

TO: ALL MEMBERS OF 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 26 January 2005 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 24 November 2004

DOCUMENT 3

Motion - That the minutes of the meeting of the Council held on 24 November 2004 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. Mr A Dunn - Full Street Open Space
 - b. Mr A Dunn - Connecting Derby and Bus Station
 - c. Mrs P Woolley - Sir Peter Hilton Memorial Gardens
 - d. Mrs P Woolley - Quad
 - e. Mr K Scott-Savage - Quad
7. To receive any written questions about the business or functions of the Derbyshire Police Authority or Derbyshire Fire Authority, and the answers to those questions

No questions have been received
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 remaining from the last meeting on 24 November 2004:

(1) Notice of Motion

Councillor Smalley to move, Councillor Hickson to second:

“Council condemns the Government’s tacit support and approval of the programme of Post Office closures that have recently occurred in Derby and calls upon them to act to prevent further closures within the City.”

(Note: At the last meeting, Councillor Smalley’s motion was moved and seconded and Councillor Roberts moved the following amendment. The amendment was seconded but was not put to the meeting.

“I move that the motion be amended by the deletion of all words after the word ‘Council’ and the insertion in their place of the words “wishes to retain the cross party support for the campaign to resist the programme of post office closures that have recently occurred in Derby and is grateful for the support of the city’s Labour MP’s. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of closures. Council therefore calls on all the city’s elected representatives to continue to press the Post Office to retain as many post offices as possible.”

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

“Council wishes to retain the cross party support for the campaign to resist the programme of Post Office closures that have recently occurred in Derby and is grateful for the support of the city’s Labour MP’s. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of closures. Council therefore calls on all the cities elected representatives to continue to press the Post Office to retain as many post offices as possible.”)

(2) To consider a report of the Director of Corporate Services concerning the Review of Proposals to Close Post Offices in Derby

DOCUMENT 9

Motion - To note the report.

Note Because of the urgency of the matters referred to in Item 12 of the agenda for the Council meeting on 24 November 2004, decisions were taken by the Chief Executive under his delegated powers and endorsed by the three political group leaders – see the report at item 20 of this agenda.

10. To consider the minutes and recommendations of the Council Cabinet dated 30 November 2004, 21 December 2004 and 18 January 2005 requiring the approval of the Council

**DOCUMENT 10
18 JANUARY
TO FOLLOW**

217/04 Quad Options: Appraisal and Financial Update

**DOCUMENT
10A**

1. To note the current position of the Quad project in relation to site, architecture, capital funding and revenue costs.

2. To agree to make a capital and revenue contribution to the project in order to secure external funding streams, and subject to:
- the success of those funding applications
 - endorsement by Council as necessary
 - regular progress reports being made back to Council Cabinet on design and funding, to commission the architect to proceed with detailed design through until the end of March 2005 when a further report would be brought to Cabinet reporting on decisions on capital funding applications prior to a decision on commissioning the construction of the building.

240/04 Peak District and Derbyshire Destination Management Partnership DOCUMENT 10C

To recommend Council to nominate a representative to the DMP Board.

244/04 Capital Strategy 2005/6 to 2007/8 DOCUMENT 10D

To recommend to Council an updated set of principles to guide the allocation of funding to support the capital programme from 2005/6, as set out in Appendix 2 of the report.

277/04 Housing Rents DOCUMENT 10F

To recommend Council to approve the revision of rent and service charges from 4 April 2005 on the basis set out in the report, including:

- an average weekly rental increase of £1.34 or 2.9% calculated over 52 weeks
- an average increase of 2.9% on service charges and garage rents.

276/04 Supporting People Programme – Audit Commission Inspection DOCUMENT 10G

To recommend Council to approve the Action Plan for implementing the Inspection recommendations.

277/04 14-19 Area Inspection Action Plan DOCUMENT 10H

To recommend Council to approve the post-inspection plan relating to the Ofsted 14-19 Area Inspection of Derby.

Motion - To approve the minutes and recommendations of the Council Cabinet dated 30 November 2004, 21 December 2004 and 18 January 2005.

