

Time commenced - 6.00 pm
Time finished - 7.09 pm

COUNCIL MEETING 16 SEPTEMBER 2003

Present: The Mayor (Councillor P S Berry)
Councillors Ahern, L Allen, Baxter, Bayliss, E Berry, Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Crosby, Dhamrait, Gerrard, Graves, Gupta, J E Hickson, P J Hickson, Hird, A Hussain, F Hussain, Jackman, Jackson, Jones, Kalia, Latham, Liversedge, Lowe, Nath, Redfern, Rehman, Repton, Roberts, Samra, Skelton, Smalley, Travis, Troup, Turner, Webb, West, Williamson, Willitts, Wilsoncroft, Winter, Wynn.

Apologies for Absence

Apologies for absence were received from Councillors R J Allen, Beech and MacDonald.

Declarations of Interest

There were no declarations of interest.

Announcement from the Mayor

The Mayor wished Councillor Williamson a Happy Birthday.

38/03 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council, held on 30 July 2003, be approved as a correct record, confirmed and signed by the Mayor.

39/03 Statements by Members of the Council Cabinet

There were no Statements by Members of the Council Cabinet.

40/03 Public Questions

There were no questions from members of the public.

41/03 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.

42/03 Written Questions from Non-Council Cabinet Members to Members of the Council Cabinet

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

1. By Councillor Graves, concerning environmental and transport improvements at Alvaston, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
2. By Councillor Williamson, concerning the possible closure of Bombardier, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
3. By Councillor Gupta, concerning the work of the Anti-Social Behaviour Team, answered by Councillor E Berry, Council Cabinet Member for Regeneration, Social Inclusion, Youth and Community.
4. By Councillor Kalia, concerning the "Re-Think Rubbish" Scheme, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
5. By Councillor Blanksby, concerning road safety issues and the removal of speed cushions in Boulton Ward, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
6. By Councillor Wynn, concerning the Pupil Referral Unit, answered by Councillor L Allen, Council Cabinet Member for Lifelong Learning.

43/03 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.

It was moved by Councillor Burgess, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 5 August and 9 September 2003.

Amendment 1 - Carried

It was moved by Councillor Burgess, and seconded, that the motion be amended by the addition of the following words:

“With the exception of paragraph 1 of the resolution in Minute No. 73/03 which be amended by the deletion of the words ‘subject to external audit’ and the insertion in their place of the words ‘and to authorise the Special Purposes Committee to give final approval to the accounts to reflect any adjustments that may be agreed with the Council’s external auditors.’”

(The effect of the amendment, if approved, was that paragraph 1 of the resolution in Minute No. 73/03 would read as follows:

- “1. To recommend Council to approve the draft Statement of Accounts for 2002/03, and to authorise the Special Purposes Committee to give final approval to the accounts to reflect any adjustments that may be agreed with the Council’s external auditors.”)

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 5 August and 9 September 2003, as amended.

44/03 Designation of Alcohol Free Zone – Alvaston Shopping Centre

The Council considered a report of the Director of Corporate Services which proposed the designation of land at Alvaston Shopping Centre and the surrounding area as an Alcohol Free Zone.

Resolved, on the motion of Councillor Burgess:

- 1. To approve the designation of land at Alvaston Shopping Centre and the surrounding area, shown shaded on the plan marked B attached to the report, as an Alcohol Free Zone.**
- 2. To authorise the Director of Corporate Services to make the necessary order, advertise it in a local newspaper and erect signs in the designated area.**

45/03 Appointments to Outside Bodies and Charities

The Council considered a report of the Director of Corporate Services concerning Appointments to Outside Bodies and Charities.

It was moved by Councillor Burgess, and seconded:

1. To approve the appointment of an independent member to Derby Homes Board (name to be notified at the Council meeting).
2. To appoint two representatives to Derby City Charity.

It was moved by Councillor Burgess, and seconded, that the motion be amended by the deletion of all words and their replacement with the following:

- “1. To approve the appointment of Mr Thomas Jagger FCMA FCCA as an independent member of Derby Homes Board.
2. To appoint Councillor P S Berry and Mr Finbar Sony - Richards as trustees of Derby City Charity for the period of 4 October 2003 to 3 October 2007.”

The amendment was put to the meeting and carried.

Resolved:

- 1. To approve the appointment of Mr Thomas Jagger FCMA FCCA as an independent member of Derby Homes Board.**
- 2. To appoint Councillor P S Berry and Mr Finbar Sonny - Richards as trustees of Derby City Charity for the period of 4 October 2003 to 3 October 2007.**

46/03 Minority Ethnic Communities Advisory Committee

The Council considered a report of the Director of Corporate Services concerning the representation of minority ethnic communities on the Minority Ethnic Communities Advisory Committee. The proposed representation had been recommended to the Council by the Advisory Committee.

Resolved, on the motion of Councillor Burgess:

- 1. To agree that the level of representation for identified minority ethnic communities, following the census 2001, be 23, as follows:**

**5 Indian Community Centre
5 Pakistani Association
4 West Indian Community Association
1 African Community Association
1 Derby Irish Association
1 Derbyshire Chinese Welfare Association
1 Bangladeshi Development Association
1 Bosnia Herzegovina Community Association
1 Farsi Community Association
1 Somali Support Association
1 Congolese Community Association
1 Unallocated**

2. **To agree that smaller communities be entitled to nominate one non-voting community advisor, but that the larger Pakistani, Indian and Caribbean communities continue to have two non-voting community advisors.**

MAYOR

**MINUTES OF COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL****COUNCIL CABINET
5 AUGUST 2003**

Present: Councillor Burgess – Chair
Councillors L Allen, Care, Carr, P Hickson, Webb and West

This record of decisions was published on 7 August 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless the decision is called in.

