

Time commenced - 6:00 pm
Time finished - 9:17 pm

COUNCIL MEETING 30 MARCH 2011

Present: The Mayor (Councillor Nath) (in the Chair)
Councillors Allen, Ashburner, Atwal, Banwait, Barker, Bayliss, Berry, Bolton, Carr, Chera, Davis, Dhindsa, Graves, Grimadell, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence was received from Councillors Harwood and S Khan.

Declarations of Interest

Councillor Williams declared a personal, but not prejudicial interest in Item 6 – Petition “Keep Children’s Centres Open.”

Announcements by the Mayor

The Mayor referred to the recent earthquake and tsunami that had hit Japan and told Council that he had sent a message of sympathy to The Mayor of our twin city, Toyota City.

The Mayor congratulated Councillors Holmes, Naitta and Whitby on their participation in a karaoke competition at Radio Derby in support of BBC Children in Need and told Council that he had made a donation of £100.

The Mayor referred to the fact that this would be the last meeting of the Council attended by Councillors Berry and Chera, who would not be standing for election at the forthcoming Council Elections. He also added that former Councillors Williamson and Batey had recently resigned. Tributes to these Councillors were paid by various members of the Council and the Council recorded its thanks to them for their service.

80/10 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on the 2 March 2011 be approved as a correct record, confirmed and signed by the Mayor.

81/10 Statements by Members of the Council Cabinet

The following statements were made by members of the Council Cabinet:

1. Councillor Jennings, Leader of the Council on Initiatives and Achievements. Councillors Bayliss and Allen responded.
2. Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment, concerning the Local Transport Plan. Councillors Dhindsa and Carr responded.
3. Councillor Webb, Council Cabinet Member for Adult Social Care and Health, concerning the OFSTED inspection of the Adult Learning Service. Councillor Hussain and Skelton responded.
4. Councillor Webb, Council Cabinet Member for Adult Social Care and Health, concerning the start of works on the Mackworth Extra Care Scheme. Councillors Hussain and Skelton responded.

82/10 Consideration of a Petition “Keep Children’s Centres’ Open”

The Council’s Petition Scheme states that a valid petition, containing at least 8,500, signatures can trigger a Full Council debate. As this was the first such occasion, the Mayor explained that the lead petitioner would be given five minutes to present the petition and that a maximum of 15 minutes to debate that petition would then be allowed. By prior agreement, five minutes was allocated to each political group spokesperson.

It was proposed by Councillor Bolton and seconded: ‘that the Council Cabinet be strongly recommended to accept the petition to continue to run and manage the entire existing Children’s Centres and not to close the six Children’s Centres at a cost of £500,000, that sum to be funded by a corresponding reduction in the Corporate Communications, Policy Research and Engagement, and Performance and Improvement (under the Chief Executive’s Office) budget heads of £2.158m.’

In accordance with Rule CP68, it was demanded by at least 10 Members that a recorded vote be taken on the motion.

The following Members voted for the motion:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Whitby, L Winter (16)

The following Members voted against the motion:

Councillors Allen, Ashburner, Atwal, Barker, Berry, Carr, Chera, Davis, Grimadell, Hickson, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Nath, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, Williams, Wood (30)

Councillor F Winter abstained (1)

The motion was declared lost.

83/10 Public Questions

Questions from members of the public were asked as follows:

- 1) By Simon Bacon, concerning percentages of recyclable materials not recycled, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 2) By Peter Barker, concerning the status of Darley Abbey Mills and Stable Strategy, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.
- 3) By Steve Hassall, concerning integrity of postal voting, answered by Councillor Marshall, Council Cabinet Member for Resources.
- 4) By Simon Bacon, concerning finances for Raynesway HWRC site, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 5) By Peter Barker, concerning the Council's view on the Lower Derwent Flood Risk Management Strategy, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.

84/10 Written Questions about the Business or Functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

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

85/10 Written questions from non-Council Cabinet Members

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

- 1) By Councillor Troup, concerning recycling sites, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 2) By Councillor Troup, concerning bus lanes, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.
- 3) By Councillor Roberts, concerning CCTV cameras in Blagreaves, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 4) By Councillor Turner, concerning levels of recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

86/10 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 Jennings, to approve the minutes and recommendations of the Council Cabinet dated 15 February 2011 and 15 March 2011.

87/10 Minutes and Recommendations of the Governance Committee

The Council considered the minutes and recommendations of the Governance Committee, concerning New Executive Arrangements from May 2011, including amendments to the Constitution, set out in Appendix B to these minutes.

