

Time commenced	6.00pm
Time adjourned	8.14pm
Time re-commenced	8.27pm
Time finished	10.20pm

## **COUNCIL MEETING 30 JANUARY 2013**

Present: The Mayor (Councillor Higginbottom) (in the Chair)  
Councillors Afzal, Allen, Ashburner, Atwal, Bailey, Banwait, Barker, Bayliss, Bolton, Campbell, Carr, Davis, Dhindsa, Harwood, Hickson, Hillier, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, Keith, J Khan, S Khan, MacDonald, Martin, Naitta, Nawaz, Pegg, Poulter, Radford, Rawson, Redfern, Repton, Roberts, Russell, Sandhu, Shanker, Skelton, Stanton, Tittley, Troup, Turner, Webb, Whitby, Williams, F Winter, Wood.

### **Apologies for Absence**

Apologies for absence were received from Councillor L Winter

### **62/12 Declarations of Interest**

The Mayor has sought and received a dispensation from the Monitoring Officer, prior to the meeting, as she had a registered interest in the work of Promote Ability Training Services, which had the potential to benefit from grants to the voluntary sector.

### **63/12 Minutes of the previous meeting**

**Resolved that the Minutes of the meeting of the Council, held on 19 December 2012, be approved as a correct record, confirmed and signed by the Mayor.**

### **64/12 Announcements by the Mayor**

The Mayor welcomed everyone to what was the first Council meeting in the new Council Chamber and asked for patience as new technology was being used for the first time.

The Mayor informed Council that her 'Brilliant Derby' initiative had been very successfully launched with an event for schoolchildren at the Assembly Rooms.

The Mayor announced that, for item 8 on the agenda, she proposed that minutes of the Council Cabinet were taken together for the purpose of the budget debate. In accordance with normal practice, she also intended to allow Councillors Bayliss, Hickson and Jones to speak for more than five minutes in their response to Councillor Russell's budget speech.

The Mayor proposed to deal with the budget debate in the following manner:

Firstly, Councillor Russell would make her budget speech, followed by Councillors Hickson and Jones. Thereafter amendments would be taken and debated.

After the final amendment Councillor Russell would be the final speaker before each of the six Cabinet Minutes (as amended) was put to the vote.

The Mayor reminded Members that as part of their decision making, in respect of the budget setting, each of them should have due regard to the equality duty owed by the Council and the impact of their decisions on the differing needs and rights of the residents in Derby, some of whom may share a protected characteristic.

The Mayor introduced Edward Dominiczak to the meeting. He told a joke to Council, in line with the Mayor's stated intention that all meetings during her term would begin with a joke told by a schoolchild.

## **65/12      Statements by Members of the Council Cabinet**

Councillor Bayliss, Leader of the Council made a statement on the recent announcement on the proposed route of HS2. Councillors Hickson and Jones responded.

Councillor Rawson, Council Cabinet Member for Children and Young People made a statement, noting the success of Chantelle Baker, a citizen of Derby, who had won the national Nursery Management Today Student Award. He also referred to the achievement of 30 young people from Derby who had received their Duke of Edinburgh Gold Award at a ceremony at St James' Palace. Councillor Rawson also referred to the recent death of a highly regarded nursery school volunteer Jilly Spencer. Councillors Williams and F. Winter responded.

## **66/12      Consideration of a petition received from Derbyshire Voice**

The Council's Petition Scheme states that a valid petition, containing at least 4,000 signatures can trigger a Full Council debate. A petition had been received from Derbyshire Voice and 4211 signatures had been validated.

The proposition within the petition was that:

'We the undersigned want Derby City Council to reconsider their proposal to withdraw 100% of the funding for Derbyshire Voice and to recognise it is imperative mental health service receivers are supported to have involvement in the provision of the council's services to this group of potentially vulnerable people'

The Mayor explained that the lead petitioner, Catherine Ingram, Chief Executive of Derbyshire Voice, would be given five minutes to present the petition and that a maximum of 30 minutes to debate it would then be allowed. The proposition would then become a motion, subject to amendment and be put to the vote.