11. To consider the minutes and recommendations of the Licensing and Appeals Committee dated 13 October and 8 December 2004 requiring the approval of the Council. **DOCUMENTS 11, 11B**

24/04 Licensing of Sex Establishments – Procedure and Policy

DOCUMENT 11A

Resolved

1. to adopt the procedure for considering applications
2. to adopt the policy for determining applications
3. to refer the policy to full Council for approval

35/04 Private Hire Vehicle Meter Testing

DOUMENT 11C

Resolved to recommend the Council to authorise the Assistant Director – Environmental Health and Trading Standards to appoint and authorise one or more recognised taxi meter companies or their agents to undertake testing of hackney carriage and private hire vehicle meters on the Council's behalf, in accordance with requirements approved by the Assistant Director – Environmental Health and Trading Standards.

Motion - To approve the minutes and recommendations of the Licensing and Appeals Committee dated 13 October and 8 December 2004.

12. To consider the following Notice of Motion:

Councillor Wynn to move, Councillor MacDonald to second:

"Council notes with regret that the August 2004 report into the asbestos incident at Silverhill School last year has not yet been published.

Council therefore instructs the Director of Corporate Services to make available the full Internal Audit Report on the release of Asbestos at Silverhill Primary School to three members of each of the Conservative, Liberal Democrat and Labour Groups, as nominated by their respective Group Leaders, subject to satisfactory provisions for confidentiality."

13. To consider a report of the Director of Corporate Services concerning the Licensing Act 2003 – Proposed Changes to Constitutional Arrangements and Members' Allowances **DOCUMENT 13**

Motion:

- 1.1 To approve the proposed constitutional arrangements to enable the Council to implement its new duties and powers under the Licensing Act 2003.**
- 1.2 To dissolve the Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.**

- 1.3 To establish a General Licensing Committee and General Licensing Sub Committee with the following terms of reference and delegated powers:**

General Licensing Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions**
- Make proposals to Council about policy matters relating to these functions**
- Approve arrangements for meetings of the General Licensing Sub Committee.**

General Licensing Sub Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

- 1. Determine applications for a personal licence if there is a police objection**
- 2. Determine applications for a personal licence from persons with an unspent conviction**
- 3. Determine applications for premises licence/club premises certificate if a relevant representation is made**
- 4. Determine applications for a provisional statement if a relevant representation is made**
- 5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made**
- 6. Determine applications to vary a designated personal licence holder if there is a police objection**

7. Determine applications for a transfer of premises licence if there is a police objection
 8. Determine applications for interim authorities if there is a police objection
 9. Determine applications to review premises licence/club premises certificate
 10. Decide whether to object when the local authority is a consultee and not the lead authority
 11. Determine a police representation to a temporary event notice.
- 1.4 To establish a Taxi Licensing and Appeals Committee and Taxi Licensing Sub Committee with the following terms of reference and delegated powers:

Taxi Licensing and Appeals Committee

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Make proposals to Council about policy matters relating to these functions
3. Approve arrangements for meetings of sub committees and panels

Taxi Licensing Sub Committee

Will, within Council policies and in relation to hackney carriages and private hire vehicles:

1. Determine individual applications where there is a proposal to refuse a licence, unless within Council policies it is an automatic ground of refusal
2. Suspend or revoke licences or issue written warnings
3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Assistant Director – Environmental Health and Trading Standards.

1.5 To agree that the following sub committees and panels become sub committees and panels of the Taxi Licensing and Appeals Committee:

- **Housing Appeals Sub Committee**
- **Education Awards and Transport Sub Committee**
- **Employee Appeals Sub Committee**
- **Disciplinary Sub Committee**
- **Disputes Resolution Sub Committee**
- **Social Services Secure Accommodation Panel**
- **Discretionary Housing Payments Appeals Sub Committee**

1.6 1) To agree that General Licensing Committee shall comprise fifteen Members (Labour 7, Liberal Democrat 4, Conservative 3, Independent 1).

2) To agree that the Taxi Licensing and Appeals Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).

3) To agree that the Planning Control Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).

1.7 1) To approve the following recommendations of the Independent Remuneration Panel.

- a) To discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee**
- b) To provide for the following new special responsibility allowances to apply from 1 February 2005 to 31 March 2006 or until the Scheme is amended further:**

Committee	Position	Pro-rata Percentage	Number	Yearly Allowance £
General Licensing Committee – 15 members	Vice Chair	17½%	4	4646.54
	Member	12½%	10	3318.96
Taxi Licensing & Appeals Committee 10 members	Vice Chair	12½%	2	3318.96
	Member	4%	7	1062.07

Note – the Chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.