It was moved by Councillor Jennings, and seconded, to approve the minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution.

It was moved by Councillor Wood, and seconded, that the motion be amended by the addition of the words 'subject to the deletion of the words "in the event of a change of political control of the Council' from sub paragraph e. of the paragraph 7.3 of Article 7' and (2) to ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office, for consideration by a future meeting of the Council."

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

- '(1) To approve the above minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution, subject to the deletion of the words 'in

- the event of a change in political control of the Council' from sub paragraph e. of paragraph 7.3 of Article 7, and
- (2) To ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office for consideration by a future meeting of the Council.')

After a break for legal advice and to allow political groups to confer the amendment was carried.

Resolved...

- (1) **To approve the above minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution, subject to the deletion of the words 'in the event of a change in political control of the Council' from sub paragraph e. of paragraph 7.3 of Article 7, and**
- (2) **To ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office for consideration by a future meeting of the Council.**

88/10 **Members' Allowances – Recommendations of the Independent Remuneration Panel for 2011/12.**

The Council considered a report of the Director of Resources concerning Members' Allowances - Recommendations of the Independent Remuneration Panel for 2011/12.

Resolved, on the motion of Councillor Hickson...

- 1. That the recommendations of the Independent Remuneration panel be not approved**
- 2. That the existing Members' Allowances scheme for 2010/11 be continued for 2011/12, and that, in line with the salary position of Local Government employees, no increase in allowances be paid in 2011/12**
- 3. That the Governance Committee be asked to consider any appropriate amendments to Members' Allowances during 2011/12**

89/10 **Urgent non-Executive Decisions made by the Chief Executive**

The Council considered a report of the Strategic Director of Resources concerning urgent non-Executive Decisions made by the Chief Executive since the previous meeting.

Resolved, on the motion of Councillor Jennings, to note the decisions of the Chief Executive in consultation with political group leaders to:

1. Update the Scheme of Delegations to include

- **Taking enforcement action against unsatisfactory housing conditions**
- **Promoting standards within the private rented sector.**

2. Give the Director of Environment and Regulatory Services (in addition to the Director of Housing and Advice Services) responsibility for appointing any members of staff to act as authorised or proper officers under the following Acts, insofar as the appointment relates to the functions listed in point 1:

Housing Act 1985

Housing Act 2004

Building Act 1984

Public Health Act 1936

Public Health Act 1961

Environment Protection Act 1980

Local Government, Miscellaneous Provisions Act 1976

Local Government, Miscellaneous Provisions Act 1982

Prevention of damage by Pests Act 1949

90/10 Notices of Motion

1. *Fly Tipping*

It was moved by Councillor F Khan, and seconded, that Council is concerned about the continued problems with bins on streets, fly tipping, fly posting and other environmental crimes and notes the increased concerns of residents in Arboretum, Abbey and Normanton Wards amongst others.

In order to address these long standing matters of environmental and street scene disorder, Council requests Council Cabinet to look into ways of utilizing existing enforcement staff or officers to develop an enforcement team and policy on these environmental concerns, which would have the power to impose swift penalties on those causing environmental degradation in our city.

In accordance with Rule CP68, it was demanded by at least 10 members that a recorded vote be taken on the motion.

The following Members voted for the motion:

Councillors Allen, Ashburner, Atwal, Barker, Berry, Carr, Chera, Davis, Hickson, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Nath, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, F Winter, Wood (29)

The following Members abstained:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, L Winter (13)

The following Members were absent from the room when the vote was taken
Councillors Graves, Grimadell, Harwood, Higginbottom, Whitby, Williams (6)

The motion was declared carried.

Resolved on the motion by Councillor F Khan, that Council is concerned about the continued problems with bins on streets, fly tipping, fly posting and other environmental crimes and notes the increased concerns of residents in Arboretum, Abbey and Normanton Wards amongst others.

In order to address these long standing matters of environmental and street scene disorder, Council requests Council Cabinet to look into ways of utilizing existing enforcement staff or officers to develop an enforcement team and policy on these environmental concerns, which would have the power to impose swift penalties on those causing environmental degradation in our city.

2. Gated Communities

Resolved on the motion of Councillor Carr, that Council acknowledges the trend towards increased numbers of gated communities within the city necessitating entry codes to enter and leave. Council recognises the practical difficulties this creates for delivery of mail and other communications. Council therefore requests that consideration be given to having a standard planning condition for such developments, such that, unless the design makes it impossible, post boxes accessible from the exterior of the property will automatically be installed.