The motion was lost.

## **67/12      Written Questions about the Business or Functions of Derbyshire Fire and Rescue Authority and Derby Homes Ltd**

There were no written questions about the business or functions of Derbyshire Fire and Rescue Authority or Derby Homes Ltd.

## **68/12      Minutes and Recommendations of the Council Cabinet**

The Council considered the minutes and recommendations of the Council Cabinet of 23 January 2013, requiring approval of the Council, namely.

- 135/12** Council Tax Base 2013/14
- 136/12** Capital Budget 2013/14 to 2015/16
- 137/12** Robustness of Estimates and Adequacy of Reserves 2013/14
- 138/12** General Fund Revenue Budget 2013/14 to 2015/16
- 139/12** Treasury Management Strategy and Prudential Code Indicators 2013/14
- 140/12** Contract and Financial Procedure Matters (additional borrowing for the Housing Revenue Account)

It was proposed and seconded by Councillor Russell that Council

### ***1 Council Tax Base***

- a) approve the Council Tax Base for the year 2013/14 as 61,622.88 band D equivalent properties in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012/2914).
- b) approve the calculation in accordance with the methodology and estimates shown at Appendix 2 of the report

### ***2 Capital Budget 2013/14 to 2015/16***

- a) approve the capital programme for 2013/14 and the indicative capital programme for 2014/15 and 2015/16 as set out in the report. A summary was shown at Appendix 2 of the report.
- b) approve the commencement of the capital scheme presented in the 2013/14 capital programme detailed in Appendix 2 of the report.
- c) note assumptions made for government funding allocations, detailed in paragraph 5.2 of the report.
- d) note the process review undertaken on the current capital programme and the process for assessing new bids described in section 4 of the report.
- e) note the revenue budget implications of the proposed programme described in sections 6 and 6 of the report.
- f) approve the continued principle of over programming to a level of 10%.
- g) approve the additional borrowing required to fund the 2013/14 – 2015/16 capital programme.
- h) note the results of the consultation process and approve the Council Cabinet response shown at Appendix 5 of the report.

### *3 Robustness of Estimates and Adequacy of Reserves 2013/14*

- a) note the Strategic Director of Resources' opinion that the estimates used in the production of the budget proposal for 2013/14 were adequately robust.
- b) note the Strategic Director of Resources' opinion that, based on the assessment of the Council's reserves and contingencies, the key financial risks identified, and the thorough process used for developing the Medium Term Financial Plan, the level of reserves and balances for 2013/14 was adequate.
- c) approve the transfers between reserves as detailed in Section 7 and Appendix 5 of the report.

### *4 General Fund Revenue Budget 2013/14 to 2015/16*

- a) approve a budget requirement for Derby City Council for 2013/14 of £223,064,543 subject to confirmation of the final Local Government Settlement expected in February 2013 and finalisation of the Council's Council Tax for 2013/14 which would be presented to Council in March 2013 for approval.
- b) approve for 2013/14 the directorate revenue budget estimates and the net use of reserves of £1.052m (0.47% of the budget) in 2013/14 summarised in Appendix 4a of the report. This included the use of £0.410m (0.18% of budget) of reserves to support the Council's redundancy programme.

- c) approve the measures proposed to manage budget risks in 2013/14 and in future years, including the deliverability of identified savings, levels of service and inflation forecasts as set out in Section 12 of the report.
- d) approve the commencement of appropriate procurement procedures to support the specific budget proposals listed in appendices 5 and 6 of the report.
- e) approve the immediate implementation of detailed savings proposals for 2013/14 and 2014/15 subject to completion and consideration, where relevant, of any further consultation exercises and equality impact assessments.
- f) note changes made to the budget savings proposals as a result of feedback from the consultation process as detailed in paragraph 11.4 of the report.
- g) approve within this total of £223,064,543

Net service estimates of	
Adults, Health and Housing	77,274,000
Chief Executives	2,919,000
Children and Young People	41,108,000
Neighbourhoods	53,048,000
Resources	23,671,000
Corporate and Contingency Budgets	26,096,543

