

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 Wednesday 9 September 2009 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 15 July 2009 **DOCUMENT 3**

Motion - That the minutes of the meeting of the Council held on 15 July 2009 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 - Council's Commitment to Climate Change
 - b. Linda Winter - Outdoor Play Area at Sure Start
 - c. Linda Winter - Planning Department Officers

(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 28 July and 1 September 2009 requiring the approval of the Council. **DOCUMENT 9
DOCUMENT 9C
TO FOLLOW**

To add schemes to the capital programme and approve scheme commencements for Derby Live improvements and car park improvements, subject to the approval of new borrowing by full Council.

53/09 Contract and Financial Procedure Matters Report**DOCUMENT 9B**

To recommend to Council that additional prudential borrowing of £1,750,000 - £50,000 per unit, be undertaken for this purpose, and that it was lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future.

Motion – To approve the above minutes and recommendations of the Council Cabinet dated 28 July and 1 September 2009.

10. To consider the minutes and recommendations of the Taxi Licensing and Appeals Committee dated 22 July 2009 requiring the approval of the Council.

DOCUMENT 10**10/09 Driver Training and Qualifications****DOCUMENT 10A**

Resolved to recommend Council to approve the Cross Party Working Group recommendations as follows:

1. Introduce a mandatory requirement that all holders of hackney carriage and private hire drivers licenses are required to have passed the NVQ (Edexcel) in Road Passenger Vehicle Driving Level 2. For existing drivers, this will be within five years of this being adopted by the Council. For new drivers, this will be within five years of their licence being issued (subject to this provision being adopted by the Council);
2. Review the current guidance issued to members of the Taxi Licensing Sub Committee. Amend the decision options available to them to incorporate the need to undertake refresher training. This will be the BTEC Level 2 (Edexcel) in Transporting Passengers by Taxi and Private Hire. The new decision options will be:
 - Take no action
 - Issue a warning
 - Undertake BTEC Refresher training (within a specified period)
 - Suspension
 - Suspension, and undertake BTEC Refresher training (within a specified period)
 - Revocation;
3. Where any driver becomes subject to referral for the BTEC Level 2 (Edexcel) in Transporting Passengers by Taxi and Private Hire on more than two occasions in any rolling period of 5 years, they should be referred back to a sub-committee of the committee to consider whether or not the licence holder remains fit and proper to continue to hold a licence;

4. Review the changes made after 12 months to assess the relevance and effectiveness of the measures introduced.

Motion – To approve the minutes and recommendations of the Taxi Licensing and Appeals Committee dated 22 July 2009.

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| 11. | To consider a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decision made by the Acting Chief Executive. | DOCUMENT 11 |
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Motion – To note the report.

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| 12. | To consider a report of the Director of Corporate and Adult Services as Monitoring Officer concerning Public Questions at Full Council Meetings. | DOCUMENT 12 |
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Motion – To approve the Monitoring Officer making changes to the Constitution (CP11 & CP16-CP19) as detailed in Appendix 2 to reflect the proposal set out in the report.

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| 13. | To consider a report of the Director of Corporate and Adult Services concerning the office of Honorary Recorder. | DOCUMENT 13 |
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Motion:

1. **To revive the title ‘Recorder of Derby’ as ‘Honorary Recorder of Derby’ and invite His Honour Judge John Burgess to be the first to hold office, for the length of his tenure as Resident Judge at Derby Crown Court, with his successors in that role to serve thereafter.**
2. **To instruct the Corporate Director of Corporate and Adult Services to create a suitable ceremony, to involve Members of the Council and representatives of the judiciary, to formally present His Honour Judge Burgess with a scroll of admission as ‘Honorary Recorder of Derby’.**

Director of Corporate and Adult Services
and Deputy Chief Executive

COUNCIL MEETING 15 JULY 2009

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

Apologies for Absence

Apologies for absence were received from Councillors Batey, Berry, Latham, Lowe and Mitchell.

Declarations of Interest

Councillor Rawson declared a personal interest in item 11, Motion 2 as he was an employee of the Derby Hospitals NHS Trust.

35/09 Minutes of the Previous Meeting

Resolved that the Minutes of the Annual Meeting of the Council held on 20 May 2009 be approved as a correct record, confirmed and signed by the Mayor.