3. Derby's Multicultural Heritage

It was moved by Councillor Hussain, and seconded, that Derby is proud of its multicultural heritage and values the immense contribution to the city's cultural diversity that has been bequeathed by the many different ethnic communities that have made Derby their home over the past century. We need to remind ourselves that one fifth of Derby's residents have ancestral connections to other countries.

The philosophy underpinning multiculturalism has served us well. It has taught us to show tolerance and respect for other peoples traditions, beliefs systems and cultures. It has helped us improve ourselves and our society by making us think not only about our own needs and requirements but also about the differing needs that other people may have.

This council is therefore greatly dismayed at the effects on multiculturalism made by politicians both in Europe and at home and wishes to reaffirm its support for policies

that promote multiculturalism. It condemns any effort to undermine the harmonious relationships that the City Council has developed over many years.

It was moved by Councillor Allen, and seconded, that the motion be amended by the deletion of the words 'the past century' in paragraph 1 and the insertion of the words 'many centuries' and the deletion of paragraph 3 and its replacement with 'this Council wishes to reaffirm its support for policies that promote multiculturalism.'

The amendment was put to the meeting and carried.

Resolved that Derby is proud of its multi-cultural heritage and values the immense contribution to the City's cultural diversity that has been bequeathed by the many different ethnic communities that have made Derby their home over many centuries. We need to remind ourselves that one fifth of Derby residents have ancestral connections to other countries.

The philosophy underpinning multiculturalism has served us well. It has taught us to show tolerance and respect for other people's traditions, belief systems and cultures. It has helped us to improve ourselves and our society by making us think not only about our own needs and requirements but also about the differing needs that other people may have.

This Council wishes to reaffirm its support for policies that promote multiculturalism. It condemns any efforts to undermine the harmonious relationships that the City Council has developed over many years.

Mayor

APPENDIX A

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 15 FEBRUARY 2011

Present Councillor Holmes (Chair)
 Councillors Grimadell, Ingall, Marshall, Poulter and Webb

In attendance Councillors Bayliss and Jones

202/10 Longbridge Weir Hydroelectric Power Station Budget Increase

This record of decisions was published on 17 February 2011. 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.

The Council Cabinet considered a report on Longbridge Weir Hydroelectric Power Station Budget Increase. The project gained approval to proceed at the 18 December 2007 meeting of the Council Cabinet. £1.5M of prudential borrowing was

approved and subsequent to this a further £160k was approved by the Public Realm Board, plus £25k from the Environment Agency/Trent Rivers Trust taking the total project budget to £1.685M. The original expectation was for the project to have been completed by mid 2010. However, significant and unexpected delays, with associated consequent costs, were incurred in gaining both Environment Agency Transfer licence and planning approval. Both were now in place but a number of costly concessions had to be made to gain the necessary approvals. These together with the abortive costs caused by the delays and negotiations had driven up the project cost. The revised total cost for the project had risen to £2.119M. In addition, the comprehensive spending review increased the public works loan board interest rate by 0.9%. This directly affected the project since it relied upon prudential borrowing as its principal funding source. As a result of this it had been necessary to rework the project cost model to demonstrate that it remains affordable. The introduction of the feed-in-tariff scheme had greatly increased the income expected to be generated by the hydro over original expectations which were based upon the renewables obligation. Income was now forecast as starting at £208k in place of £132k per year. The revised income would support up to £2.4M of borrowing over the 20 year term. The borrowing amount forecast as necessary to complete the project was £1.934M. However, including a prudent contingency took the total borrowing amount sought to £2.1M, which if used, still resulted in a cash surplus exceeding £750k at year 20 and positive cash flow during year 16.

Decision

1. To recommend Council to approve an additional £600k unsupported borrowing taking the total approved sum to £2.1M.
2. To recommend Council to approve the associated changes to the Council's prudential indicators to reflect the necessary revisions to the capital programme and unsupported borrowing, subject to further detailed confirmation when these indicators are next updated.
3. ...

<p>MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL</p>

COUNCIL CABINET
15 MARCH 2011

Present Councillor Jennings (Chair)
 Councillors Grimadell, Holmes, Ingall, Marshall, Poulter
 and Webb

In attendance Councillors Bayliss and Jones

This record of decisions was published on 17 March 2011. 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

219/10 Derby Local Transport Plan 3 – Proposed
Changes Following Consultation and Approval of
Final Plan

The Council Cabinet considered a report on Derby Local Transport Plan 3 – Proposed Changes Following Consultation and Approval of Final Plan. The Derby's third Local Transport Plan (LTP3), covering the period 2011- 26, needed to be in place by 31 March 2011. On 26 October 2010, Council Cabinet approved a draft

Plan which was published for comment in November 2010. The report summarised the response received and sought approval for proposed changes to the Plan, prior to seeking Council approval of the final Plan. LTP3 would comprise a long term transport strategy for 2011-26 and a short term Implementation Plan for 2011-13. The draft Plan was currently available on the Council website at www.derby.gov.uk/ltp3. Preparation of the LTP3 had included several rounds of consultation.