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**224,116,543**

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

Service reserves	(170,000)
Corporate reserves	(882,000)

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**223,064,543**

- h) note the calculation of the Council's Tax Base for the year 2013/14 as 61,622.88 equivalent band D properties, in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 (SI 2003/3012).
- i) note the calculation of the following amounts for the year 2013/14 in accordance with Sections 33 (1) of the Local Government Finance Act 1992, as revised under Schedule 5 of the Localism Act 2011, and these figures to be taken forward and confirmed at Council in March 2013 as part of the Council Tax Setting report.
- i. £579,221,543 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e).

- ii. (£356,157,000) 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.
- iii. £233,064,543 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.
- iv. £152,529,146 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of the redistributed non-domestic rates, business rates top-up grant, revenue support grant and additional corporate government grants.
- v. £1,144.63 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 6 above, calculated by the Council, in accordance with Section 33 of the Act.

vi For the following Valuation Bands:

	£		£
A	763.09	E	1,398.99
B	890.27	F	1,653.35
C	1,017.45	G	1,907.72
D	1,144.63	H	2,289.26

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 (v) above by the number which in the proportion set out in Sections 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.

- j) note the details of the precepts to the Council for Derbyshire Police Authority and Derbyshire Fire Authority, in accordance with Section 40 of the Local Government Finance Act 1992, will be presented to Council in March 2013.
- k) note that the Council Tax to be set for 2013/14, being the aggregate of the amount calculated the Council at Appendix 2 of the report and the precepting

authorities, in accordance with Section 30 of the Act will be presented to Council in March 2013.

- l) note the revenue budget plans for 2015/16 set out in Section 7 of the report.
- m) note the feedback from the budget consultation detailed in appendices 7 to 11 of the report and approve the Council Cabinet responses to consultation recommendations.
- n) note that the Council will hold a Schools Forum meeting on 31 January 2013, this will directly inform the draft 2013/14 Schools Budget. A report will therefore be presented to Council Cabinet in February 2013 for review and comment.

#### *5 Treasury Management Strategy and Prudential Code Indicators 2013/14*

- a) approve each of the following five key elements ...
  - i. The Prudential Indicators and Limits for 2013/14 to 2015/16 contained within the Supporting Information of this report and detailed in Appendix 3 of the report.
  - ii. The Minimum Revenue Provision - MRP - statement shown in section 13.7 of the report.
  - iii. The Treasury Management Strategy 2013/14 to 2015/16 and the Treasury Management Prudential Indicators.
  - iv. The Authorised Limit Prudential Indicator shown in Appendix 3 paragraph 8.4 of the report.
  - v. The Annual Investment Strategy 2013/14 contained in the treasury management strategy in section 11 of the report.

#### *6 Contract and Financial Procedure Matters (additional borrowing for the Housing Revenue Account)*

- a) approve additional borrowing as detailed in paragraph 4.8 of the report.

#### **Amendment 1**

It was proposed by Councillor Poulter and seconded that the motion be amended by an addition to paragraph 4a

The effect if the amendment was approved was that paragraph 4a of the resolution would read as follows:

To approve a budget requirement for Derby City Council for 2013/14 of £223,064,543 subject to confirmation of the final Local Government Settlement expected in

February 2013 and finalisation of the Council's Council Tax for 2013/14, which will be presented to Council in March 2013 for approval and subject to:  
for 2014/15

- (a) The Council retaining the Brown Bin Collection service at a cost to the Council of £1,280,000, that sum to be provided by a corresponding reduction in the Corporate Budget – Staff Costs – Living Wage
- (b) The Council keep open the public conveniences at Markeaton Park and Nottingham Road at a cost to the Council of £55,000 that sum to be provided by a corresponding reduction in the Corporate Budget – Staff Costs – Living Wage.

for 2013/14

- (c) The Council continue to fully support the Wild Derby Project at cost to the Council of £50,000 that sum to be provided by a corresponding reduction in the Corporate Budget – Council Tax Localisation Scheme.

