

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Council Chamber at the Council House, Derby on Monday 1 March 2010 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 20 January 2010 **DOCUMENT 3**

Motion - That the minutes of the meeting of the Council held on 20 January 2010 be approved as 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. Dorothy Skrytek - Waste Management – Conflict of Interest
 - b. Simon Bacon - Waste Management – Brown Bin Waste Contract
 - c. Simon Bacon - Waste Management – Blue Bin Waste Contract
 - d. Colin Underhill - Evening Car Parking Policy
 - e. Colin Underhill - Car Parks on the sites of Demolished Buildings

(Note – unless the Council decides otherwise, the maximum period of time for questions by the public is thirty minutes. Any questions not answered at the end of thirty minutes will be answered in writing).

7. To receive any written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority and Derby Homes and the answers to those questions.

There are no questions

8. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.
9. To consider the following minutes and recommendations of the Council Cabinet dated 16 February 2010 requiring the approval of the Council.

DOCUMENT 9

174/09 Local Area Agreement Review and Refresh

DOCUMENT 9A

1. To refer the report to Council on 1 March 2010.
2. To recommend to Council that delegated authority is given to the Chief Executive to sign off the LAA targets, in consultation with the Leader of the Council, by 12 March 2010.

178/09 Corporate Plan

DOCUMENT 9B

1. To refer the Corporate Plan, with amendments as advised, to Council on 1 March 2010 alongside the Council's budget.

180/09 Financial and Performance Monitoring 2009/10 Quarter 3

DOCUMENT 9C

To recommend to Council the following revenue budget transfers 2009/10:

- a transfer of £800,000 revenue budget from Adult Social Services to create a capital reserve to part-fund the proposed Adult Social Services extracare capital programme in 2010/11
- the transfer of the net remaining forecast underspend of £188,000 to the budget risk reserve.

182/09 Corporate Restructure

DOCUMENT 9D

To recommend Council to:

1. Approve the proposals as outlined within this report for implementation on 1 May 2010.
2. Approve the implementation of the remaining tiers of the new structures by the Chief Executive and Strategic Directors in consultation with the appropriate Cabinet Member in line with existing policies.
3. Delegate to the Monitoring Officer the power to apportion delegated duties and responsibilities to senior officers within the new structure from 1 May 2010 pending final ratification at the Council's annual meeting.
4. Appoint the Chief Executive as Electoral Registration Officer and Returning Officer for local government elections with effect from 3 July 2010 and, as the holder of these statutory offices, the Responsible Officer for functions relating to elections set out in the Appendix to Part 3 of the Constitution.
5. Appoint the Director of Legal and Democratic Services as Monitoring Officer with effect from 3 July 2010.

186/09 Housing Rents and Services Charges 2010/11

DOCUMENT 9E

To recommend Council, on 1 March 2010 approve revision of rent and service charges from 5 April 2010 on the basis set out in the report including:

- an average overall weekly rental decrease of £0.40 or 0.7% calculated over 52 weeks, plus.
- introduction of unpooled service charges for Grounds Maintenance and Smoke Alarms as detailed at Appendix 2 of the report which was available on CMIS.
- implementation of revised energy charges as detailed at Appendix 4 of the report which was available on CMIS.
- introduction of new service charge for Tenancy Sustainment of £14.50 per week.
- a freeze on all other Service Charges as set out in Table 2 of the report.
- an increase in Garage Rents and other rents of 3.6%.

187/09 Housing Revenue Account

DOCUMENT 9F

1. To recommend Council to approve the budget set out as part of the HRA Business Plan at Appendix 2 and detailed in Appendix 3 of the report.

188/09 Treasury Management Strategy and Prudential Code Indicators 2010/11

DOCUMENT 9G

To approve each of the six key elements of the report, and recommend these to Council:

1. The Prudential Indicators and Limits for 2010/11 to 2012/13 contained within Appendix 2 of the report.
2. The Minimum Revenue Provision (MRP) statement contained within Appendix 2 paragraph 2.8 of the report which sets out the Council's policy on MRP.
3. The Treasury Management Strategy 2010/11 to 2012/13, and the Treasury Prudential Indicators contained within Appendix 3 of the report.
4. The Authorised Limit Prudential Indicator shown in paragraph 3.14 of the report.
5. The Investment Strategy 2010/11 contained in the treasury management strategy in Appendix 3 of the report.
6. The revision to the Council's Financial Procedure Rules (section E7) at Annex 3C of the report. The revision nominated the Audit and Accounts Committee as the body responsible for ensuring effective scrutiny of the treasury management strategy and policies.

190/09 Contract and Financial Procedure Matters Report DOCUMENT 9H

1. To recommend to Council the approval of the additional borrowing requirement for the Racecourse and Alvaston Park Changing Rooms scheme, as set out in paragraph 3.16 of the report.

Motion – To approve the above minutes and recommendations of the Council Cabinet dated 16 February 2010.

10. To consider the following minutes and recommendations of the Council Cabinet dated 16 February 2010 requiring the approval of the Council. **DOCUMENT 10**

184/09 General Fund Revenue Budget Capital Programme and Council Tax 2010/11 DOCUMENT 10A

The text of Minute No. 184/09 is set out in Document 10 and in the motion at the end of item 11.

185/09 Updated Capital Programme DOCUMENT 10B

1. To recommend to Council on 1 March 2010 the capital programme for 2010/11 and the indicative capital programme for 2011/12 and 2012/13 set out in the report.
2. To note the proposed corporate programme allocations as set out at Appendix 3 of the report and included in the recommendations to Council on 1 March 2010.

Motion – To approve the above minutes and recommendations of the Council Cabinet dated 16 February 2010 and:

1. **To approve a budget requirement for Derby City Council for 2010/11 of £214,823,336.**
2. **To approve for 2010/11 the departmental revenue budget estimates and use of corporate reserves of £2.472m (1.15% of the budget) in 2010/11, and 3.129m in 2011/12, net of a £0.4m transfer to the General Reserve in each year, and a £0.4m transfer to the General Reserve in 2012/13, as summarised in Appendices 4a, 5a and 6a of the report.**
3. **To approve the proposed treatment of Housing and Planning Delivery Grant – HPDG – within revenue and capital budgets, as set out in paragraph 5.13 of the report.**
4. **To note the latest 2009/2010 revenue budget monitoring position and treatment of variances as set out in paragraph 8.4 of this report.**
5. **To approve the treatment of one-off VAT and National Insurance amounts that have occurred**

during 2009/10 as set out in paragraph 9.6 of the report.