- c) **To provide that, except for the chairs and vice chairs, members of the General Licensing Committee and Taxi Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.**
- 2) **To approve the revised Members' Allowances Scheme at Appendix 3 and to amend the existing Scheme.**
- 1.8 **To approve the amendments to the Constitution set out in Appendix 4.**
- 1.9 **To approve the revised appointments to certain committees, set out in Appendix 5, for the remainder of the current municipal year.**
- 14. To consider a report of the Director of Corporate Services concerning co-option to the Culture and Prosperity Overview and Scrutiny Commission

DOCUMENT 14

Motion - To approve the co-option of Roy Hartle to the Culture and Prosperity Overview and Scrutiny Commission for the duration of its Topic Review of the World Heritage Site which lies within the City boundary.

- 15. To consider a report of the Director of Commercial Services concerning Byelaws for Opening and Closing of Arboretum Park

DOCUMENT 15

Motion - To approve the Byelaws set out in Appendix 2 to the report, to authorise the Director of Corporate Services and Deputy Chief Executive to fix the Council's seal to the Byelaws, to carry out all necessary procedures and, subject to no duly made objections to the byelaws being received by him, to apply for confirmation of the Byelaws to the Office of the Deputy Prime Minister, or such other Secretary of State as may at the time have responsibility for such.

- 16. To consider a report of the Director of Corporate Services concerning the Appointment of Co-opted Member on the Education Commission

DOCUMENT 16

Motion - To appoint Tony Walsh Chief Executive of Derby Racial Equality Council as the representative of other faiths/denominations on the Education Commission.

17. To consider a report of the Director of Corporate Services concerning the Minority Ethnic Communities Advisory Committee – Representation of Minority Ethnic Communities. **DOCUMENT 17**

Motion - To approve the allocation of the remaining unallocated seat on the Minority Ethnic Communities Advisory Committee to the Iraqi/Kurdish Community.

18. To consider a report of the Director of Finance concerning the Council Tax Base for 2005/06 **DOCUMENT 18**

Motion:

That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 (SI 12003/3012), Cabinet agrees the council tax base for the year 2005/06 as 68,589.4 band D equivalent properties be approved in accordance with the calculations and estimates shown at appendix 3. The Council Tax Base was approved in a report to Cabinet on 21 December 2004.

19. To consider a report of the Director of Corporate Services concerning the School Admissions Forum – New Representatives **DOCUMENT 19**

Motion:

- 1. To approve the nomination from the Church of England Diocese to appoint Alison Jones to the School Admissions Forum until 31 March 2007.**
- 2. To appoint Dr Keerthi Devendra and Nasreen Iqbal to the School Admissions Forum in their capacity as Parent Governor Representatives on the Education Commission until 31 March 2007.**

20. To consider a report of the Director of Corporate Services concerning the Urgent Non-Executive Decisions made by the Chief Executive **DOCUMENT 20**

Motion – To note the report

Director of Corporate Services
and Deputy Chief Executive

The Council House
Derby DE1 2ZL
18 January 2005
PACA74

COUNCIL MEETING 24 NOVEMBER 2004

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

Apologies for Absence

There were no apologies for absence.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Council stood in silence as a tribute to the memory of former Mayoress Alice Elizabeth Garnett who had died recently.

46/04 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 15 September 2004 be approved as a correct record, confirmed and signed by the Mayor.

47/04 Statements by Members of the Council Cabinet

Councillor Care, Council Cabinet Member for Planning, Transportation and Environment, made a statement about the City Council's Hedgerow Project winning a gold prize in the Green Apple Awards.

Councillor E Berry, Council Cabinet Member for Social Care and Youth, made a statement about the award of a two star rating for the City Council's Social Services Department.

48/04 Public Questions

There were no questions from members of the public.

49/04 Written Questions about the Business or Functions of the Derbyshire Police Authority or Derbyshire Fire Authority

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

50/04 Written Questions from Non-Council Cabinet Members to Members of the Council Cabinet

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

1. By Councillor Blanksby, concerning speed cameras, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
2. By Councillor Blanksby, concerning environmentally sustainable housing, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
3. By Councillor Blanksby, concerning increases in the costs of the Grouped Schools PFI Project, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
4. By Councillor Bayliss, concerning environmental improvements at Alvaston District Shopping Centre, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
5. By Councillor Bayliss, concerning a zero tolerance policy on illegal advertising, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
6. By Councillor Jackson, concerning the refurbishment of Allenton Shopping Centre, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
7. By Councillor MacDonald, concerning the failure of the Council Cabinet Member for Lifelong Learning to attend an Education Commission meeting, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.