- February 2010: Consultation on Vision and Goals for the Plan
- July – September 2010: Public consultation on the proposed long term strategy
- November 2010 – January 2011: public consultation on the Draft LTP3.

The Neighbourhoods Commission had received reports on each stage of the LTP3 consultation process. All councillors were emailed a link to the Draft LTP documents on 8 November 2010 at the start of consultation on the draft Plan.

Appendix 2 summarised the responses received and provided a schedule of proposed changes to the draft Plan. These included:

- updates to reflect recent changes to wider policy, e.g. establishment of the Local Enterprise Partnership, and adoption of The Derby Plan
- finalisation of some technical elements, including to the LTP Implementation Plan; e.g. completion of a risk assessment and establishment of a monitoring schedule
- amendments to the Implementation Plan to take account of the corporate budget setting processes; and
- changes to take account of comments received through the consultation on the Draft LTP.

Appendix 3 of the report contained the recommendations of the Neighbourhoods Commission and the consideration of these comments for inclusion in the final LTP document. Appendix 4 of the report summarised comments received on the draft Strategic Environmental Assessment and the response to these. The conclusions of the SEA had been fully taken into account in finalising the LTP.

Options Considered

There were no other options considered.

Decision

1. ...

2. ...

3. To recommend Council to approve the finalised Local Transport Plan 3 as part of the budget and policy framework.
4. ...

Reasons

To take account of comments received in response to consultation on the draft LTP3 documents and to ensure that a finalised LTP 3 was considered and approved by Council.

Key Decisions

226/10 Derby City Council Regeneration Fund

The Council Cabinet considered a report which stated that the Derby Regeneration Fund (The Fund) was launched on the 23 November 2010 to support the delivery of new high quality commercial offices within the City whether new build or refurbished redundant buildings.

Since the launch of The Fund, there had been 22 enquiries. Appendix 2 of the report set out the projects put forward for approval and their proposed terms. Following rigorous assessment the report made recommendations to the first tranche of schemes to be supported from The Fund.

Options Considered

Do nothing: The Fund had been established to promote development and the projects brought forward were considered suitable to progress to financial offers being made.

Decision

1. ...
2. ...
3. ...
4. To recommend to Council the additional borrowing of £8.37m associated with the bids outlined in paragraph 2.1 of the report and the £900k for the Darley Abbey Mills scheme, funded from the Corporate Regeneration Fund within the approved 2011/12 Council Budget. The revised capital programme, including detailed borrowing cost profiles for 2011-14 would be reported in the Contract and Financial Procedure Report to the next Council Cabinet meeting.

Reasons

1. The proposed schemes had been assessed in detail by external consultants and meet the aims of The Fund.
2. Recommendation 2.2 of the report would give the Chief Executive flexibility to revise terms where necessary without the delay of coming back to Council Cabinet.

APPENDIX B

<p>MINUTES OF GOVERNANCE COMMITTEE REQUIRING THE APPROVAL OF COUNCIL</p>

GOVERNANCE COMMITTEE 23 FEBRUARY 2011

Present: Councillor Jennings (in the Chair) Councillor Allen, Councillor Bayliss, Councillor Holmes and Councillor Jones.

13/10 New Executive Arrangements from May 2011

A report from the Strategic Director of Resources was considered. The Assistant Director – Democratic Services explained that the agreed changes in executive arrangements from May 2011 meant that various changes needed to be made to the Council Constitution. The report detailed these changes and sought approval from the committee to recommend these changes to Council at the Annual Meeting in May.

Members highlighted some discrepancies in the proposed amendments to the Constitution and requested that these be resolved prior to the report progressing to Council.

Resolved to recommend to Council the proposed changes to the Constitution in Appendix 2, as amended, relating to:

- **Part 1 – Summary and Explanation**
- **Part 2 – Article 7 – The Council Cabinet**
- **Part 3 – Responsibility for Functions and Scheme of Delegations**
- **Part 4 – Access to Information Rule AI24**
- **Part 4 – Council Cabinet Procedure Rules EP1-EP7**