36/09 Statements by Members of the Council Cabinet

There were no statements from Members of the Council Cabinet.

37/09 Public Questions

Questions from members of the public were asked as follows:

1. By Colin Underhill, concerning Cathedral Green Fence Panels, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
2. By Colin Underhill, concerning the Jury's Inn road layout, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
3. By Stephen Bate, concerning the protocol for consulting on developments, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.

4. By Tony Dunn, concerning capacity at the new bus station, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
5. By Tony Dunn, concerning charges at the new bus station, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
6. By Mike Cook, concerning consultation over the Chaddesden library, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
7. By Lorraine Radford, concerning the Kedleston Road bus lanes proposals, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
8. By Penny De Abreu, concerning the Seven Stars car park, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
9. By Penny De Abreu, concerning noise pollution, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.

38/09 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.

39/09 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 Bayliss, concerning the Alvaston District Centre, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
2. By Councillor Bayliss, concerning the Council House counter service opening hours, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
3. By Councillor Graves, concerning the Alvaston Park development, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
4. By Councillor Hussain, concerning a Reduction in Community Safety Partnership budget, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
5. By Councillor Jackson, concerning the rebuilding of Gayton Pool, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
6. By Councillor Ingall, concerning Chellaston kerbside collection scheme, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.

7. By Councillor Bolton, concerning the Cabinet decision on school transport, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.
8. By Councillor Graves, concerning the date the City Gate issue was due to be heard by the Planning Control Committee, answered by Councillor Wood, Chair of the Planning Control Committee.
9. By Councillor Holmes, concerning recorded distance measurements between residential properties and schools, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.
10. By Councillor Turner, concerning the proposed Russell Street travellers' site, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
11. By Councillor Harwood, concerning the highways maintenance contract, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
12. By Councillor Willoughby, concerning the proposed Kedleston Road bus lanes, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

40/09 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 7 July 2009.

41/09 Appointment of Co-optees to the Climate Change Commission and Appointment to the Elizabeth Turner Charity

The Council considered a report of the Director of Corporate and Adult Services concerning the appointment of co-optees to the Climate Change Commission and the appointment of a trustee to the Elizabeth Turner Charity.

Resolved, on the motion of Councillor Jones:

1. **To approve the co-option of Peter Robinson, Bob Hewins and Jeremy Fisk to the Climate Change Commission for the 2009/10 municipal year.**
2. **To approve the appointment of Councillor Tuplin as a Trustee of the Elizabeth Turner Charity.**

1. *Chester Green Post Office*

It was moved by Councillor Williamson, and seconded, that Council recognises that the post office closure programme had a disproportionate effect on certain neighbourhoods around the city.

Council concedes that the proposals contained in the Labour Group's alternative budget would have enabled a start to be made on reopening some of the city's post offices, starting with the Chester Green Post Office.

Council therefore calls on the Liberal Democrat administration to set aside £20,000 in the council's base budget and to approach Post Office Ltd to secure the reopening of Chester Green Post Office this year.

It was moved by Councillor Jennings, and seconded, that the motion be amended by the deletion of paragraph 2 and the deletion from paragraph 3 of the words "to set aside £20,000 in the council's base budget and."

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

"Council recognises that the post office closure programme had a disproportionate effect on certain neighbourhoods around the city.

Council therefore calls on the Liberal Democrat administration to approach Post Office Ltd to secure the reopening of Chester Green Post Office this year.")

In accordance with rule CP68 it was demanded by at least ten Members that a recorded note be taken on the amendment.

The following Members' voted for the amendment:

The Mayor (Councillor Marshall)

Councillors Allen, Care, Carr, Chera, Ginns, Grimmadell, Harwood, Hickson Hird, Holmes, Ingall, Jennings, Jones, Keane, F Khan, R Khan, Leeming, Naitta, Nath, Poulter, Richards, Skelton, Troup, Tuplin, Webb, Williams, Willoughby, Winter, Wood (30).

The following Members' voted against the amendment:

Councillors Banwait, Baxter, Bayliss, Bolton, Dhindsa, Graves, Higgingbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Williamson (16).

The amendment was declared carried.

