any jobs would be affected. The Director of Derby LIVE stated that 18 members of staff could be affected and the University had said that they would take the staff on should their bid be successful.

Councillor Jackson asked if they would be eligible for grant funding from the Council. The Director of Derby LIVE stated that they could have access to £250,000 match funding.

Councillor Barker asked if the Council would be liable if the University's bid was unsuccessful. The Director of Derby LIVE stated that the Council would only provide the funding if the bid was successful. If it was unsuccessful then they would be able to produce theatre from other groups.

The Chair asked if this would be a disadvantage to lose the theatre for Derby LIVE. The Director of Derby LIVE stated that it would be a disappointment if their business plan was not as successful as the Derby LIVE model.

**Resolved to congratulate Derby LIVE for their achievements and success so far and to request an update following the conclusion of the University's bid for funding to the Arts Council for England**

## 82/10      Matters referred to the Commission by Council Cabinet

There were no items referred to the Commission by Council Cabinet.

## 83/10      Retrospective Scrutiny

There were no items of retrospective scrutiny raised by the Commission.

## 84/10      Council Cabinet Forward Plan

The Scrutiny Co-ordination Officer reported the items on the Forward Plan relevant to the Commission's remit.

MINUTES END