

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Council Chamber at the Council House, Derby on Wednesday 10 September 2008 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 16 July 2008 and the Extraordinary Meeting of the Council on 20 August 2008. **DOCUMENTS 3, 3A**

Motion - That the minutes of the Meeting of the Council held on 16 July 2008 and the Extraordinary Meeting of the Council held on 20 August 2008 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. Sheila Hartle - 17/17A bus route servicing Darley Abbey
 - b. Chris Wynn - Residents only parking in Markeaton and Pybus Streets
 - c. Chris Wynn - Duffield Road Bus Lane
 - d. Jean Lung - Closure of play areas in Sinfen
 - e. Gary Crisp - Chellaston Business Park – change in size
 - f. Gary Crisp - Chellaston Business Park – Traffic Modelling
 - g. John Bowden - Chellaston Business Park - T12 route
 - h. John Bowden - Chellaston Business Park – potential “rat-running” through residential roads

(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.
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 dispose of the following business deferred from the meeting on 15 July 2008:

To consider the minutes and recommendations of the Taxi Licensing and Appeals Committee dated 9 July 2008 requiring the approval of the Council.

DOCUMENT 9

07/08 Request for Relaxation of 'Contract Hire' Exemption Regime

DOCUMENT 9A

To request Council to approve the amendments to the Council's Private Hire Driver Conditions, Private Hire Vehicle Conditions, Private Hire Operator Conditions and Specification for Private Hire Vehicles.

Motion - To approve the minutes and recommendations of the Taxi Licensing and Appeals Committee dated 9 July 2008.

10. To consider the minutes and recommendations of the Council Cabinet dated 29 July 2008 and 2 September 2008 requiring the approval of the Council.

**DOCUMENT 10
DOCUMENT 10B
TO FOLLOW**

54/08 Capital Programme 2008/09 – 2010/11 - Update

DOCUMENT 10A

1. To recommend that Council note the capital funding shortfall of £6.981m, which was mainly due to the need to upgrade all the personal computers across the Council through an 'ICT Desktop Refresh Programme', Connecting Derby and Gayton Pool Capital schemes, and agrees to funding this shortfall by a combination of:
 - A carry forward amount of unallocated borrowing from 2007/08 (£0.360m)
 - Unallocated Local Authority Business Growth Incentive (LABGI) grant (£0.655m)
 - a detailed review of the capital programme with the intention of increasing the level of capital expenditure which could be supported from the base budget for unsupported borrowing (estimated at £5.488m)
 - review of which schemes were funded from unsupported borrowing, to make best use of the regulations that related borrowing costs to asset lives (£0.478m)

2. To recommend that Council agrees to :

- offset the unallocated unsupported borrowing of £1.561m in the 3 March 2008 report against the £1.7m shortfall in capital receipts.
- allocate the £600k budget previously set aside for the 'Time and Place' project funded from corporate capital reserves, to the Cathedral Green project
- the revised programme for schemes funded by Growth Points for 2008/09 as set out in paragraph 3.8 and advise the Public Realm Board to manage the reduced allocation from £1.475m to £0.9m within the programme, and to manage the over programming in conjunction with the Derby Housing Market Area Board.

Motion – To approve the minutes and recommendations of the Council Cabinet dated 29 July 2008 and 2 September 2008.

11. To consider a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive

DOCUMENT 11

Motion – To note the report

12. To consider a report of the Director of Corporate and Adult Services concerning Appointments to Derby Homes Independent Board

**DOCUMENT 12
TO FOLLOW**

Motion – To follow

13. To consider a report of the Director of Corporate and Adult Services concerning Appointments to Outside Bodies.

DOCUMENT 13

To approve the appointments.

14. To consider the following Notices of Motions:

- (1) Councillor Bolton to move, Councillor Williamson to second:

“Council acknowledges that the previous administration set aside funding from the LABGI to fund the construction of a new library in Chaddesden Ward.

Council therefore calls on the new Lib Dem administration to honour that commitment and set a commencement date at the next Council Cabinet.”

- (2) Councillor Hussain to move, Councillor Williamson to second:

“Council is concerned by the proposed increase in burial charges of between 40% and 80% being proposed by the Council Cabinet.