Budget and Policy Framework**73/03 Statement of Accounts 2002/2003**

The Council Cabinet considered a report of the Director of Finance, which included the draft Statement of Accounts for financial year 2002/2003 which was to be submitted to the Council's external auditors. It required approval by Council by 30 September 2003.

Details of the Revenue and Capital outturn were included in Minutes 83/03 and 84/03 respectively.

The formal capital financing determination 2002/2003, which gives details of how the capital programme outturn had been financed was attached at Appendix 3 of the report. It required approval by Council by 30 September 2003.

Decision

1. To recommend Council to approve the draft statement of accounts for 2002/2003, subject to external audit.
2. To recommend Council to approve the Capital financing determination for the financing of the capital programme of 2002/2003.

**74/03 Housing Revenue Account – Budget Plan from
2003/04 and 2003 Rent Review**

The Council Cabinet considered a joint report of the Directors of Finance and Policy, which stated that the short-term position of the Housing Revenue Account (HRA) was reasonably secure, but there were major uncertainties over its long-term position. The most certain issue was whether the Council's HRA could continue to receive housing subsidy linked to its Arms Length Management Organisation (ALMO) at the payable rate of 10% after 2005/06.

The report set out the key issues for consideration in relation to the HRA as well as providing financial projections from 2002/03 to 2007/08, consistent with these key issues. Further more, the impact of these revisions upon the Derby Homes Management Fee for 2002/03 and 2003/04 was set out in Appendix 4 of the report.

Detailed proposals for changes to rent from 29 September 2003 were explained in Appendix 5 of the report. The proposed rent increase averaged 2.79% but the effect on individual properties will vary. The proposals maintain the Council's long standing policy of increasing rent only up to a point where repayment of Housing Subsidy to the government can be avoided.

Officers of Derby Homes had been consulted during the preparation of this report. Presentations on the proposals have been made to the Council's Community Regeneration Commission (22 July), City Housing Consultancy Group (29 July) and the Derby Homes Resources Committee (21 July).

Decision

- 1 To recommend Council to adopt the revised Housing Revenue Account budget for 2003/04, including the revised management fee for Derby Homes, and the updated indicative budget plans from 2004/2005 onwards.
- 2 To approve the outturn position on the Housing Revenue Account for 2002/03, and the associated treatment of budget variances and the Derby Homes Management Fee.
- 3 To approve the revision of rent and service charges from 29 September 2003 on the basis set out in Appendix 5 of the report, including:
 - An average weekly rental increase of £1.21 or 2.79% calculated over 52 weeks.
 - An average increase of 3.25% on service charges and garage rents.
 - Introduction of the service charge of £3.25 per week to be charged on the construction of hard standing / dropped kerbs from 29 September 2003.
- 4 To report any decisions and outturn reports to the Community Regeneration Commission at the appropriate.

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET

9 SEPTEMBER 2003

Present: Councillor Burgess – Chair
Councillors L Allen, E Berry, Care, P Hickson, Webb and West

This record of decisions was published on 11 September 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless the decision is called in.

108/03 Audit Commission/Social Services Inspectorate Joint Review Report and Draft Action Plan

The Council Cabinet considered a report of the Director of Social Services, which detailed a review of Derby Social Services between October and December 2002, carried out by a team working on behalf of the Audit Commission and the Department of Health Social Services Inspectorate. The review was part of a rolling programme covering the whole of England and Wales. The purpose of the review was to give local people a clear and independent view of how well Derby:

- responded to individual people who need information and help;
- planned for its population as a whole;
- managed its resources and performance.

The report was positive on the Council's Social Services functions.

The recommendations of the report fell under five main headings and the action plan which was attached to the report, addressed each of these.

In summary, they were to:

- review the operational arrangements for some children's services
- draw up a comprehensive elderly persons strategy
- review out of hours services
- invest in modern office environments and working arrangements
- promote devolution, empowerment and accountability.

Decisions

To recommend Council:

- 1 To receive the report of the Audit Commission/Social Services Inspectorate (SSI) Joint Review Teams review of Social Services in Derby.
- 2 To endorse the Action Plan to improve those areas of service identified in the report, and authorise the Director of Social Services in consultation with the Chief Executive and the Cabinet Member for Social Care to revise the plan following consultation with staff and partners.
- 3 To ask the Director of Social Services to present to Council Cabinet quarterly performance monitoring reports on progress made on the Action Plan.
- 4 To thank staff for their hard work in ensuring the Council received a positive inspection report and their contributions to implementing the Action Plan.

114/03 Local Government Ombudsman Annual Letter

The Council Cabinet considered a report of the Director of Corporate Services which presented a letter from the Local Government Ombudsman summarising performance in dealing with complaints received by the Ombudsman and providing any other information felt to be relevant or useful to the Authority. A pilot scheme involving some authorities, including Derby City Council ran during the year. It was agreed with the ombudsman that for the pilot scheme the annual letter would be provided to Council Cabinet.

The contents on the letter a copy of the letter was sent out in appendix 1 of the report. The appendix showed the number of complaints received, the area to which they related and the respected outcome. Whilst a letter did note some areas that the Council may wish to look at further it complimented the Council of the new complaints arrangement, and the fact that no formal reports were issued and no maladministration found. And that decision is that Council Cabinet note the annual letter in the report.

Decision

To recommend Council to note the annual letter from the Ombudsman.