8. By Councillor MacDonald, concerning the withdrawal from the Forward Plan of the item on home to school transport, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
9. By Councillor Graves, concerning the detrunking of Shadlow Road, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
10. By Councillor Hussain, requesting outturn figures against budgeted expenditure for Home Care, Care Management and Residential Care for older people for the year 2003/04, answered by Councillor E Berry, Council Cabinet Member for Social Care and Youth.
11. By Councillor Wynn, concerning the capital costs of dealing with the release of asbestos at Silverhill Primary School, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
12. By Councillor Wynn, concerning the recent OFSTED report on the Pupil Referral Unit, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.

51/04 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet requiring the approval of the Council set out in the Appendix A to these minutes.

Resolved, on the motion of Councillor Burgess, to approve the minutes and recommendations of the Council Cabinet dated 28 September, 19 October and 9 November 2004.

52/04 Minutes and Recommendations of the Licensing and Appeals Committee

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

Resolved, on the motion of Councillor Jones, to approve the minutes and recommendations of Licensing and Appeals Committee dated 23 November 2004.

53/04 Notices of Motion

1. *Area Panel Agendas*

It was moved by Councillor Bayliss, and seconded, that this Council instructs that the free distribution of paper agendas and the full supporting paperwork to the citizens of Derby who requested them be restored with immediate effect for Area Panels.

It was moved by Councillor Hickson, and seconded, that the motion be amended by the deletion of the words 'instructs that' and 'be restored with immediate effect', and the insertion of the words:

"Having regard to the introduction of agendas and reports online via the Council's web site and the CMIS system, and in the interests of reducing costs and paper,"
"confirms the decision to stop"

"but that:

- a) citizens who are on the current distribution lists be asked to indicate whether they wish to continue to receive agenda papers and those declining or not replying within four weeks be removed from the list; this exercise to be conducted annually;
- b) citizens remaining on the lists, or being subsequently added to them, be sent a copy of the agenda sheet only and made aware of the facility in d) below and be invited to register for an email alert with a link to the full papers;
- c) forty spare copies of full sets of agendas and reports be printed for each Area panel meeting;
- d) full sets of agendas and reports for each Area Panel meeting be made available free of charge for collection by interested citizens from the Council House Main Reception before the meeting on the basis of one per citizen, and the sets not collected be available at the meeting itself."

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

"Having regard to the introduction of agendas and reports online via the Council's web site and the CMIS system, and in the interests of reducing costs and paper usage, this Council confirms the decision to stop the free distribution of paper agendas and the full supporting paper work to the citizens of Derby who requested them for Area Panels but that:

- a) citizens who are on the current distribution lists be asked to indicate whether they wish to continue to receive agenda papers and those declining or not replying within four weeks be removed from the list; this exercise to be conducted annually;

- b) citizens remaining on the lists, or being subsequently added to them, be sent a copy of the agenda sheet only and made aware of the facility in d) below and be invited to register for an email alert with a link to the full papers;
- c) forty spare copies of full sets of agendas and reports be printed for each Area panel meeting;
- d) full sets of agendas and reports for each Area Panel meeting be made available free of charge for collection by interested citizens from the Council House Main Reception before the meeting on the basis of one per citizen, and the sets not collected be available at the meeting itself.”)

The amendment was put to the meeting and carried.