Council is aware that representatives of community groups have registered their displeasure at not being consulted about the contents of the report on this issue that was submitted to the Council Cabinet in July.

Council understands that many of the assertions being made by the Lib Dem administration have been vigorously disputed by those groups.

Council believes the actions of the Lib Dem administration has compromised and potentially jeopardised the Council's previously excellent relations with communities across the city.

Council therefore agrees to censure the Lib Dem Council Cabinet for the incompetent and arrogant way in which it ploughed ahead with its plans, even when they were made aware of the community's concerns.

Council therefore agrees to refer the whole issue of revised burial charges to the relevant Overview and Scrutiny Commission.

Council requests the relevant Overview and Scrutiny Commission to undertake a thorough examination of the reasons behind the colossal cost differentials between the charges being proposed by Derby's Lib Dem administration compared to surrounding local authorities.

At the conclusion of its review, Council further requests the relevant Overview and Scrutiny Commission to make appropriate recommendations to the Council Cabinet."

(3) Councillor Banwait to move, Councillor Williamson to second:

"Council believes a Public Transport Charter, agreed in partnership between the Council, passengers and major bus companies, would address the public's main concerns around improving punctuality, customer service, cleanliness and security.

Council recognises that the rising cost of motoring is making public transport an increasingly attractive option. However, Council is concerned that with the recent increase in bus ticket prices, there is a greater need to ensure Derby's bus passengers get value for money.

Council wants to see maximum flexibility offered to commuters and other members of the travelling public at the earliest opportunity. Council considers that an integrated ticketing service, valid on different routes and accepted by different companies, should be one of the first steps towards the introduction of a Public Transport Charter.

Council therefore calls on the Council Cabinet, to immediately start negotiations with Arriva and Trent/Barton, to develop proposals for a Public Transport Charter that would include:

1. An Integrated Single Ticketing system
2. The appointment of members of the public to act as 'Route Champions' to monitor standards on individual routes throughout the city."

(4) Councillor Banwait to move, Councillor Williamson to second:

"Council acknowledges its responsibility to find innovative ways of promoting democracy by making voting more accessible.

Council approved a motion in 1995 calling for polling in all elections to take place on weekends.

Council recognises that since Thursday voting was introduced in 1972, the nature of society and the patterns of people's lifestyles have changed considerably making it more difficult for many of Derby's working people to vote during the week.

Council therefore instructs officers to:

1. Respond to the Government's consultation paper on Weekend voting before the deadline of 28 September 2008, reiterating the Council's policy agreed in 1995.
2. To offer Derby as a pilot in 2010.
3. Investigate establishing polling stations at busy shopping centres and local incentives to encourage people to vote."

(5) Councillor Banwait to move, Councillor Williamson to second:

"Council acknowledges the great sacrifice and contribution made by many of Derby's Black and Asian veterans in the two world wars, and since.

Council recognises the important role it can play in raising awareness to the people of Derby, about the sacrifice and contribution made by people from many diverse cultures and nations, some who, like the Ghurkhas, have settled in Derby.

Council therefore calls on the Mayor's Office to work in partnership with the British Legion and community groups to raise awareness of the contribution of Black and Asian Veterans through exhibitions and the media, and invite them to participate in this year's and future Remembrance Services."

- (6) Councillor Hickson to move, Councillor Jennings to second:

“Council notes with concern the serious financial irregularities related to Derwent New Deal and the inability of the Council to be able to produce a comprehensive report, which will enable both Council Members and Government to be able to assess the scale of the financial mismanagement and fiscal losses of the New Deal, which has received in excess of £40 million of public money.

Council therefore calls on both the Secretary of State for Communities and Local Government in conjunction with Government Office East Midlands, to instigate a full and comprehensive public enquiry into Derwent New Deal as a matter of urgency, so that a full picture of the losses to public funds can be uncovered.”

- (7) Councillor Hickson to move, Councillor Jennings to second:

“Council notes with concern the extraordinary high costs to move mobile telephone masts at the former Homelands School site, which have resulted in an overall cost to this Council of £250,000 made up of capital and unsupported borrowing. Such expenditure cannot be in the interests of the Council Tax payers of this city and tighter control over contracts therefore needs to be exercised.