6. To approve the measures proposed to manage budget risks in 2010/11 and in future years, including the deliverability of identified savings, levels of service and inflation forecasts as set out in Section 11 of the report.
7. To approve within this total of £214,823,336 net service estimates of:

Children and Young People	43,356,000
Environmental Services	23,678,000
Regeneration and Community Resources	26,292,000
Corporate and Adult Services	11,113,000
Corporate and Contingency Budgets	78,918,000
	34,127,397
	217,484,336

Appropriations to/from reserves (figures in brackets are appropriations from reserves):

Corporate reserves	(2,472,000)
Service reserves	(239,000)
Revenue Financing Capital	50,000
	214,823,336

8. To note that the service estimates would be re-profiled into the new Department structure for the published budget book for 2010/11, together with support service recharges.
9. To note that, at its meeting on 12 January 2010, the Council Cabinet calculated the amount of 71,114.57 equivalent band D properties as the Council's Tax Base for the year 2010/11 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended by The Local Authorities (Calculation of Council Tax Base)(Amendment)(England) Regulations 2003, made under Section 33(5) of the Local Government Finance Act 1992.
10. To calculate the following amounts for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act).
 - a. £637,300,336 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e).

- b. **£422,477,000** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) and (c) of the Act.
- c. **£214,823,336** as its budget requirement for the year, being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in Accordance with Section 32(4) of the Act.
- d. **£134,662,237** being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant and area based grant.
- e. **£1127.21** as the basic amount of its Council Tax for the year, being the amount at (c) above, less the amount at (d) above, all divided by the amount at 9. above, calculated by the Council, in accordance with Section 33 of the Act.
- f. for the following Valuation Bands:

	£		£
A	751.47	E	1377.70
B	876.72	F	1628.19
C	1001.96	G	1878.68
D	1127.21	H	2254.42

as the amounts to be taken into account for the year, under Section 30(2)(a) of the Act, in respect of categories of dwellings listed in different valuation bands, being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to all dwellings listed in each particular valuation band divided by the number which in that proportion is applicable to

dwelling listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act.

11. To note that for the year 2010/11, Derbyshire Police Authority has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	109.16	E	200.13
B	127.35	F	236.51
C	145.55	G	272.90
D	163.74	H	327.48

12. To note that for the year 2010/11, Derbyshire Fire Authority has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	44.78	E	82.10
B	52.24	F	97.02
C	59.71	G	111.95
D	67.17	H	134.34

13. Having calculated the aggregate in each case of the amount in 10, 11 and 12 above, in accordance with Section 30(2) of the Local Government Finance Act 1992, to set the following amounts as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	905.41	E	1659.93
B	1056.31	F	1961.72
C	1207.22	G	2263.53
D	1358.12	H	2716.24

14. To note the revenue budget plans for 2011/12 and 2012/13 set out in section 6 of the report.

15. To note the feedback from the budget consultation at Appendices 7 to 9, and approve the Council Cabinet response to the Scrutiny Commissions recommendations at Appendix 7 of the report.
16. To note that the Schools Forum agreed at their meeting on 27 January 2010 to contribute a further £100,000 to combined budgets towards the non statutory provision of the education psychology service.
17. To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.

11. To consider the following minutes and recommendations of the General Licensing Committee dated 10 February 2010 requiring the approval of the Council.

DOCUMENT 11

24/09 Licensing Act Minor Variations

DOCUMENT 11A

To recommend Council to adopt the Minor Variation Procedure and delegate decision making powers under the procedure to the Assistant Director Environmental Health and Trading Standards.

Motion:

1. To approve the minutes and recommendations of the General Licensing Committee dated 10 February 2010.
2. To amend the Appendix to Part 3 of the Constitutions (Scheme of Delegations – first of Statutory Functions) by the addition of the following to the section on Licensing and Registration Functions:

Function	Responsible Body	Responsible Officer
14A(4) Power to determine applications under the Minor Variations Procedure, Licensing Act 2003.		Assistant Director Environmental Health and Trading Standards.

12. To consider a report of the Director of Corporate and Adult Services concerning Members' Allowances – Recommendations of the Independent Remuneration Panel for 2010/11

DOCUMENT 12

Motion:

1. **To make representations to the Department for Communities and Local Government, and the Local Government Association, supporting the recommendations of the Councillors Commission for national guidelines with a range of allowance bands covering different types of local authority.**
2. **To agree that, in the current economic climate, the moratorium on the implementation of the recommendations in the Panel's Fifteenth Report should continue for a further twelve months**
3. **To index Basic and Special Responsibility Allowances by the average salary award for local government employees for 2010/11.**
4. **To amend the Members Allowances Scheme from 1 April 2010 accordingly.**

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

DOCUMENT 13

Motion – To note the report

14. To consider the following notices of motion:

NOTICE OF MOTION DEFERRED FROM THE JANUARY 2010 MEETING

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

"Council notes the three bin recycling system has reduced the amount of waste going to landfill.

But Council is concerned that the current policy prohibiting 'side waste' is causing a major problem in the city's high density neighbourhoods.

Council recognises that there are many larger households in these areas and the current policy had led to a massive increase in fly-tipping of household waste.

Council is alarmed that the introduction of the policy prohibiting side waste has had a negative impact on community relations and property prices in the areas affected

Council believes that urgent action is required to address the fly-tipping epidemic that the no 'side waste' policy has generated.

Council therefore instructs the chief executive to draw up proposals for the next council cabinet meeting to ensure that 'side waste' is collected in future."

NOTICE OF MOTION SUBMITTED FOR THIS MEETING

- (2) Councillor Latham to move, Councillor Hickson to second:

Council strongly recommends that from dissolution of Parliament until the date of the general election, its political groups stand down any members who are also Parliamentary candidates from positions for which they receive a special responsibility allowance.

Michael Foote
Deputy Chief Executive and
Corporate Director of Corporate and Adult Services

COUNCIL MEETING 20 JANUARY 2010

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

Apologies for Absence

Apologies for absence were received from Councillors Leeming and Williams.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Mayor referred to the earthquake in Haiti and said that the Council would wish to extend condolences to the families of those of who had lost their life lives. He also urged the public to contribute to the relief efforts.

69/09 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 18 November 2009 be approved as a correct record, confirmed and signed by the Mayor.

