

Time commenced - 6.00 pm  
Time adjourned - 10.00 pm

## **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

## APPENDIX A

### COUNCIL CABINET 28 SEPTEMBER 2004

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

Also present: Councillor Williamson

This record of decisions was published on 30 September 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

#### 141/04 Contract and Financial Procedure Matters.

The Council Cabinet considered a joint report from the Director of Finance and Corporate Services, setting out a number of finance and contract procedure matters.

An addendum to the report was circulated at the meeting.

#### Decision

- 1 To approve the addition of Mile Ash Lane Retaining Wall to the Local Transport Plan - LTP - capital programme pool, and note the budget reduction in the inner ring road parapet scheme.
- 2 To approve the amendment to the LTP bridges schemes identified in Table 1.
- 3 To waive contract procedure rule C.15 to purchase on-vehicle and depot equipment from INIT and on street display equipment from Poltech, in relation to the Real Time Information System extension.
- 4 To recommend Council to approve provision for up to £1.5m of capital expenditure in 2004/05 under the approved Home Computing Initiative - HCI, to be funded from unsupported borrowing, and to approve the associated changes to the Council's prudential indicators when updated, noting that revenue financing and administrative costs would be fully met from employee contributions.

- 5 To approve creation of a corporate HCI revenue budget, income from which would be vired to fund indirect administrative costs estimated at £33,000 over a full year.
- 6 To approve an amendment to the Social Services capital programme following the change in grant funding conditions, by transferring £49,000 from the Children's Intranet Service to initiate the Integrated Children's Service Scheme.
- 7 To note the developing partnership with Microsoft.
- 8 To confirm the approval to grant a loan to the Multi Faith Centre of. £50,000 interest free over 3 years without the organisation providing any legal guarantee.
- 9 To approve the renewal of the telecommunications FeatureNet Contract

**COUNCIL CABINET**  
**19 OCTOBER 2004**

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

Also present: Councillor Williamson

This record of decisions was published on 21 October. 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.

## Performance Monitoring

### 162/04 A City Growth Strategy for Derby

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out details of funding received for the preparation of a City Growth Strategy for Derby.

#### Decision

- 1 To note the approval of the recent submission for funding for the preparation of a City Growth Strategy for Derby.
- 2 To ask the Director of Development and Cultural Services to incorporate Leisure into the City Growth Strategy for Derby.
- 2 To waive Contract Procedures Rules 15.7 and 15.9 to allow Rudi Lowry and Associates be appointed to prepare the strategy by 31 March 2006.
- 3 To recommend Council to nominate a Member to represent the Council on the City Growth Strategy Steering Group.

## **COUNCIL CABINET 9 NOVEMBER 2004**

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

Also present: Councillor Roberts

This record of decisions was published on 11 November 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.

### **Matters Referred to Council Cabinet**

#### **174/04 Report of the Community Regeneration Commission on 'Paying the Price' a consultation paper on Prostitution**

The Council Cabinet considered a report of the Community Regeneration Commission regarding 'Paying the Price' a consultation paper on Prostitution. The Commission had considered the 35 Questions included in the paper at a meeting held on 2 November 2004 and made recommendation on what should be included in the Council Response.

#### **Decision**

To recommend Council to approve the comments of the Community Regeneration Commission as the Council response to the "Paying the Price" consultation paper on prostitution.

### **Key Decisions**

#### **178/04 Consumer Direct: National Call Centres For Consumer Advice**

The Council Cabinet considered a report of the Director of Corporate Services regarding Consumer Direct: National Call Centres For Consumer Advice. The Department of Trade and Industry – DTI was setting up seven regional Call Centres to give first tier customer advice. The service would be called Consumer Direct and would operate by means of an 0845 telephone number. The Call Centre would be fully funded by the DTI. Bids had been invited from Trading Standards Services to operate the Call Centres. It was reported that Lincolnshire County Council had been selected to provide the service in the region and were looking to set up a joint Committee to manage.

#### **Options Considered**

There were no other options considered.

### **Decision**

1. To support the Regional "Consumer Direct" Call Centre
2. To recommend Council to appoint Councillor Carr as a director of the limited company, which will run the Call Centre.
3. To delegate to the Director of Corporate Services, authority to set up a joint Commission to manage the service, if this is authorised by the Department for Trade and Industry - DTI

### **Reasons**

The "Consumer Direct" Call Centres are being established by the DTI, who are making initial funds available to Trading Standards Services to run the Centres.

## **Performance Monitoring**

### **184/04 Revisions of Prudential Indicators and Treasury Management Progress Report 2004/05**

The Council Cabinet consider a report from the Director of Finance regarding Revisions to Prudential Indicators and Treasury Management Progress Report 2004/05.

### **Decision**

1. To recommend Council to approve a revised set of 2004/05 prudential indicators as set out in Appendix 2 of the report
2. To note progress on Treasury Management in the context of the approved Treasury Management Strategy for 2004/05.

### **189/04 Pupil Referral Unit Ofsted Inspection**

The Council Cabinet considered a report of the Director of Education regarding the Pupil Referral Unit – PRU - Ofsted Inspection. Ofsted inspected the PRU between 5 and 8 July 2004. The overall evaluation of the inspection judged the unit to be ineffective and failing to provide an adequate standard of education. Ofsted therefore placed the provision in the Ofsted category of Special Measures. The Joint Derby City Council Education Service and Pupil Referral Unit Action Plan had been drawn up using the key issues identified in the Ofsted report as the most

important things that can be done to improve the PRU service and bring it out of special measures.

***Decision***

1. To note the summary of the report relating to the Ofsted Inspection of Derby City Pupil Referral Unit.
2. To recommend to Council to approve the joint Derby City Education Service and PRU Action Plan for submission to Ofsted.
3. To note that as a result of the outcome on the consultation of the re-organisation of the Pupil Referral Unit, the proposal has been withdrawn.

### LICENSING AND APPEALS COMMITTEE 23 NOVEMBER 2004

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

#### 27/04 Apologies for Absence

Apologies for absence were received from Councillors Bolton, Liversedge and Richards.

#### 28/04 Late Items to be Introduced by the Chair

There were no late items.

#### 29/04 Declarations of Interest

There were no declarations of interest.

#### 30/04 Final Draft Licensing Policy

The Committee considered a report from the Director of Corporate Services, which set out the final draft version of the Licensing Policy.

It was noted that the Committee had approved the draft Licensing Policy on 7 September 2004. Following the approval of the draft policy a consultation exercise took place during October 2004 that involved approximately 1700 packs being issued to existing license holders and people who had expressed an interest in the consultation exercise.

At the Committee meeting on 7 September 2004 it was agreed to establish a cross party working group to consider comments from the consultation exercise and officer recommendations. The group held a meeting on 12 November 2004 and made recommendations and changes to the Policy.

The Committee expressed their thanks to Michael Kay and Ann Walker for their work in developing the Policy.

#### **Resolved**

- 1. to note the comments and information obtained from the consultation process**
- 2. to approve the recommendations of the Cross Party Working**



**Group**

- 3. to recommend to Council to adopt the final version of the Licensing Policy**

MINUTES END