Council therefore calls upon the Council Cabinet to:

1. Establish a strict protocol for entering into contracts with mobile phone operators.
2. Make sure any future contracts with mobile phone operators leave room for the Council to terminate agreements at reasonable rather than punitive costs.
3. Identify any other mast removal schemes in the last five years or which are foreseen where compensation has been paid or may be paid to operators and the quantum of those costs.
4. Remove any delegated powers where they exist to agree to such expenditure in the future without the authority of the Cabinet.”

- (8) Councillor Grimadell to move, Councillor Marshall to second:

“The project to rebuild the Chaddesden Library is a matter of huge concern to Chaddesden residents and has been promised and budgeted for in the current financial year. The current building cannot last much longer and is a serious hazard to the public.

Council therefore notes with concern the perceived threat to Chaddesden Library as enunciated by the Leader of the Council at the July Cabinet meeting which is totally unacceptable.

Council therefore requests the Leader of the Council to make an immediate public statement that the rebuilding of the library will continue as planned in the current financial year.

Council also requests Cabinet to provide a report to its next meeting outlining final costs and plans for the Chaddesden Library project and a date when a start will be made on site.”

Director of Corporate and Adult Services
and Deputy Chief Executive

COUNCIL MEETING 15 JULY 2008

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

Apologies for Absence

Apologies for absence were received from Councillors Batey, Berry, Ginns, Grimadell, Leeming, Mitchell, Repton and Williams.

Declarations of Interest

Councillors Banwait, Baxter, Bolton, Care, Carr, Harwood, Richards, Shanker, Willoughby, Wood (Chair) stated as a the point of information that, as members of the Planning Control Committee, they would not be involved in any debate or decision with regard to item 17 on the agenda (Notices of Motion - Motion 7).

Personal and prejudicial interests were recorded by Councillors Care, Willoughby, and Webb in item 17 on the agenda (Notices of Motion – Motion 7).

A personal interest was declared by Councillor Baxter in item 17 on the agenda (Notices of Motion – Motion 7).

29/08 Minutes of the Previous Meeting

Resolved that the minutes of the Annual Meeting of the Council held on 21 May 2008 be approved as a correct record, confirmed and signed by the Mayor subject to the attendance list be amended substituting Councillor Dhamrait for Councillor Banwait.

30/08 Announcements from the Mayor

The Mayor reported with sadness two deaths, one of a former Mayoress and the other of a former Chief Officer in the Council. Loretta McGiven was Mayoress in 1995/96 and was widowed earlier this year when her husband John passed away. The Mayor said that she was able to represent the Council at her funeral service.

Norman Rushton passed away earlier this month in Hereford aged 89. He served the Council for many years, retiring as Baths and Entertainments Manager, a role that included responsibility for the Assembly Rooms that opened in 1977.

The Mayor referred to the recent centenary celebrations held by Rolls Royce and stated that she had attended an event with the Council's Chief Executive to commemorate this centenary. She stated that she wished to place on record the Council's congratulations to Rolls Royce and thanked the company for its valuable contribution to the City of Derby.

31/08 Public Questions

Questions from members of the public were asked as follows:

1. By Mrs J Blaney, regarding the Wilkins Drive sewer, answered by Councillor Troup, Council Cabinet Member for Public Protection and Housing.
2. By Mr Martin Sear, regarding reducing carbon emissions, answered by Councillor Troup, Council Cabinet Member for Public Protection and Housing.
3. By Mr A Dunn, regarding the future of the 'Hilton Memorial Gardens', answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Corporate Policy and Economic Development.
4. By Mr A Dunn, regarding the possible misuse of Council powers, answered by Councillor Jones, Leader of Council, and Council Cabinet Member for Corporate Policy and Economic Development.
5. By Colin Underhill, regarding development plans for the Cathedral Quarter/Lanes, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Corporate Policy and Economic Development.
6. By Colin Underhill, regarding mass on-street parking, answered by Councillor Care, Council Cabinet Member for Planning and Transportation.

32/08 Written Questions about the Business or Functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited.