70/09 Statements by Members of the Council Cabinet

There were no statements from members of the Council Cabinet.

71/09 Public Questions

Questions from members of the public were asked as follows:

1. By Brenda Longworth, concerning Boulton Neighbourhood Board, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
2. By Tony Dunn, concerning Elvaston Castle access, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
3. By Tony Dunn, concerning bus station opening hours, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
4. By Steve Hassall, concerning Chaddesden Library, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
5. By Simon Bacon, concerning the Sure Start Unit in Oaklands Avenue, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.
6. By Colin Underhill, concerning air quality management areas, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
7. By Colin Underhill, concerning Connecting Derby works, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

In accordance with Council Procedure Rule CP17, the Mayor stated that in the absence of the questioner, answers to two questions by Richard Butler, concerning the market rent for 40 West Avenue and the land adjacent to the Seven Stars Public House, would be sent in writing.

72/09 Order of Business

Resolved, on the motion of the Mayor (Councillor Marshall), that the order of business be varied in order to consider Item 11(3) – Notice of Motion in respect of the Travel Plan – at this point.

73/09 Notice of Motion – Travel Plan

It was moved by Councillor Carr, and seconded, that Council is aware of the decision of the Personnel Committee of 7 December 2009 on the Travel Plan following the recommendations of the Disputes Resolution Sub Committee. However, with a view to bringing a speedy resolution to the matter Council agrees to the following:

1. In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary agreement to vary their contractual terms and conditions. There would be a fixed time period for this (mid-Feb to mid-March 2010).

2. To offer compensation of £1200 (gross) to essential users and to casual users £120 (gross).
3. To ask employees to sign a COT3 agreement in exchange for the compensation, with the assistance of ACAS being sought in this process.
4. If there are employees remaining who have not voluntarily agreed to the changes, to serve notice of dismissal from existing contracts and re-engagement on new contracts on 1 April 2010 on these individuals. To serve 12 weeks notice to all, irrespective of whether their contractual notice entitlements are less, with no compensation being awarded.
5. To apply an implementation date of 1 July 2010 to all employees, whether they have voluntary agreed to the changes or not.
6. To make Pool cars available as a priority to high mileage/daily users where a sufficient number of individuals in teams volunteer to participate in a pilot arrangement, but Pool cars will not be imposed upon individuals and they will still be authorised to use their own vehicles, provided they comply with the requirements of the Driving at Work Policy.
7. To run Pool pilots teams / groups of volunteers who do average mileage/travel less frequently, where a sufficient number of individuals volunteer and where there is an economic case for conducting a pilot.
8. To invite Trades Unions representatives to contribute to the development and assessment of pool pilots.
9. To note the current national recruitment and retention pressures in social care and to take these into account when responding to the recommendations of the National Social Work Taskforce Review.

In accordance with Rule CP50 the Council consented to the alteration of the motion by the addition of the following words after the words “terms and conditions” in paragraph 1.:

“by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC’s recommended non-profit rate)”.

(The effect of the alteration was that paragraph 1. of the motion would read as follows:

“In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary agreement to vary their contractual terms and conditions by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC’s recommended non-profit rate). There would be a fixed time period for this (mid-Feb to mid-March 2010).”

During the course of the debate of the above motion, the Director of Corporate and Adult Services gave legal advice to the Council on its powers to amend a decision previously taken by the Personnel Committee.

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

The following Members voted for the motion:

The Mayor (Councillor Marshall), Councillors Allen, Batey, Care, Carr, Davis, Ginns, Grimadell, Harwood, Hickson, Hird, Holmes, Ingall, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Richards, Skelton, Troup, Tuplin, Webb, Winter, Wood (30).

The following Members voted against the motion:

Councillors Banwait, Baxter, Bayliss, Berry, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Williamson (17).

Councillor Chera abstained.

The motion was declared carried.

Resolved, that Council is aware of the decision of the Personnel Committee of 7 December 2009 on the Travel Plan following the recommendations of the Disputes Resolution Sub Committee. However, with a view to bringing a speedy resolution to the matter Council agrees to the following:

- 1. In the absence of a collective agreement, to make a compensation offer directly to affected non-schools based staff in exchange for their voluntary agreement to vary their contractual terms and conditions by removing the NJC essential car user allowance and mileage rates and the casual user mileage rate and by reimbursing authorised business mileage at 40p per mile (as the HMRC's recommended non-profit rate). There would be a fixed time period for this (mid-Feb to mid-March 2010).**
- 2. To offer compensation of £1200 (gross) to essential users and to casual users £120 (gross).**
- 3. To ask employees to sign a COT3 agreement in exchange for the compensation, with the assistance of ACAS being sought in this process.**
- 4. If there are employees remaining who have not voluntarily agreed to the changes, to serve notice of dismissal from existing contracts and re-engagement on new contracts on 1 April 2010 on these individuals. To serve 12 weeks notice to all, irrespective of whether their contractual notice entitlements are less, with no compensation being awarded.**
- 5. To apply an implementation date of 1 July 2010 to all employees, whether they have voluntarily agreed to the changes or not.**
- 6. To make Pool cars available as a priority to high mileage/daily users where a sufficient number of individuals in teams volunteer to participate in a pilot arrangement, but Pool cars will not be imposed upon individuals and they will still be authorised to use their own vehicles, provided they comply with the requirements of the Driving at Work Policy.**

7. **To run Pool pilots teams / groups of volunteers who do average mileage/travel less frequently, where a sufficient number of individuals volunteer and where there is an economic case for conducting a pilot.**
8. **To invite Trades Unions representatives to contribute to the development and assessment of pool pilots.**
9. **To note the current national recruitment and retention pressures in social care and to take these into account when responding to the recommendations of the National Social Work Taskforce Review.”**

74/09 Written Questions about the Business or Functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited

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

75/09 Written Questions from Non-Council Cabinet Members

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

1. By Councillor Higginbottom, concerning the potential use of Government funding, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
2. By Councillor Graves, concerning Brindley Court, Alvaston, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
3. By Councillor Bayliss, concerning Alvaston District Centre, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
4. By Councillor Tuplin, concerning the provision of care for the elderly in Derby, answered by Councillor Skelton, Council Cabinet Member of Adult Services and Health.
5. By Councillor Graves, concerning temporary fencing at Durley Close, Alvaston, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
6. By Councillor Roberts, concerning the gritting programme, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
7. By Councillor Nath, concerning highway defects, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
8. By Councillor Turner, concerning Council committee decisions, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.