Resolved that Council recognises that the post office closure programme had a disproportionate effect on certain neighbourhoods around the city.

Council therefore calls on the Liberal Democrat administration to approach Post Office Ltd to secure the reopening of Chester Green Post Office this year.

2. School and Hospital Bus Services

It was moved by Councillor Williamson, and seconded, that Council considers that public transport in Derby is not satisfactory for an ambitious city and is concerned that the Liberal Democrat administration's proposals to cut school transport will make matters worse.

Council also acknowledges that dissatisfaction with the public transport arrangements for the new City Hospital is justified and supports the establishment of a ring road bus service to the hospital.

Council recognises that the Labour Group's budget proposals would have secured both the future of the school bus services threatened with removal and a hospital bus service around the ring road.

Council therefore demands that the Liberal Democrat administration gives a commitment to retain the school buses they threatened to axe and implement the Labour Group's proposals for a ring road hospital bus service.

It was moved by Councillor Jennings, and seconded, that the motion be amended to read as follows:

"Council considers that public transport in Derby could be enhanced to a standard compatible with an ambitious city.

Council also acknowledges that dissatisfaction with the public transport arrangements for the new Royal Derby Hospital is justified and supports the establishment of a ring road bus service to the hospital.

Council therefore demands that the Liberal Democrat administration gives a commitment to retain the school buses they have axed and explores proposals for a ring road hospital bus service."

The amendment was put to the meeting and carried.

Resolved that Council considers that public transport in Derby could be enhanced to a standard compatible with an ambitious city.

Council also acknowledges that dissatisfaction with the public transport arrangements for the new Royal Derby Hospital is justified and supports the establishment of a ring road bus service to the hospital.

Council therefore demands that the Liberal Democrat administration gives a commitment to retain the school buses they have axed and explores proposals for a ring road hospital bus service.

3. Official Opposition Group

Resolved, on the motion of Councillor Jennings, that Council identifies the Conservative Group as the opposition group with the ability to appoint a Shadow Cabinet for the purposes of the Council's Protocol on Member/Officer Relations.

4. *Derby Roads Partnership*

It was moved by Councillor Poulter and seconded, that Council notes with concern the continuing failure of the Derby Roads Partnership as it is clear that the originally agreed vision, values and objectives are not being achieved and the partnership may no longer be fit for purpose.

Council therefore resolves to establish a special Highways Maintenance Overview and Scrutiny Commission comprising:

- The Chair of the Planning and Transportation Commission as chair of the commission (1 Conservative)
- Two other members and Planning and Transportation Commission (1 Labour, 1 Liberal Democrat)
- Three members of the Audit and Accounts Committee (other than members of the Council Cabinet) (1 Conservative, 1 Labour, 1 Liberal Democrat)

with the following terms of reference:

1. To review the management, work programme, work practices and performance of the Derby Roads Partnership
2. To consider whether the funding of the Partnership offers best value in ensuring that the overall objective of effectively and efficiently meeting the City's immediate, medium-term and long-term highways maintenance needs are achieved
3. To produce a robust action plan, with timescales, accountabilities and reporting mechanisms, aimed at driving up performance standards
4. To make regular reports to the Council Cabinet on the progress of the review and to recommend urgent actions
5. To submit a final report to the Council Cabinet prior to the setting of the Council's 2010/11 budget.

The motion was put to the meeting and lost.

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL

COUNCIL CABINET 28 JULY 2009

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

In attendance Councillors Jennings and Williamson

This record of decisions was published on 30 July 2009. 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 Decision

46/09 Council New Build

The Council Cabinet considered a report on Council New Build. In July 2007 the Government published its housing green paper, 'Homes for the Future: More Affordable, More Sustainable' which included increased targets for the provision of affordable housing. In order to meet these increased output goals the then Housing Corporation, now succeeded by the Homes and Communities Agency, HCA, decided to work with a larger and more diverse range of delivery partners, including for the first time local authorities – through 3*Arms Length Management Organisations. Following a qualification process last year, Derby Homes were approved as Investment Partners and also Accredited Management agents. A subsequent bid to the Housing Corporation for grant funding was successful, enabling the development of 43 homes, 10 of which were to be retained by Derby Homes with the remainder being sold by Strata Homes the development partner.