Questions were asked as follows:

1. By Councillor Jennings to the Chair of the Police Authority, concerning the Police budget for 2008/09 answered by Carol Blister, Vice Chair of Derbyshire Police Authority.
2. By Councillor Holmes to the Chair of the Police Authority, concerning liquor licensing, answered by Carol Blister, Vice Chair of Derbyshire Police Authority.

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

33/08 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 Graves, concerning capital expenditure for the Alvaston District Centre, answered by Councillor Care, Council Cabinet Member for Planning and Transportation.
2. By Councillor Williamson, concerning the Liberal Democrats campaign handbook, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Corporate Policy and Economic Development.
3. By Councillor Bayliss, concerning attendance at the Community Commission meeting on 21 July 2008, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
4. By Councillor Williamson, concerning the provisions relating to wasting Police time contained within Section 5(2) of the Criminal Law Act 1967, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Council Policy and Economic Development.
5. By Councillor Hussain, concerning the estimated cost of empty beds in Care Homes and current unoccupied beds, answered by Councillor Skelton, Council Cabinet Member for Adult Services and Health.
6. By Councillor Williamson, concerning confidence in the Council's Senior Officers, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Corporate Policy and Economic Development.

34/08 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 8 July 2008.

35/08 Minutes and Recommendations of the Personnel Committee

The Council considered the minutes and recommendations of the Personnel Committee, requiring the approval of the Council, set out in Appendix B to these minutes.

Resolved, on the motion of Councillor Rawson, to approve the minutes and recommendations of the Personnel Committee, subject to Councillor Hird replacing Councillor Carr to serve on the Disputes Sub Committee for the remainder of the current municipal year.

36/08 Minutes and Recommendations of the Taxi Licensing and Appeals Committee

The Council considered the minutes and recommendations of the Taxi Licensing and Appeals Committee, requiring the approval of the Council, set out in Appendix C to these minutes.

Resolved, on the motion of Councillor Redfern, to approve Minute 06/08 of the Taxi Licensing and Appeals Committee “The Proposed Licensing of Tuk-Tuks and Rickshaws in Derby” and to defer Minute 07/08 of the committee “Request for Relaxation of ‘Contract Hire’ Exemption Regime” to the next meeting of Council.

37/08 Minutes and Recommendations of the Standards Committee

It was moved by Councillor Care, and seconded, that the Council meeting adjourn for a period of ten minutes and the motion was put to the meeting and carried.

Resolved that the meeting adjourn for a period of ten minutes from 6:20pm

The meeting reconvened at 6.30pm .

Resolved, on the motion of Councillor Jones, to approve the minutes and recommendations of the Standards Committee dated 14 July 2008.

38/08 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 previous meeting.

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

39/08 Appointments to Outside Bodies and Amendments to Cabinet Portfolios and Champions

The Council considered a report of the Director of Corporate and Adult Services concerning Appointments to Outside Bodies and Amendments to Cabinet Portfolios and Champions.

During the debate on this report, the Mayor asked that the following be minuted:

- a) That Councillor Care had reluctantly accepted the nomination to Derby Rape Crisis but had stated that, in view of her Cabinet Member commitments, she may not be able to attend meetings of this group.
- b) That nominations of Councillors Hird and Skelton to Derby Women’s Centre Steering Committee had been proposed, seconded and carried by the Council, but that Councillors Hird and Skelton had declined the nominations.

Resolved

1. To approve the following appointments to Outside Bodies, as amended, for the remainder of the current municipal year:

- **Community Legal Advice Centre (CLAC) Liaison Board: Councillor Nath**
- **Compact Forum: Councillor Troup**
- **Derby City Partnership (DCP) Groups – State of the City Forum: Councillor Hird**
- **DCP Groups – External Funding Management Group: Councillor Jones**
- **Derby Homes Limited – Board: Councillor Batey**
- **English Churches Housing Group Midland Customer Focus Group: Lisa Callow - Housing Options Manager**
- **Local Authorities World Heritage Forum: One officer to be nominated by the Corporate Director, Regeneration and Community.**
- **Derby Women's Centre / Steering Committee: Councillors Ginns and Mitchell**
- **Derbyshire Rape Crisis: Councillors Care and Winter**

The appointments to the State of the City Forum, Compact Forum and Derby Homes Limited are in addition to those approved at the Full Council meeting of 21 May 2008.