9. By Councillor Wood, concerning Twinning arrangements, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
10. By Councillor Holmes, concerning chewing gum on pavements and pedestrian areas, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
11. By Councillor Holmes, concerning economic development, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
12. By Councillor Turner, concerning Victory Road residents, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
13. By Councillor Davis, concerning the Audit and Accounts Committee, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
14. By Councillor Ingall, concerning street lighting, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
15. By Councillor Poulter, concerning Council House refurbishment, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
16. By Councillor Shanker, concerning Glossop Street, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
17. By Councillor Jennings, concerning Exeter House, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
18. By Councillor Jennings, concerning the Kedleston Road bus lane, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
19. By Councillor Berry, concerning the bus station, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

A question by Councillor Grimadell, concerning Chaddesden Library consultation, was withdrawn by the questioner. In accordance with Rule CP27 a question from Councillor Leeming concerning Tree Policy, was held over until the next meeting of the Council in the absence of the questioner.

76/09 Minutes and Recommendations of the Council Cabinet

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

Resolved, on the motion of Councillor Jones, to approve the minutes and recommendations of the Council Cabinet dated 12 January 2010.

77/09 Urgent Non-Executive Decisions made by the Chief Executive

The Council considered a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive since the last meeting of the Council.

Resolved, on the motion of the Mayor (Councillor Marshall), to note the report.

78/09 Notices of Motion Deferred from the November 2009 Meeting

1. 10 : 10 Campaign

It was moved by Councillor Williamson, and seconded, that Council supports the 10 :10 campaign to reduce the UK's carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure that the Council reduces its carbon emissions by 10% in 2010.

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

The following Members voted for the motion:

The Mayor (Councillor Marshall), Councillors Allen, Banwait, Batey, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Dhindsa, Ginns, Graves, Grimadell, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Rawson, Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Williamson, Winter, Wood (46).

No Members voted against the motion.

Councillor Harwood abstained. Councillor Davis was not present in the Council Chamber when the recorded vote was taken.

The motion was declared carried.

Resolved that Council supports the 10 :10 campaign to reduce the UK's carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure that the Council reduces its carbon emissions by 10% in 2010.

2. Considerate Building / Contractors Scheme

It was moved by Councillor Holmes, and seconded, that Council recognises construction and building developments can cause significant disruption and disturbance to local residents. Therefore, Council agrees to the implementation of a considerate building / contractors scheme that would control and limit working hours and control other disturbances in or close by to residential areas.

The Planning and Control Committee would be asked to consider the procedures involved and ensure that it will be low-cost for the Council to operate and exclude householder development.

While Council understands any scheme will cover a wide range of detail to be decided upon by the Planning and Control Committee, it strongly recommends that where residential dwellings are likely to be affected by noise, the hours of noisy works must be restricted to:

Monday to Friday: 8am to 6pm

Saturday: 8am to 1pm

Sunday and bank holidays: no noisy activities on site

Vehicles and plant arriving at and leaving the site must also comply with the stated hours of work."

The motion was put to the meeting and lost.

79/09 Notices of Motion Submitted for this Meeting

1. *Ring Road Hospital Bus Service*

It was moved by Councillor Bayliss, and seconded, that Council calls on the Council Cabinet to implement as soon as possible in negotiation with the bus companies and the Royal Hospital Trust, a 'ring road' bus service that would serve both the hospital employees, patients and visitors.

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

The following Members voted for the motion:

The Mayor (Councillor Marshall), Councillors Allen, Banwait, Batey, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Davis, Dhindsa, Ginns, Graves, Grimadell, Harwood, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keane, F Khan, R Khan, Latham, Lowe, Naitta, Nath, Poulter, Rawson, Redfern, Repton, Richards, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Williamson, Winter, Wood (47)

No councillors voted against the motion and no councillors abstained. Councillor Roberts was not present in the Council Chamber when the recorded vote was taken.

The motion was declared carried.

Resolved that Council calls on the Council Cabinet to implement as soon as possible in negotiation with the bus companies and the Royal Hospital Trust, a 'ring road' bus service that would serve both the hospital employees, patients and visitors.

2. *Footway Renewal and Planned Maintenance*

Resolved, on the motion of Councillor Poulter, that Council recognises that many pavements across the City are in an increasingly poor state of repair and notes with concern that the revenue footway renewal programme has again been removed and reallocated by the current administration.

This and other reallocations of funding will further reduce the amount of footway renewal schemes undertaken, add to the ever increasing preparation pool and result in considerably more LTP capital provision being spent on maintenance, thereby threatening this councils “excellent” status in relation to the LTP.

Council therefore calls for the cabinet to evaluate the extent of urgent works required and re-instate a suitable programme of renewal and planned maintenance.

3. *Car Parking Provision*

Resolved, on the motion of Councillor Wood, that this Council welcomes the imminent completion of Derby’s Inner Ring Road, and recognises the right of its citizens to choose all forms of transport, including the motor car, for safe and efficient movement throughout the City.

Council therefore calls upon the Cabinet to recognise this right in framing future policies and also, where required, to reconsider relevant policy taking into account the need for car users to park within reasonable distance of their work place, local facilities and developments.

4. *Waste Collection – Side Waste*

Resolved, on the motion of the Mayor (Councillor Marshall), that the motion on the agenda relating to waste collection – side waste be deferred for consideration at the next meeting of the Council.

Mayor

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

**COUNCIL CABINET
16 FEBRUARY 2010**

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

In attendance Councillors Williamson and Holmes

This record of decisions was published on 18 February 2010. 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

174/09 Local Area Agreement Review and Refresh

The Council Cabinet considered a report on Local Area Agreement Review and Refresh. In line with Government guidance an Annual Review of the Local Area Agreement, LAA, took place on 20 January 2010 with Government Office for the East Midlands, GOEM. Though the Annual Review was the second to have taken place during the current LAA 2008-2011 it was the first review to link in with the findings from the recent 2009 Comprehensive Area Assessment, CAA. Running alongside the LAA Annual Review was the LAA Refresh process. The LAA Refresh was looking at a small number of indicators to:

- finalise targets where they had previously been unable to be set due to a lack of historical data
- amend targets where the downturn in the economy has had a significant affect on performance.