Resolved that, having regard to the introduction of agendas and reports online via the Council’s web site and the CMIS system, and in the interests of reducing costs and paper usage, this Council confirms the decision to stop the free distribution of paper agendas and the full supporting paper work to the citizens of Derby who requested them for Area Panels but that:

- a) citizens who are on the current distribution lists be asked to indicate whether they wish to continue to receive agenda papers and those declining or not replying within four weeks be removed from the list; this exercise to be conducted annually;
- b) citizens remaining on the lists, or being subsequently added to them, be sent a copy of the agenda sheet only and made aware of the facility in d) below and be invited to register for an email alert with a link to the full papers;
- c) forty spare copies of full sets of agendas and reports be printed for each Area panel meeting;
- d) ***full sets of agendas and reports for each Area Panel meeting be made available free of charge for collection by interested citizens from the Council House Main Reception before the meeting on the basis of one per citizen, and the sets not collected be available at the meeting itself.***

2. Naming A52 ‘Brian Clough Way’

Resolved, on the motion of Councillor Burgess, that this Council welcomes the decision to name part of the A52 in the city as ‘Brian Clough Way’ in recognition of Brian Clough’s outstanding contribution to our national game Association Football, for a period of over forty years, and particularly his part in the success of Derby County Football Club in the period 1967 to 1973.

3. *Home Care Charges*

It was moved by Councillor Hussain, and seconded, that Council believes the Cabinet's decision to impose a massive increase in home care charges for elderly and disabled people in Derby was ill conceived and should be reversed.

Council therefore calls on the Liberal Democrat and Tory Alliance members of the Cabinet to scrap the charging scheme, making the service free to **all** users before the end of 2004.

In accordance with Rule CP 68, it was demanded by at least ten members at a recorded vote be taken on the motion.

The following members voted for the motion:

Councillors Ahern, Baxter, Bayliss, Blanksby, Bolton, Chera, Dhamrait, Dhindsa, Gerrard, Graves, Gupta, Higginbottom, Hussain, Jackson, Khan, MacDonald, Nath, Redfern, Rehman, Repton, Roberts, Tittley, Turner, Williamson, Wynn (25)

The following members voted against the motion:

The Mayor (Councillor Skelton), Councillors Allen, E Berry, P S Berry, Brown, Burgess, Care, Carr, Hickson, Hird, Jackman, Jones, Latham, Liversedge, Lowe, Marshall, Richards, Samra, Smalley, Travis, Troup, Webb, West, Willitts, Winter (25)

Councillor Leeming abstained.

The Mayor (Councillor Skelton) exercised her casting vote against the motion.

The motion was declared lost.

4. *Firework Noise*

It was moved by Councillor Jackman, and seconded, that Council supports the RSPCA's 'Quiet Please' campaign and calls on the Secretary of State for Trade and Industry to amend the Firework Regulations 2004, to allow local authorities the discretion to set the maximum noise level for fireworks that can be legally sold at 95 decibels, if that authority believes it is in the interests of its local community.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the deletion of all words after the word 'campaign' in the first line of the motion and the insertion in their place of the words 'but believes that the only way to effectively protect Derby's citizens and their pets from distress and harassment in their homes by the scourge of loud and excessive noise caused by fireworks is to ban the sale of fireworks to the general public and restrict the sale of fireworks to licensed professional firework exhibition organisers.

It calls on the Secretary of State for Trade and Industry to amend the law and the Firework Regulations 2004 accordingly.

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

“Council supports the RSPCA’s ‘Quiet Please’ campaign but believes that the only way to effectively protect Derby’s citizens and their pets from distress and harassment in their homes by the scourge of loud and excessive noise caused by fireworks is to ban the sale of fireworks to the general public and restrict the sale of fireworks to licensed professional firework exhibition organisers. It calls on the Secretary of State for Trade and Industry to amend the law and the Firework Regulations 2004 accordingly.”)

The amendment was put to the meeting and carried.

Resolved that Council supports the RSPCA’s ‘Quiet Please’ campaign but believes that the only way to effectively protect Derby’s citizens and their pets from distress and harassment in their homes by the scourge of loud and excessive noise caused by fireworks is to ban the sale of fireworks to the general public and restrict the sale of fireworks to licensed professional firework exhibition organisers. It calls on the Secretary of State for Trade and Industry to amend the law and the Firework Regulations 2004 accordingly.

5. *Increases in Benefits Levels*

Resolved, on the motion of Councillor Hickson, that recent announcements indicate that some benefits will rise next year by only 55 pence a week. Council calls on Government to look again at the rises planned for benefit beneficiaries to make sure that those who are poorest and most vulnerable in our communities are not unfairly discriminated against and forced further into poverty.

6. *Mobile Telephone Masts*

It was moved by Councillor Smalley, and seconded, that this Council calls upon Government to amend current Planning Policy to allow Derby City Council and other local planning authorities the option of considering the suggested potential health risks to the local population from the erection of mobile telephone masts. This Council also calls for the suspension of mobile phone mast erections within the areas of dense domestic dwellings until such time as the potential impact on the health of the population is proved beyond doubt to be nil.