2. To remove the following bodies from the Outside Bodies list:

- **Derby Community Legal Service Partnership Board**
- **Derbyshire Learning Partnership**
- **Early Years Development and Childcare Partnership**
- **Local Government Association – Tourism Forum**
- **Derby Playhouse**

3. Appointments to Charities

To approve the re-appointment of Councillor Bolton for a four-year term as the Council representative on the Wilmot, Gilbert and Berrysford charity. The term is to run from 3 September 2008 to 2 September 2012.

4. Amendments to Cabinet Portfolios and Champions

- **To transfer 'Community Legal Services' from Housing and Public Protection to Direct and Internal Services .**
- **To transfer 'External Regeneration Funding' from Corporate Policy and Economic Development to Direct and Internal Services.**
- **To designate Councillor Naitta as the Play Champion in place of Councillor Allen.**

40/08 Appointment of Co-optees to the Climate Change Commission

The Council considered a report of the Director of Corporate and Adult Services concerning the Appointment of Co-optees to the Climate Change Commission.

Resolved to approve the co-option of Peter Robinson and Bob Hewins (from the Derby Climate Change Campaign) and Jeremy Fisk to the Climate Change Commission for the 2008/09 municipal year.

41/08 Establishment of Joint East Midlands Health Overview and Scrutiny Committee

The Council considered a report of the Director of Corporate and Adult Services on the establishment of a Joint East Midlands Health Overview and Scrutiny Committee.

Resolved:

- 1. To approve the appointment of a Joint East Midlands Health Overview and Scrutiny Committee.**
- 2. To appoint the chair and vice chair of the Adult Services and Health Commission to the Joint East Midlands Health Overview and Scrutiny Committee.**
- 3. To authorise the Adult Services and Health Commission to approve the protocols governing the workings of the Joint Committee.**

42/08 Notices of Motion

1. Licensing Statement to Policy

It was moved by Councillor Hickson, and seconded, that the current problems being generated by binge drinking and extended licensing hours are causing a major problem to the streets of the City of Derby and to local residents.

Police resources are stretched to the limit by the need to police the problems of anti social behaviour and crime caused by excess use of alcohol and the increase in late license applications outside the city centre is also adding to police staffing difficulties.

Council are also concerned about the ability of young people to gain access to alcohol when they should not be entitled to do so, the poor management of some licensed premises and considers that enforcement of the regulations relating to underage selling could be more stringent.

It seems clear that the Licensing Policy is currently too weak to deal with these issues satisfactorily and needs to now be reviewed so that it is far more robust and so that it gives the Licensing Committee stronger and more easily defined powers.

Council therefore calls on the Licensing Committee to launch an urgent and major review of the Licensing Policy of this Council, to involve the relevant Overview and Scrutiny Commission in that review and to come back to Council within six months with tighter, more responsive and more robust Licensing Policy for approval.

It was moved by Councillor Roberts, and seconded, that the motion be amended at paragraph 5 by the deletion of the words “and to come back to Council within six months with tighter, more responsive and more robust Licensing Policy for approval”.

(The effect of the amendment, if approved, was that the motion at paragraph 5 would read as follows:

“Council therefore calls on the Licensing Committee to launch an urgent and major review of the Licensing Policy of this Council, to involve the relevant Overview and Scrutiny Commission in that review.”)

The amendment was put to the meeting and carried.

Resolved, that the current problems being generated by binge drinking and extended licensing hours are causing a major problem to the streets of the City of Derby and to local residents.

Police resources are stretched to the limit by the need to police the problems of anti social behaviour and crime caused by excess use of alcohol and the increase in late license applications outside the city centre is also adding to police staffing difficulties.

Council are also concerned about the ability of young people to gain access to alcohol when they should not be entitled to do so, the poor management of some licensed premises and considers that enforcement of the regulations relating to underage selling could be more stringent.

It seems clear that the Licensing Policy is currently too weak to deal with these issues satisfactorily and needs to now be reviewed so that it is far more robust and so that it gives the Licensing Committee stronger and more easily defined powers.

Council therefore calls on the Licensing Committee to launch an urgent and major review of the Licensing Policy of this Council, to involve the relevant Overview and Scrutiny Commission in that review.