The Refresh process was the final opportunity to amend targets in the 2008-2011 LAA. This final target setting process was critical to our success in the LAA and would influence the amount of Performance Reward Grant Derby was likely to receive. Section 3 of the report outlined the approach taken for the 2010 LAA Annual Review. Section 4 covered the 2010 LAA Refresh process and highlighted which indicator targets were being considered and where negotiations with GOEM were complete what the amended targets were.

Options Considered

There were no other options considered.

Decision

1. ...
2. ...
3. ...
4. To refer the report to Council on 1 March 2010.
5. To recommend to Council that delegated authority is given to the Chief Executive to sign off the LAA targets, in consultation with the Leader of the Council, by 12 March 2010.

Reasons

There were no reasons.

178/09 Corporate Plan

The Council Cabinet considered a report on the Corporate Plan. An interim Corporate Plan was being prepared, outlining objectives for 2010/11 in line with the aims of Derby's Sustainable Community Strategy. Work was continuing to draft the Corporate Plan and a leaflet for circulation to all Members and Council employees. Feedback was being sought from Council Cabinet as to the final list of objectives together with the draft content and layout of the Corporate Plan.

Options Considered

There were no other options considered.

Decision

1. ...
2. ...
3. ...
4. To refer the Corporate Plan, with amendments as advised, to Council on 1 March 2010 alongside the Council's budget.

Reasons

There were no reasons.

Performance Management

180/09 Financial and Performance Monitoring 2009/10 Quarter 3

The Council Cabinet considered a report on Financial and Performance Monitoring 2009/10 Quarter 3. Financial and performance monitoring underpinned the Council's planning framework in terms of reviewing progress regularly in achieving our priorities and delivering value for money. The report included highlights from both revenue and capital budgets, as well as key performance measures included in our Corporate Plan 2008-2011 and Local Area Agreement (LAA) 2008-2011. Summary results for quarter three - the period up to 31 December 2009 - were as follows...

- The overall forecast General Fund revenue position at the end of the third quarter was an underspend of £988,000, a 0.5% variance from total budget, excluding the Dedicated Schools Budget.
- In addition, all of the £1.310 million 1% salary savings target agreed by Council in March 2009 had been met. £531,000 of other budgeted savings had yet to be achieved.
- 76% of performance measures were on track to achieve their year end target, with 20% forecasting to miss year-end target by more than 5%.

The report proposed the following measures to deliver a balanced forecast General Fund revenue outturn for 2009/10, subject to Council approval on 1 March 2010 to the recommendations:

- to approve a transfer of £800,000 revenue budget from Adult Social Services to create a capital reserve to part-fund the proposed Adult Social Services extra care capital programme in 2010/11
- to approve the transfer of the net forecast underspend that would result of £188,000 to the budget risk reserve.

The supporting performance tables could be found on CMIS at <http://cmis.derby.gov.uk/CMISWebPublic/Binary.ashx?Document=15079>.

Decision

1. ...
2. ...
3. ...
4. ...
5. To recommend to Council the following revenue budget transfers 2009/10:
 - a transfer of £800,000 revenue budget from Adult Social Services to create a capital reserve to part-fund the proposed Adult Social Services extracare capital programme in 2010/11

- the transfer of the net remaining forecast underspend of £188,000 to the budget risk reserve.
6. ...
 7. ...
 8. ...

Budget and Policy Framework

182/09 Corporate Restructure

The Council Cabinet considered a report on Corporate Restructure. The report recommended the proposed structures for 2nd and 3rd tier - Service Directors and Heads of Service as part of the Council's transformation programme 'one Derby, one council'. The proposals contained within this report had been subject to extensive consultation with all 2nd and 3rd tier officers affected by the proposals as well as the Trade Unions. The report proposed that the current role of Assistant Director was changed to Service Director. Council had agreed the creation of four Strategic Director posts and the re-designation of the 2nd tier to Service Director which demonstrated the emphasis of the role which would be to direct, lead and manage their respective services on a day-to-day basis. The report recommended that the number of permanent 2nd tier officers was reduced from 26 to 20 and that the number of permanent 3rd tier officers was reduced from 97 to 74. The proposed implementation date for these new structures was 1 May 2010.

Decision

To recommend Council to

1. Approve the proposals as outlined within this report for implementation on 1 May 2010.
2. Approve the implementation of the remaining tiers of the new structures by the Chief Executive and Strategic Directors in consultation with the appropriate Cabinet Member in line with existing policies.
3. Delegate to the Monitoring Officer the power to apportion delegated duties and responsibilities to senior officers within the new structure from 1 May 2010 pending final ratification at the Council's annual meeting.
4. Appoint the Chief Executive as Electoral Registration Officer and Returning Officer for local government elections with effect from 3 July 2010 and, as the holder of these statutory offices, the Responsible Officer for functions relating to elections set out in the Appendix to Part 3 of the Constitution.
5. Appoint the Director of Legal and Democratic Services as Monitoring Officer with effect from 3 July 2010.

186/09 Housing Rents and Services Charges 2010/11

The Council Cabinet considered a report on Housing Rents and Services Charges 2010/11. The Government originally set a policy to restructure social housing rents over the 10 year period 2002/03 to 2011/12. The process involved moving rents incrementally towards a target so that at the end of the restructuring period, council housing rents would be in line with those of other Registered Social Landlords – RSLs – this was known as ‘rent convergence’. The period of rent restructuring had changed a number of times during the life of the policy, due to the impact of changes in the rate of inflation and Government intervention in terms of rent capping. Currently, it was anticipated that rents would converge in 2012/13 – one year after the original intended date - although this date could change again depending on inflation levels and a shift in government policy. Our rent proposals for 2010/11 included the ‘unpooling’ or separation of certain service charges totalling £1.57 per week – namely Smoke Alarms and Grounds Maintenance. In addition, the levels of charges for energy usage had been reviewed with a revised level of charges proposed, and proposals for separate meters for electricity. If the service charges were unpooled, the average rent would reduce by £1.57. When service charges averaging £1.57 were added back, the overall total paid by tenants in 2010/11 would be the same as it would have been if the unpooling of these service charges were not put in place. Overall the average rent would decrease by 40p a week or – around 0.7%. The average increase for rent and unpooled service charges taken together for 2010/11 worked out at just under 2%, although there would be a wide variation, as there always was under rent restructuring. A majority of tenants would have a rent cap applied at RPI +0.5% +£2. For a tenant paying the average rent this would restrict the increase to around 2.5%. Proposed actual rent increases in April 2010 would feel slightly higher than figures quoted here which were based on an average rent for the whole year rather than that being paid now. It was proposed to freeze all existing service charges in 2010/11. It was proposed to introduce a new service charge to be applied to qualifying new tenants relating to tenancy sustainment of £14.50 a week. Garage and other rents were proposed to be increased by the Guideline rent increase of 3.6%.