In April this year, the Government announced a £100M national pot to enable Local Authorities to bid in their own right for funding to build new Council Houses. On the 30 June 2009, the HCA announced that this pot was to be increased to £450M. This funding would provide some 50% of the required subsidy whilst the remaining 50% would be met through prudential borrowing by the Council supported through the rental income of the new properties.

Council new build properties would be outside the HRA subsidy system, but within the HRA and therefore subject to the Right to Buy, RTB. The Council had invited development proposal submissions from potential development partners for two Council owned sites at Elton Road, Osmaston and Cowsley Road, Chaddesden. Keepmoat had subsequently been selected as the development partner for the two sites. The proposal at Elton Road would involve the construction of 10 flats and 15 houses, whilst the proposal at Cowsley

Road would involve the construction of 8 houses. All the properties would be let at rent levels in line with the HCA's affordable target rents.

Options Considered

The Council had for a number of years worked successfully with a range of development partners, including now Derby Homes, to provide affordable housing in the City. All of these organisations were precluded from bidding from the Local Authority new build funding pot which had now been made available. This scheme could be seen as a pilot project to compare the outcome of Council new build with other models for development when Council owned land was utilised.

Decision

1. To authorise the submission of a bid to the HCA with a view to securing sufficient grant funding to enable the housing schemes outlined in paragraph 1.5 to be developed.
2. That subject to the bid for funding being successful, to delegate authority to the Corporate Director for Corporate and Adult Services and Deputy Chief Executive to sign the necessary agreements with the HCA to enable the draw down of the grant funding.
3. To recommend to Council that additional prudential borrowing of £1,750,000 - £50,000 per unit, be undertaken for this purpose, and that it was lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future.

Reasons

1. Grant funding of £1,750,000 was required to enable the proposed housing schemes to proceed.
2. The legal guarantees were required to enable the grant funding to be drawn down.
3. The prudential borrowing was a fundamental assumption within the submitted bid.

In accordance with Procedure Rule A126, the Chair of the Community Commission had been advised that this item would be considered although not included in the Forward Plan.

Contract and Financial Procedure Matters

53/09 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:

- Contract waivers – Children and Young People's department
- Co-location capital grant
- Final Dedicated Schools Grant allocation

- Additions and amendments to the capital programme
- Employee 'Mediation' project
- Section 106 capital funding
- Job evaluation/equal pay
- Fuel allowance for parents
- Additional grant allocation – Children and Young People's department
- Transfer of budgets between departments – Climate Change unit
- Human Resources -HR- review
- Licensed deficit – Merrill College.

Decision

1. To waive Contract Procedure Rule 15 and approve in principle an extension of the existing contract with the Community Service Volunteers for an additional one year until 31 March 2011 with a further one year option subject to:
 - a. agreement being reached on a revised specification and contract conditions
 - b. the annual contract sum for the additional year being not greater than £98,428
 - c. the Assistant Director, Performance and Commissioning, in Children and Young People Department being satisfied that the new contract sum represents value for money based on the service required under the new specification.
2. To waive Contract Procedure Rule 15 and approve in principle entering into a contract with the Action for Children for three years with a two year option to provide a family support service at Stepping Lane, subject to:
 - a. agreement being reached on a revised and reduced specification
 - b. the revised annual contract sum being less than the present £225,000 and the Assistant Director, Locality Services, in Children and Young People Department being satisfied that it represents value for money based on the service required under the new reduced specification
 - c. Both the new specification and the revised annual fee being agreed before 31 October 2009.
3. To add a grant funded scheme amounting to £325k for units for care leavers to the capital programme, as shown at paragraph 3.2.1.
4. To amend the Schools Budget to take account of the final Dedicated Schools Grant allocation and to use the £194k increase to partly fund the 2008/09 overspend on the central Schools Budget.
5. To add the capital scheme at Beaufort Primary School set out in paragraph 3.4.1 to the capital programme and to request scheme commencement.
6. To amend capital programme schemes relating to Ash Croft Primary School, St Andrews School and Government Connect as set out in paragraphs 3.4.2 to 3.4.5.