2. Bramblebrook Residential Care Home

With the consent of the Council, Councillor Holmes withdrew this motion.

3. Play Areas

It was moved by Councillor Willoughby, and seconded, that before the local elections it was revealed that up to ten play areas would be closed as part of a package of budget cuts to be instigated. The play areas were not identified.

Council therefore calls on Council Cabinet to identify the ten play areas that are at risk and to bring forward immediate proposals that will stop the closure of these play areas.

It was moved by Councillor Carr, and seconded, that the second paragraph of the motion be amended by the deletion of the words “ten” and “immediate” and “that will stop the closure of these play areas” with the insertion of the words “to review the need to close” after the deleted word “proposals”.

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

Council therefore calls on Council Cabinet to identify play areas that are at risk and to bring forward proposals to review the need to close any.”)

The amendment was put to the meeting and lost.

It was moved by Councillor Care, and seconded, that the second paragraph of the motion be amended by the deletion of the word “immediate”.

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

“Council therefore calls on Council Cabinet to identify the ten play areas that are at risk and to bring forward proposals that will stop the closure of these play areas.”)

The amendment was put to the meeting and lost.

It was moved by Councillor Roberts and seconded, that the words “unless a local replacement is being provided” be inserted after the final word in the motion.

The amendment was put to the meeting and carried.

Resolved that before the local elections it was revealed that up to ten play areas would be closed as part of a package of budget cuts to be instigated. The play areas were not identified. Council therefore calls on Council Cabinet to identify the ten play areas that are at risk and to bring forward immediate proposals that will stop the closure of these play areas, unless a local replacement is being provided.

4. Duffield Road Bus Lane

It was moved by Councillor Willoughby, and seconded, that the Duffield Road bus lane has been the source of major complaints from local residents in Darley and Allestree Wards.

The narrowness of the lanes has meant that residents trying to get cars into their properties remains fraught with danger and it also remains extremely dangerous for cyclists due to the narrowness of the incoming and outgoing lanes. Congestion has not been eased and overtaking stationary vehicles or buses on the outgoing lane is very hazardous indeed. Nor is there any justification for the bus lane to be in force 24 hours a day when congestion is limited to little more than an hour at the beginning and end of the rush hour on Mondays to Fridays.

The intention to improve bus journey times has not had the required result and when balanced against the health and safety of pedestrians, cyclists, residents and car users and the increase in pollution from stationary cars and the increase in journey times for motorists entering and leaving the City it means that the bus lane has been an unmitigated failure.

Council therefore calls on the Council Cabinet to bring a report to its next meeting to end this experiment and to return Duffield Road to the way it was before the bus lanes were introduced.

It was moved by Councillor Care, and seconded, that paragraph 3 of the motion be amended with the deletion of the word “not” and the replacement of the words “and when” with “but” and the insertion of the word “possible” before the word “increase” and the deletion of the words “has been unmitigated failure” and the insertion of the words “need careful consideration”.

Additionally further amendment be made to paragraph 4 of the motion with the deletion of the words “end this experiment to return Duffield Road to the way it was before the bus lanes were introduced” and the insertion of the words “evaluate the operation of the bus lane and decide if the experiment should continue, be amended or be abandoned”.

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

“The Duffield Road bus lane has been the source of major complaints from local residents in Darley and Allestree Wards.

The narrowness of the lanes has meant that residents trying to get cars into their properties remains fraught with danger and it also remains extremely dangerous for cyclists due to the narrowness of the incoming and outgoing lanes. Congestion has not been eased and overtaking stationary vehicles or buses on the outgoing lane is very hazardous indeed. Nor is there any justification for the bus lane to be in force 24 hours a day when congestion is limited to little more than an hour at the beginning and end of the rush hour on Mondays to Fridays.

The intention to improve bus journey times has had the required result but when balanced against the health and safety of pedestrians, cyclists, residents and car users and the possible increase in pollution from stationary cars and the increase in journey times for motorists entering and leaving the City it means that the bus lane needs careful consideration.

Council therefore calls on the Council Cabinet to bring a report to its next meeting to evaluate the operation of the bus lane and decide if the experiment should continue, be amended or abandoned.”)