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the second sentence.

The amendment was put to the meeting and carried.

Resolved that this Council calls upon Government to amend current Planning Policy to allow Derby City Council and other local planning authorities the option of considering the suggested potential health risks to the local population from the erection of mobile telephone masts.

7. Post Office Closures

It was moved by Councillor Smalley, and seconded, that Council condemns the Government's tacit support and approval of the programme of Post Office closures that have recently occurred in Derby and calls upon them to act to prevent further closures within the City.

It was moved by Councillor Roberts, and seconded, that the motion be amended by the deletion of all words after the word 'Council' and the insertion in their place of the words "wishes to retain the cross party support for the campaign to resist the programme of post office closures that have recently occurred in Derby and is grateful for the support of the city's Labour MP's. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of closures. Council therefore calls on all the city's elected representatives to continue to press the Post Office to retain as many post offices as possible."

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

"Council wishes to retain the cross party support for the campaign to resist the programme of Post Office closures that have recently occurred in Derby and is grateful for the support of the city's Labour MP's. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of closures. Council therefore calls on all the cities elected representatives to continue to press the Post Office to retain as many post offices as possible.")

In accordance with Rule CP10, the meeting finished at 10.00 pm and the remaining business was to 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. The amendment moved by Councillor Roberts was not put to the meeting.

MAYOR

**COUNCIL CABINET
30 NOVEMBER 2004**

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

Also present: Councillor Roberts

This record of decisions was published on 2 December. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

Key Decisions

217/04 Quad Options: Appraisal and Financial Update

The Council Cabinet considered a report from the Director of Development and Cultural Services regarding Quad Options and providing an Appraisal and Financial Update. Quad was planned to offer the people of Derby a visual arts and media centre comprising visual arts exhibition space, workshops, digital studios and learning areas, a cinema designed to offer a mix of arts films and more commercial products, access to film archive material relating to Derby and the region and a relaxed meeting place in the city centre. It was estimated that Quad would attract 100,000 visits a year. Earlier in 2004, it became clear that the original ambition for a building at £13.4 million was not affordable, and the Project Team decided to re-scope the project, starting with a site and buildings options appraisal. The four sites considered were:

- Corporation Street
- Amen Alley
- St Helen's House
- Princes Supermarket

Following evaluation of the four sites, the Corporation Street site was the only viable option for development of Quad within the timescale and other parameters controlling the project's development.

Options Considered

The four alternative sites identified in the report and the cancellation of the Quad project.

Decision

1. To note the current position of the Quad project in relation to site, architecture, capital funding and revenue costs.
2. To agree to make a capital and revenue contribution to the project in order to secure external funding streams, and subject to:
 - the success of those funding applications
 - endorsement by Council as necessary
 - regular progress reports being made back to Council Cabinet on design and funding, to commission the architect to proceed with detailed design through until the end of March 2005 when a further report would be brought to Cabinet reporting on decisions on capital funding applications prior to a decision on commissioning the construction of the building.

Reasons

Information given in the report showed the Corporation Street site to be the only viable option, but extra funding would still be needed.

**COUNCIL CABINET
21 DECEMBER 2004**

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

Also present: Councillor Williamson

This record of decisions was published on 23 December 2004. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

Key Decisions

240/04 Peak District and Derbyshire Destination Management Partnership

The Council Cabinet considered a report from Director of Development and Cultural Services on the Peak District and Derbyshire Destination Management Partnership – PD&D DMP. The PD&D DMP would cover the whole of Derbyshire and the wider Peak District, including parts of Staffordshire Moorlands, and small parts of the North-West Region and South Yorkshire region. It would be a primary forum for tourism strategy for the Peak District and Derbyshire, and the main conduit for discussions with emda and East Midlands Tourism – EMT, regarding strategy, funding and regionally driven activities.

Options Considered

The proposal originated with emda, using a pre-determined model that they would be applying across the region. The only option would have been not to participate at all.

Decision

1. To agree to the initial establishment of the Peak District and Derbyshire Destination Management Partnership.
2. To recommend Council to nominate a representative to the DMP Board.
3. To receive a further report when the DMP has determined its business plan for 2005/06 and the legal and financial implications for the Council are clarified.