Decision

To recommend Council, on 1 March 2010 approve revision of rent and service charges from 5 April 2010 on the basis set out in the report including:

- an average overall weekly rental decrease of £0.40 or 0.7% calculated over 52 weeks, plus.
- introduction of unpooled service charges for Grounds Maintenance and Smoke Alarms as detailed at Appendix 2 of the report which was available on CMIS.
- implementation of revised energy charges as detailed at Appendix 4 of the report which was available on CMIS.
- introduction of new service charge for Tenancy Sustainment of £14.50 per week.
- a freeze on all other Service Charges as set out in Table 2 of the report.
- an increase in Garage Rents and other rents of 3.6%.

187/09 Housing Revenue Account

The Council Cabinet considered a report which stated that the Housing Revenue Account, HRA, remained financially robust in the short term but continued to face increasing pressure over time. The HRA had a long-term planning framework, with a three-year budget supplemented by a thirty-year business plan, known as the HRA Business Plan, or HRABP.

The government's long-term review of the HRA Subsidy system, HRAS, undertaken last year concluded that there was an urgent need for reform. The government intended to make an offer to local authorities at some point this month setting out terms under which the Secretary of State would be willing to agree to an authority being able to be excluded from the HRAS system in future. This was likely to take the form of an additional – or in a few cases reduced – debt to be placed on the HRA in exchange for ceasing to include that Authority in the HRAS system in future.

The exact format or content of that offer remained unknown but could have a significant effect on the future of the HRA. It was hoped that the format and content of the offer would be acceptable and lead to many acceptances of the offer across the country, bringing the HRAS system effectively to an end. This outcome could not be guaranteed however, and it remained unclear at this point.

In the meantime, there was a need to consider the situation as it stands, and also in the event that this process was not successfully concluded. As a result, there remained a need to set out a further plan on the existing basis under the HRAS system.

It was not proposed to change the business plan radically, but to make moderate improvements to funding in a few areas, concentrating mainly on the repairs account which had come under significant pressure over recent years.

The proposals contained within the report approved a slight reshaping of the final year of the Estates Pride programme of works, completing the £15m total programme that had been running now for four years. By the end of this year, it was estimated that the Council would have spent £7.7m of this programme and the remainder would be spent over the next few years on the programme that had already been largely agreed. Consideration needed to be given to the impact that the ending of this programme would have if alternative funding was not forthcoming as a result of the HRA review.

There were also other funding sources that were no longer being received and would impact on the plans in the medium term – primarily the funding for the aids and adaptations budget that effectively came from the Supported Capital Expenditure approval of £1m a year that had now ceased and that had been supported for the last few years from HRA reserves.

New Service Charges were proposed for grounds maintenance and for smoke alarms. These would raise significant funds over time and allow greater investment in future in capital and repairs than would otherwise have been the case. They would also eliminate existing cross subsidies between tenants under the current arrangements. In 2010/11, all tenants would pay no more than they would have done had these charges not been introduced by means of a reduction to their rent.

Despite the proposed generation of additional funding, there remained a series of additional pressures that were not covered in the proposed, including an estimated additional need of around £400m over the 30 year planning period for major investment. A summary of the main unfunded pressures on the HRA from 2011/12 onwards were shown in the report.

Decision

1. To recommend Council to approve the budget set out as part of the HRA Business Plan at Appendix 2 and detailed in Appendix 3 of the report.
2. ...
3. ...
4. ...

188/09 Treasury Management Strategy and Prudential Code Indicators 2010/11

The Council Cabinet considered a report on Treasury Management Strategy and Prudential Code Indicators 2010/11. The report outlined the Council's prudential indicators for 2010/11 – 2012/13 and set out the expected treasury operations for this period. It fulfilled four key legislative requirements ...

- The reporting of the prudential indicators setting out the expected capital activities as required by the CIPFA Prudential Code for Capital Finance in Local Authorities as shown at Appendix 1 of the report. The treasury management prudential indicators were now included as treasury indicators in the CIPFA Treasury Management Code of Practice.
- The Council's Minimum Revenue Provision - MRP - policy, which set out how the Council would pay for capital assets through revenue each year as required by Regulation under the Local Government and Public Involvement in Health Act 2007.
- The treasury management strategy statement which set out how the Council's treasury service would support the capital decisions taken above, the day-to-day treasury management and the limitations on activity through treasury prudential indicators. The key indicator was the 'Authorised Limit', the maximum amount of debt the Council could afford in the short term, but which would not be sustainable in the longer term. This was the Affordable Borrowing Limit required by section 3 of the Local Government Act 2003. This was in accordance with the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code and shown at Appendix 2 of the report.
- The investment strategy which sets out the Council's criteria for choosing investment counterparties and limiting exposure to the risk of loss. This strategy was in accordance with the Department for Communities and Local Government's – CLG - Investment Guidance and also shown in Appendix 2 of the report.

Revised editions of the CIPFA Prudential Code and CIPFA Treasury Management Code of Practice were produced in November 2009. CLG was currently consulting on changes to the Investment Guidance. The revised guidance arising from these Codes had been incorporated within these reports, with the CLG proposals being incorporated where these do not conflict with current Guidance. If necessary the Investment Strategy contained in Appendix 3 of the report, would be revised if any elements of the final CLG Investment Guidance had not already been covered. The main changes initiated in the revisions above, increase the Council members' responsibility in this area. This would require greater member scrutiny of the treasury policies, increased member training and awareness and greater frequency of information.

One element of the revised CIPFA Treasury Management Code of Practice was that the clauses to be adopted as part of the Council's Financial Procedure Rules (section E7) be amended. This revision was shown at Annex 3C of the report, for approval. The key change was that a responsible body – the Audit and Accounts Committee – be responsible for ensuring effective scrutiny of the treasury management strategy and policies, before making recommendations to Council. The above policies and parameters provided an approved framework within which Council officers would undertake the day-to-day capital and treasury activities.