The amendment was put to the meeting and lost.

The substantive motion was put to the meeting and lost.

Duration of Meeting

In accordance with Rule CP10 it was moved by Councillor Turner, and seconded, that the meeting continue beyond four hours. The motion was put to the meeting and lost.

5. Gayton Pool

Resolved, on the motion of Councillor Marshall, that in view of the Liberal Democrats’ promise to save Gayton Pool both before and during the local elections, it is now time for them to deliver on that promise.

Council therefore calls on the Council Cabinet to bring forward proposals to repair and re-open the pool and calls upon the Leader of the Council to make a definitive statement about when the pool will be repaired and when it will be brought back into use.

Duration of Meeting

In accordance with Rule CP10, it was moved by Councillor Bayliss, and seconded, that the meeting continue until all business had been considered. The motion was put to the meeting and lost.

6. Council Mortgages

It was moved by Councillor Williamson, and seconded, that Council acknowledges that the previous administration created a climate that had insulated the city from the effects of the credit crunch.

The policies the previous administration pursued brought inward investment to regenerate the city, which in turn created jobs and prosperity for growing numbers of Derby's residents.

Council agrees that the housing market is important to the city's booming economy but is currently very fragile.

Council believes the authority should intervene in a failing mortgage market to ensure the city's economy continues to grow.

Council therefore calls on the council cabinet to investigate using the authority's access to prudential borrowing to provide mortgages to first time buyers and people under threat of repossession.

Council further agrees to write to the secretary of state to amend section 438 and schedule 16 of the 1985 Housing Act to allow local authorities to set their own interest rates.

In accordance with Rule CP10 the meeting finished at 10:00pm and the remaining business would be considered at a time and date to be fixed by the Mayor or, if she did not fix a date, at the next ordinary meeting of the Council.

Mayor

**EXTRAORDINARY COUNCIL MEETING
20 AUGUST 2008**

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

Apologies for Absence

Apologies for absence were received from Councillors Hickson, Jones, R Khan, Nath, Repton, Roberts and Skelton

Declarations of Interest – Minute No. 43/08(2)

Councillors Banwait, Baxter, Bolton, Care, Harwood, Richards, Willoughby and Wood stated, as a point of information, that, as members of the Planning Control Committee, they would not be involved in any debate or decision with regard to item 3(2) on the agenda.

Councillors Batey, Keane, Webb and Willoughby declared personal and prejudicial interests in Item 3(2) on the agenda because of their employment by Rolls Royce plc or an associated company.

Councillor Chera declared a personal interest in Item 3(2) on the agenda because his brother was employed by Rolls Royce plc.

Councillor Care declared a personal and prejudicial interest in Item 3(2) on the agenda because her husband was employed by Rolls Royce plc.

All of the above Members, except Councillors Chera and Wood, withdrew from the meeting during consideration of Item 3(2).

Announcements from the Mayor

The Mayor congratulated Councillors Higginbottom and Williams on being accepted as IdEA Peer Members following their participation in the recent member development programme.

The Mayor welcomed Councillor Keane, the newly elected Member for Darley Ward, to his first Council meeting.

1. *Council Mortgages*

At the previous meeting, it had been moved by Councillor Williamson, and seconded, that Council acknowledges that the previous administration created a climate that had insulated the city from the effects of the credit crunch.

The policies the previous administration pursued brought inward investment to regenerate the city, which in turn created jobs and prosperity for growing numbers of Derby's residents.

Council agrees that the housing market is important to the city's booming economy but is currently very fragile.

Council believes the authority should intervene in a failing mortgage market to ensure the city's economy continues to grow.

Council therefore calls on the council cabinet to investigate using the authority's access to prudential borrowing to provide mortgages to first time buyers and people under threat of repossession.

Council further agrees to write to the secretary of state to amend section 438 and schedule 16 of the 1985 Housing Act to allow local authorities to set their own interest rates.

The motion was put to the meeting and lost.

2. *Site for Traveller Communities*

Resolved, on the motion of Councillor Shanker, that Council accepts its obligation, under Section 225 of the 2004 Housing Act to provide a suitable site to accommodate Traveller communities.