7. To amend the capital programme for 2009/2010 to include additional Section 106 funding to support already approved schemes as outlined in paragraph 3.4.6.
8. To add schemes to the capital programme and approve scheme commencements for Derby Live improvements and car park improvements, subject to the approval of new borrowing by full Council.
9. To approve an allocation of £50,000 from the Modernisation Fund to support an employee mediation project.
10. To approve funding totalling £161k from the corporate job evaluation budget 2009/10 of £2.5m to fund on-going job evaluation employee costs and equal pay issues.
11. To amend the fuel allowance paid to parents of pupils with special educational needs to a “sliding scale” of payment per mile dependent on the distance travelled as set out in paragraph 3.7.5 and to only agree to a fuel allowance when there are no spare places in a taxi going to the same school.
12. To add the expenditure and income relating to the Consortia Support grant of £453k to the Children and Young People’s department budget as outlined in paragraph 3.8.
13. To transfer budgets between from Regeneration and Community department to Corporate and Adult Services department as set out in section 3.9 to fund the Climate Change Unit.
14. To approve the funding of £392k for the Human Resources - HR- Review and Employee Service Centre implementation costs from the Transformation Reserve.
15. To approve the one-off budget transfers in 2009/10 and permanent budget transfers from 2010/11 for the Employee Service Centre and release of the HR review corporate savings as detailed in paragraph 3.10.4.
16. To approve a licensed deficit of £45,607 for Merrill College as outlined in paragraph 3.11.

**MINUTES OF TAXI LICENSING COMMITTEE
REQUIRING THE APPROVAL OF COUNCIL**

**TAXI LICENSING AND APPEALS COMMITTEE
22 JULY 2009**

Present: Councillor Redfern (Chair)
Councillors Baxter, Hird, Hussain, Jackson, Rawson, Richards,
Skelton, Tuplin and Williams

10/09 Driver Training and Qualifications

The Committee considered a report from the Director of Environmental Services on Driver Training and Qualifications. At its meeting on 17 December 2008, the Committee considered a report that set out proposals to require training and qualifications to be mandatory for all hackney carriage and private hire driver's licences. The Committee resolved to approve the proposal to consult with the trade about making driver training and qualifications mandatory and appoint a Cross Party Working Group to consider any comments received from the consultation process, and make recommendations to the Committee.

Members welcomed the recommendations of the Cross Party Working Group and felt that the introduction of qualifications would help to provide the authority and the paying public with the standard of drivers expected. It was agreed to review the effectiveness of the qualifications in 12 months, and regularly thereafter, and with the proviso to keep the availability of providers under ongoing review to ensure there does not arise a shortage in the number of providers of the qualifications.

It was noted that if a driver left the trade having already obtained the qualification, and later on wished to return, they would not be required to re-sit the qualification at such time. It was also noted that equivalent qualifications (determined on the basis of the constituent elements of the qualification training) will be deemed acceptable on production of a qualifying certificate.

Resolved to recommend Council to approve the Cross Party Working Group recommendations as follows:

- 1. Introduce a mandatory requirement that all holders of hackney carriage and private hire drivers licenses are required to have passed the NVQ (Edexcel) in Road Passenger Vehicle Driving Level 2. For existing drivers, this will be within five years of this being adopted by the Council. For new drivers, this will be within five years of their licence being issued (subject to this provision being adopted by the Council);**
- 2. Review the current guidance issued to members of the Taxi Licensing Sub Committee. Amend the decision options available to them to incorporate the need to undertake refresher training. This will be the BTEC Level 2 (Edexcel)**

in Transporting Passengers by Taxi and Private Hire. The new decision options will be:

- Take no action**
 - Issue a warning**
 - Undertake BTEC Refresher training (within a specified period)**
 - Suspension**
 - Suspension, and undertake BTEC Refresher training (within a specified period)**
 - Revocation;**
- 3. Where any driver becomes subject to referral for the BTEC Level 2 (Edexcel) in Transporting Passengers by Taxi and Private Hire on more than two occasions in any rolling period of 5 years, they should be referred back to a sub-committee of the committee to consider whether or not the licence holder remains fit and proper to continue to hold a licence;**
- 4. Review the changes made after 12 months to assess the relevance and effectiveness of the measures introduced.**