Reasons

The exercise involved all local authorities, national park authorities and strategic sub regional partnerships across the East Midlands, and the Council's participation in this way was imperative.

Budget and Policy Framework

244/04 Capital Strategy 2005/6 to 2007/8

The Council Cabinet considered a report of the Director of Finance on the Capital Strategy 2005/6 to 2007/8. The Council's existing capital programme covered the period 2004/5 to 2006/7 and was last updated at Cabinet in November 2004. The programme for 2005/6 and 2007/8 was under development and would be consulted on in the new year as part of the budget process. Cabinet also approved a limited updating of the capital programme on 9 November 2004, incorporating the impact of various decisions taken during 2004.

Decision

1. To recommend to Council an updated set of principles to guide the allocation of funding to support the capital programme from 2005/6, as set out in Appendix 2 of the report.
2. To note the evaluation criteria to be used by officers when prioritising schemes for recommendation for inclusion in the corporate capital programme for 2005/6 and 2006/7, prior to a decision by Cabinet, as set out in Appendix 3 of the report.
3. To confirm the process and timetable for taking decisions on the detailed content of the capital programme for 2005/6 to 2007/8.

**COUNCIL CABINET
18 JANUARY 2005**

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

Also present: Councillor Williamson

This record of decisions was published on 20 January 2005. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

Budget and Policy Framework

272/04 Housing Rents

The Council Cabinet considered a joint report from the Directors of Finance and Policy on Housing Rents. The Government had set a policy to restructure social housing rents on a more consistent basis. Rent restructuring was the process by which the actual rent for each property would move from its current rent to a target level over a ten-year period, which started in April 2002. A report on rent restructuring was presented to Cabinet on 25 June 2002. This meant that the rent levels had to 'converge' by 2011/12 to a similar rate to other social housing. If the Council did not increase rents in line with expectations, it would face financial pressure on the HRA.

Decision

1. To refer the report to the Community Regeneration Commission on 25 January for consideration.
2. To recommend Council to approve the revision of rent and service charges from 4 April 2005 on the basis set out in the report, including:
 - an average weekly rental increase of £1.34 or 2.9% calculated over 52 weeks
 - an average increase of 2.9% on service charges and garage rents.
3. To request a further report to determine the proposed increase in ground rents at Shelton Lock Mobile Homes Park, following further consultation with residents.

276/04 Supporting People Programme – Audit Commission Inspection

The Council Cabinet considered a report from the Director of Policy on Supporting People Programme – Audit Commission Inspection. The Audit Commission spent the week commencing 20 September 2004 inspecting Derby's Supporting People Programme. The inspection included: interviews with key staff – both the Council and its partners; focus groups of Supporting People providers, front line staff and carers; mystery shopping; and a review of all relevant documentation. The inspection team also attended a Supporting People Commissioning Board, a Supporting People Inclusive Forum and a Supporting People Core Strategy Group.

The Audit Commission made specific recommendations that offered practical pointers for improvement. These recommendations were:

Within one month

- Issue all Supporting People team members with the notes of their achievement and development meetings in order to ensure that individual targets are drawn to their attention and to provide a benchmark for their next appraisal.
- Devise and implement an induction programme for new starters in the Supporting People team.
- Invite representatives(s) of the voluntary sector to complement the membership of the Core Strategy Group.

Within two months

- Bring to a close the causes of dissatisfaction within the Supporting People team and ensure that every possible managerial step is taken that will bring about a stable and mutually supportive team.
- Involve stakeholders and users, develop a formalised consultation strategy and replace the inclusive forum with a new framework designed to meet the individual needs of service users from each client group. Ensure that carers, advocates and voluntary organisations are included.
- Complete the outstanding actions associated with the risk and contingency register, where these need to be in place.

Within six months

- Enhance and clarify access to Supporting People services by improving the quality, clarity, range and accessibility of leaflets and information for service users, stakeholders and referral agencies.
- Introduce further external moderation to enhance the review process and augment the capacity of the Supporting People team as far as possible by drawing in expertise from other departments and agencies to assist with reviews.
- Implement a systematic method to gauge the satisfaction of providers with the review process and use the feedback to improve the service.
- Develop and publish a formal appeals procedure for providers affected by annual cost savings measures, that clearly sets out the criteria by which judgements will be made.