Decision

To approve each of the six key elements of the report, and recommend these to Council:

1. The Prudential Indicators and Limits for 2010/11 to 2012/13 contained within Appendix 2 of the report.
2. The Minimum Revenue Provision (MRP) statement contained within Appendix 2 paragraph 2.8 of the report which sets out the Council's policy on MRP.
3. The Treasury Management Strategy 2010/11 to 2012/13, and the Treasury Prudential Indicators contained within Appendix 3 of the report.
4. The Authorised Limit Prudential Indicator shown in paragraph 3.14 of the report.
5. The Investment Strategy 2010/11 contained in the treasury management strategy in Appendix 3 of the report.
6. The revision to the Council's Financial Procedure Rules (section E7) at Annex 3C of the report. The revision nominated the Audit and Accounts Committee as the body responsible for ensuring effective scrutiny of the treasury management strategy and policies.

Contract and Financial Procedure Matters

190/09 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under contract and financial procedure rules:

- changes to the capital programme, including additional capital grants
- additional revenue grants allocation – DECATs, Anti Social Behaviour, Flood Defence and Cultural Landscape
- Use of corporate reserves – 2011 Census and Derby Direct implementation of the 'Street Pride' project
- Requests for revenue carry forward to 2010/11 – Highways Maintenance, Be Inspired programme within Derby City Partnership, Community Safety Partnership and Climate Change
- QUAD financial position
- Contracts – contract extension/enhancement – Schools Counselling Service
- Contracts – framework agreement – Specialist Domiciliary Care
- LPSA2 Reward Funding.

Decision

1. ...
2. ...
3. ...
4. ...
5. ...
6. To recommend to Council the approval of the additional borrowing requirement for the Racecourse and Alvaston Park Changing Rooms scheme, as set out in paragraph 3.16 of the report.
7. ...
8. ...
9. ...
- 10....
- 11....
- 12....
- 13....

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

**COUNCIL CABINET
16 FEBRUARY 2010**

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

In attendance Councillors Williamson and Holmes

This record of decisions was published on 18 February 2010. 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.

**184/09 General Fund Revenue Budget Capital Programme and
Council Tax 2010/11**

The Council Cabinet considered a report on General Fund Revenue Budget Capital Programme and Council Tax 2010/11. The report set out proposals to recommend to Council, a net budget requirement of £214,823,336 for 2010/11 which required a council tax increase of 2.50% for City Council services. The report also set out our budget proposals for 2011/12 and 2012/13 as part of the medium term financial strategy of the Council. The Council had identified £17.8m of savings in 2010/11, £12.4m in 2011/12 and £8.8m in 2012/13 to meet rising costs, to maintain priority services and invest for the future. This would generate permanent savings of £39m by 2012/13 including £12.710m from the one Derby, one Council Programme and £2.171m from Base Budget Reviews. Each section of the report dealt with the various elements that required consideration before a final decision was reached, namely:

- the budget process leading up to these proposals (para 3 of the report)
- resources available, linked to the local government finance settlement, including council tax and Area Based Grant (para 4 of the report)
- the budget proposals for 2010/11 and how they had changed since proposals were released for consultation and how they related to the Council's corporate priorities (para 5 of the report)
- indicative budgets for 2011/12 and 2012/13 (para 6 of the report)
- delivery of the Council's corporate priorities (para 7 of the report)
- the latest estimate 2009/10 outturn position and treatment of variances (para 8 of the report)
- the Council's corporate reserves position and treatment of one-off VAT and National Insurance amounts in 2009/10 (para 9 of the report)
- communication and consultation including feedback (para 10 of the report)

- a risk analysis (para 11 of the report).

Included in the appendices was summarised budget information for each department and each portfolio area, which together with the text of the report, constituted the full budget proposal. The department appendices were based on departments within the existing organisational structure. For the published budget book 2010/11 these would be re-ordered into the new departments, including support service recharges. The Council's final grant settlement from central government for 2010/11, including the Area Based Grant was £133.415m.

Decision

To approve proposed responses to the recommendations of the overview and scrutiny Commission recommendations contained in Appendix 7 of the report and to recommend Council:

1. To approve a budget requirement for Derby City Council for 2010/11 of £214,823,336.
2. To approve for 2010/11 the departmental revenue budget estimates and use of corporate reserves of £2.472m (1.15% of the budget) in 2010/11, and 3.129m in 2011/12, net of a £0.4m transfer to the General Reserve in each year, and a £0.4m transfer to the General Reserve in 2012/13, as summarised in Appendices 4a, 5a and 6a of the report.
3. To approve the proposed treatment of Housing and Planning Delivery Grant – HPDG – within revenue and capital budgets, as set out in paragraph 5.13 of the report.
4. To note the latest 2009/2010 revenue budget monitoring position and treatment of variances as set out in paragraph 8.4 of this report.
5. To approve the treatment of one-off VAT and National Insurance amounts that have occurred during 2009/10 as set out in paragraph 9.6 of the report.
6. To approve the measures proposed to manage budget risks in 2010/11 and in future years, including the deliverability of identified savings, levels of service and inflation forecasts as set out in Section 11 of the report.
7. To approve within this total of £214,823,336 net service estimates of:

Children and Young People	43,356,000
Environmental Services	23,678,000
Regeneration and Community	26,292,000
Resources	11,113,000
Corporate and Adult Services	78,918,000
Corporate and Contingency Budgets	<u>34,127,397</u>
	217,484,336

Appropriations to/from reserves (figures in brackets are appropriations from reserves):

Corporate reserves	(2,472,000)
Service reserves	(239,000)
Revenue Financing Capital	<u>50,000</u>
	214,823,336

8. To note that the service estimates would be re-profiled into the new Department structure for the published budget book for 2010/11, together with support service recharges.
9. To note that, at its meeting on 12 January 2010, the Council Cabinet calculated the amount of 71,114.57 equivalent band D properties as the Council's Tax Base for the year 2010/11 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended by The Local Authorities (Calculation of Council Tax Base)(Amendment)(England) Regulations 2003, made under Section 33(5) of the Local Government Finance Act 1992.
10. To calculate the following amounts for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act).
 - a. £637,300,336 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e).
 - b. £422,477,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) and (c) of the Act.
 - c. £214,823,336 as its budget requirement for the year, being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act.
 - d. £134,662,237 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant and area based grant.
 - e. £1127.21 as the basic amount of its Council Tax for the year, being the amount at (c) above, less the amount at (d) above, all divided by the amount at 2.7 above, calculated by the Council, in accordance with Section 33 of the Act.
 - f. for the following Valuation Bands:

	£		£
A	751.47	E	1377.70
B	876.72	F	1628.19
C	1001.96	G	1878.68
D	1127.21	H	2254.42

as the amounts to be taken into account for the year, under Section 30(2)(a) of the Act, in respect of

categories of dwellings listed in different valuation bands, being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to all dwellings listed in each particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act.