But, Council acknowledges that the proposal to establish a permanent site on Russell Street is now opposed by Rolls Royce who currently own it as well as local residents and other businesses who are concerned that it could have a negative impact on the eagerly awaited Osmaston Master Plan.

Council therefore calls on the Council Cabinet to formally withdraw the planning application DER/04/08/00610 and give an undertaking that no site will be established within the Osmaston Triangle.

Council agrees that the unauthorised site on Glossop Street should be cleared at the earliest opportunity.

Council therefore calls on the Council Cabinet to establish a permanent site as soon as possible by identifying and acquiring an alternative more suitable location in public or private ownership.

3. *Unofficial Car Sales*

Resolved, on the motion of Councillor Bayliss, that the Council calls upon the Cabinet Member for Transportation to immediately:

- 1. introduce in consultation with the traders and residents, parking measures that prevent cars being offered for sale on Harvey Road in Alvaston and Boulton wards.**
- 2. consider drafting a byelaw to prevent this occurring on Council owned or controlled land across the city.**
- 3. lobby Government for a change in the law to remove this blight from the streets of our city.**

Mayor

MINUTES OF TAXI LICENSING AND APPEALS COMMITTEE REQUIRING THE APPROVAL OF COUNCIL

TAXI LICENSING AND APPEALS COMMITTEE 9 JULY 2008

Present: Councillor Redfern (in the Chair)
Councillors Baxter, Hussain, Leeming, Lowe, Rawson, Richards,
Skelton, Williams and Winter

07/08 Request for Relaxation of 'Contract Hire' Exemption Regime

The Committee considered a report from the Director of Environmental Services on a Request for Relaxation of 'Contract Hire' Exemption Regime. When this issue was initially considered at the Taxi Licensing and Appeals Committee on 23 April 2008, members agreed for officers to meet with trade representatives to seek their views and report views back to a Cross Party Working Group who would then make recommendations to Committee.

Resolved

- 1. To note the report;**
- 2. To request Council to approve the amendments to the Council's Private Hire Driver Conditions, Private Hire Vehicle Conditions, Private Hire Operator Conditions and Specification for Private Hire Vehicles.**

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET
29 JULY 2008

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

In attendance: Councillors Hickson, Jennings, Hussain and
Williamson

This record of decisions was published on 31 July 2008. 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

54/08 Capital Programme 2008/09 – 2010/11 - Update

The Council Cabinet considered a report on Capital Programme 2008/09 – 2010/11 – Update. The report summarised major developments relating to the capital programme since it was approved by Council on 3 March 2008 and makes recommendations to amend the programme to remain within available resources.

Decision

3. To approve, subject to confirmation of the timescale for the schedule of works, the carrying out of repairs at Gayton Pool as a result of the court order decision at an estimated cost of £0.6m.
4. To recommend that Council note the capital funding shortfall of £6.981m, which was mainly due to the need to upgrade all the personal computers across the Council through an 'ICT Desktop Refresh Programme', Connecting Derby and Gayton Pool Capital schemes, and agrees to funding this shortfall by a combination of:
 - A carry forward amount of unallocated borrowing from 2007/08 (£0.360m)
 - Unallocated Local Authority Business Growth Incentive (LABGI) grant (£0.655m)
 - a detailed review of the capital programme with the intention of increasing the level of capital expenditure which could be supported from the base budget for unsupported borrowing (estimated at £5.488m)
 - review of which schemes were funded from unsupported borrowing, to make best use of the regulations that related borrowing costs to asset lives (£0.478m)

5. To recommend that Council agrees to :

- offset the unallocated unsupported borrowing of £1.561m in the 3 March 2008 report against the £1.7m shortfall in capital receipts.
- allocate the £600k budget previously set aside for the 'Time and Place' project funded from corporate capital reserves, to the Cathedral Green project
- the revised programme for schemes funded by Growth Points for 2008/09 as set out in paragraph 3.8 and advise the Public Realm Board to manage the reduced allocation from £1.475m to £0.9m within the programme, and to manage the over programming in conjunction with the Derby Housing Market Area Board.

A reworked scaled back capital programme for 2009/10 and 2010/11 in order to remain within available Growth Point capital resources by the end of 2008.