- Help and encourage the health community to raise the profile of Supporting People by enhancing practitioners understanding of the potential impact the programme can have on health issues.
- Ensure that the office procedures are enhanced by the inclusion of task response times and target dates, which can then be monitored to ensure that quality standards are met.

Decision

1. To thank all the people involved in the Supporting People programme for their hard work.
2. To note the findings and recommendation of the Audit Commission Inspection of the Council's Supporting People Programme.
3. To recommend Council to approve the Action Plan for implementing the Inspection recommendations.

277/04 14-19 Area Inspection Action Plan

The Council Cabinet considered a report from the Director of Education on the 14-19 Area Inspection Action Plan. The post inspection action plan for Derby had a strategic vision for the 14-19 phase of education. It provided a clear indication of the steps and timescales required for achieving this vision, together with how and who would be responsible for implementing them. Arrangements for monitoring, review and evaluation were made through the Director of Education, the Deputy Chief Executive of DLSC and the Chief Executive of Connexions-Derbyshire. This group would be called the 14-19 Executive Group and would report on progress to the Cabinet, LSC Board and Connexions Partnership.

The key areas for improvement were:

- Further development of the 14-19 strategy with effective systems for co-ordination and implementation.
- Ensure that the provision in Derby for 14-19 year olds meets their needs.
- Reduce the level of exclusions and improve the facilities and provision made by the Pupil Referral Unit.
- Reduce the number of young people not in education, training or employment.
- Improve accommodation in two special schools.
- Ensure that careers guidance, citizenship and personal, social and health education are available at Key Stage 4.

The post-inspection action plan would focus on three high level objectives, which would address the key areas for improvement. These were:

- Strategy, co-ordination and monitoring
- Attainment
- Advice and guidance.

Decision

To recommend Council to approve the post-inspection plan relating to the Ofsted 14-19 Area Inspection of Derby.

**LICENSING AND APPEALS COMMITTEE
13 OCTOBER 2004**

Present: Councillor Jones (in the Chair)
Councillors Berry, Brown, Bolton, Hird, Hussain, Jackman, Jackson,
MacDonald, Redfern, Rehman and Richards

**24/04 Licensing of Sex Establishments –
Procedure and Policy**

The Committee considered a report from the Director of Corporate Services that set out proposals for a procedure and policy that the Council could adopt when dealing with sex establishment applications.

Michael Kay reported that following the recent decision of Licensing Sub Committee B to approve the granting of a sex establishment license, Officers were asked to devise a policy to control the number of sex establishments within the City of Derby.

Resolved

- 1. to adopt the procedure for considering applications**
- 2. to adopt the policy for determining applications**
- 3. to refer the policy to full Council for approval.**

**LICENSING AND APPEALS COMMITTEE
8 DECEMBER 2004**

Present: Councillor Jones (in the Chair)
Councillors Berry, Bolton, Dhamrait, Hird, Hussain, Jackman, Jackson,
Liversedge, MacDonald, Redfern, Rehman and Richards

35/04 Private Hire Vehicle Meter Testing

The Committee considered a report from the Director of Corporate Services which set out options for carrying out meter tests on private hire vehicles and addressed legal and enforcement issues.

It was reported that in February 2004 the Licensing and Appeals Committee considered the comments from private hire vehicle proprietors who raised concerns that they were being treated differently to Hackney Carriages when the meters were tested. The Committee deferred a decision on the matter to allow officers to investigate the options available.

It was reported that since the meeting of the Committee in February 2004 two further requests for a review of private hire meter tests had been received.

It was made clear that there was a distinction between private hire and hackney carriage operators. Hackney Carriages are obligated to have a taximeter installed and calibrated in accordance with the fare table approved by the Council, however private hire operators are under no such obligation. Where meters are installed they must be tested and approved by the Council or on their behalf.

The Principal Solicitor explained the meaning of ultra vires and the implications of it.

Resolved to recommend the Council to authorise the Assistant Director – Environmental Health and Trading Standards to appoint and authorise one or more recognised taxi meter companies or their agents to undertake testing of hackney carriage and private hire vehicle meters on the Council's behalf, in accordance with requirements approved by the Assistant Director – Environmental Health and Trading Standards.

Councillors Hird, Jackman and Jones requested that their vote against the decision be recorded.