11. To note that for the year 2010/11, Derbyshire Police Authority has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A		E	
B		F	
C		G	
D		H	

12. To note that for the year 2010/11, Derbyshire Fire Authority has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A		E	
B		F	
C		G	
D		H	

13. Having calculated the aggregate in each case of the amount in 10, 11 and 12 above, in accordance with Section 30(2) of the Local Government Finance Act 1992, to set the following amounts as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A		E	
B		F	
C		G	
D		H	

14. To note the revenue budget plans for 2011/12 and 2012/13 set out in section 6 of the report.

15. To note the feedback from the budget consultation at Appendices 7 to 9, and approve the Council Cabinet response to the Scrutiny Commissions recommendations at Appendix 7 of the report.
16. To note that the Schools Forum agreed at their meeting on 27 January 2010 to contribute a further £100,000 to combined budgets towards the non statutory provision of the education psychology service.
17. To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.

185/09 Updated Capital Programme

The Council Cabinet considered a report on an Updated Capital Programme. The report set out the 2010/11 to 2012/13 capital programme for recommendation to Council on 1 March 2010. The main areas of the £392.4m programme over the next three years were ...

- £31.7m for the Council's accommodation strategy funded from Corporate unsupported borrowing.
- £11.8m capital implementation costs for computer applications and infrastructure to deliver the Council's one Derby one Council transformation programme funded from capital receipts.
- £36m to deliver the Council's Leisure strategy which would include a new 50 metre swimming pool together with the creation of a Velodrome and new athletics track.

A further £14m would be required in 2013/14 to complete the full £50m programme. The spending profile across years will need to be spread to avoid VAT costs within the VAT 'Partial Exemption' rules.

- £25m to deliver the jointly funded waste disposal plant alongside Derbyshire County Council funded from service financed unsupported borrowing.
- £174.1m Children and Young People's department programme including the Building Schools for the Future and Primary Capital programmes; repairs, maintenance and improvements to the fabric of school buildings and devolved funding to schools, of which the majority was funded from specific grants together with supported borrowing and external contributions.
- £47m Housing programme. Many council-owned houses would get new PVCu windows and doors, new kitchens and bathrooms, heating systems and other repair and refurbishment work, funded through £34.6m from the Housing Revenue Account. A further £12.4m for the Housing General Fund mainly funded from government grants which would enable the continuation of schemes including the delivery of decent homes and assistance to vulnerable householders, disabled facilities grants, other repair and assistance in the private sector and support for affordable housing.
- £18.6m Local Transport Plan (LTP) of which £13.5m was funded from government grants to help deliver improvements to integrated transport systems, including strategic public transport schemes, better traffic management and improvements to roads in neighbourhoods, and to maintain the transport infrastructure including money for carriageway and footway maintenance and to repair bridges and other structures. As well as the block programme, a further £9.6m for Connecting Derby would be spent funded mainly from the Department for Transport grant. £4.5m for maintenance of the Council's buildings and infrastructure, including roof repairs - Market Hall and Wardwick

museum, structural repairs, fire precaution works, window replacement programme and replacement air conditioning units

- £4.3m for dementia care and £1.6m for elderly extracare in our Adults Social Care and Housing service.
- In addition schemes funded from the corporate programme also included new changing rooms and other improvements on the Nottingham Road 'racecourse and Alvaston Park site, new cremators for the crematorium various public realm schemes, accommodation strategy, one council one derby, the leisure strategy and contribution to connecting derby and Friargate studios.

The report also outlined the potential financial risks relating to the Council's VAT partial exemption calculation arising from the leisure strategy. Delivery of the capital schemes within the strategy would need to be spread over a number of years to avoid us incurring significant VAT costs. Further work was needed to develop the options to alleviate this risk.

A number of potential schemes and capital programme aspirations included in Appendix 5 of the report remained unfunded at this stage and were therefore not included in the corporate capital programme. A cabinet/COG workshop in March 2010 would consider the future strategy and priorities. To note a report would be presented separately to this Council Cabinet on the Regeneration Fund detailed in paragraph 8 of the report. Should Council Cabinet approve, £600k of base budget revenue funding was to be included in the Regeneration Team's budget which would be able to fund up to £10m of capital expenditure through prudential borrowing. Any capital schemes would need approval of Council for inclusion in the capital programme so nothing had been included in the proposed capital programme at this stage.

Decision

1. To recommend to Council on 1 March 2010 the capital programme for 2010/11 and the indicative capital programme for 2011/12 and 2012/13 set out in the report.
2. ...
3. ...
4. To note the proposed corporate programme allocations as set out at Appendix 3 of the report and included in the recommendations to Council on 1 March 2010.
5. ...
6. ...
7. ...

MINUTES OF GENERAL LICENSING COMMITTEE REQUIRING THE APPROVAL OF COUNCIL

**GENERAL LICENSING COMMITTEE
10 FEBRUARY 2010**

Present: Councillor Redfern (Chair)
Councillors Baxter, Berry, Hird, Hussain, Leeming, Poulter, Rawson,
Skelton, Tuplin and Winter

24/09 Licensing Act Minor Variations

The Committee considered a report from the Director of Environmental Services on Licensing Act Minor Variations. The Minor Variation Procedure was introduced on 29 July 2009. The purpose of the procedure was to allow operators to make small changes to their Premises Licence or Club Premises Certificate and to allow community centres to make an application to dis-apply the usual mandatory conditions that relate to Personal Licence holders and Designated Premises Supervisors. In relation to Premises Licences and Club Premises Certificates, only changes that would not undermine the licensing objectives would be permitted.

It was reported that following the previous meeting of the Committee, officers had sought clarification on the definition of minor changes to structure. It was noted that minor changes to structure would not adversely impact on the four licensing objectives. They would not increase the capacity for drinking, not affect access between the public part of the premises and the rest of the premises and not impact on noise reduction controls.

Members agreed that following Government recommendation the decision making process be delegated to the Assistant Director of Environmental Health and Trading Standards.

Resolved:

1. ...
2. **To recommend Council to adopt the Minor Variation Procedure and delegate decision making powers under the procedure to the Assistant Director Environmental Health and Trading Standards.**