The amendment was lost

#### Amendment 2

It was proposed by Councillor Williams and seconded that the motion be amended by an addition to paragraph 4a

The effect if the amendment was approved was that paragraph 4a of the resolution would read as follows:

To approve a budget requirement for Derby City Council for 2013/14 of £223,064,543, subject to confirmation of the final Local Government Settlement expected in February 2013 and finalisation of the Council's Council Tax for 2013/14, which will be presented to Council in March 2013 for approval and subject to:

for 2013/14

- (a) The Council retaining the Therapeutic Services (Sexual Abuse Unit) without having to rely on income generation at a cost to the Council of £100,000, that sum to be provided by a corresponding reduction in the Corporate Budget – Council Tax Localisation and Public Health Contingency.
- (b) The Council retaining the Clinical Psychologist Service for Looked After Children at a cost to the Council of £65,000, that sum to be provided by a corresponding reduction in the Corporate Budget – Council Tax Localisation.
- (c) The Council continue to provide Carers provision, for a further year during 2013/14 at a cost to the Council of £225,000, that sum to be provided by a one off payment from the Labour Manifesto Contingency Fund.

for 2014/15



- (d) The Council retaining the Youth One Stop Shop (Space) at a cost to the Council of £250,000, that sum to be provided by a corresponding allocation from the Corporate Budget – Public Health Contingency.
- (e) The Council continue to fund Supported Housing particularly for young people using the YMCA at a cost to the Council of £300,000, that sum to be provided by a corresponding reduction in the Corporate Budget – Living Wage and Public Health.

The amendment was lost

#### Amendment 3

It was proposed by Councillor Wood and seconded that the motion be amended by an addition to paragraph 4a

The effect if the amendment was approved was that paragraph 4a of the resolution would read as follows:

To approve a budget requirement for Derby City Council for 2013/14 of £223,064,543 subject to confirmation of the final Local Government Settlement expected in February 2013 and finalisation of the Council's Council Tax for 2013/14, which will be presented to Council in March 2013 for approval and subject to:

With reference to the decision of Council Cabinet on 15 August 2012, on Neighbourhood Working that sought to introduce a dedicated Neighbourhood Worker in every neighbourhood, to support ward councillors, at a cost of £220,000; that this funding is re-directed to each of the seventeen Neighbourhood Boards, a rounded sum of £12,900 to each, to be ring-fenced for the provision/commissioning of youth services and anti-social behaviour measures appropriate for that ward.

The amendment was lost

**Resolved to approve the minutes and recommendations of the Council Cabinet dated 23 January 2013**

#### 69/12 Motion without Notice

At this point it was moved by Councillor Bayliss and seconded that in accordance with the provisions of Council Procedure Rule 10 the meeting be extended beyond four hours to complete all business on the agenda.

**Resolved to extend the meeting beyond four hours to complete all business on the agenda**

#### 70/12 Arrangements to deal with Employee Appeals, arising from compulsory redundancies

Council considered a report of the Chair of the Personnel Committee, setting out proposals to increase the number of Members empowered to hear employee's compulsory redundancy dismissal appeals, arising from restructures.

**Resolved on the motion of Councillor Roberts and seconded**

- 1. To appoint an additional eight Labour members to hear employee appeals until 22 May 2013, to include Councillors Afzal, Bolton, Hillier, Roberts and Tittley.**
- 2. To appoint an additional four Conservative members to hear employee appeals until 22 May 2013.**
- 3. To appoint an additional three Liberal Democrat members to hear employee appeals until 22 May 2013.**
- 4. To amend the Council Constitution such that the six overview and scrutiny Chairs along with the Chairs of Audit and Accounts Committee and Planning Control Committee be empowered to chair employee appeals until 22 May 2013.**
- 5. To instruct officers to arrange mandatory and appropriate employee appeal training sessions for anyone requiring it, to be completed by Friday 22 February 2013.**
- 6. To agree that no additional allowances will arise from these resolutions.**

## **71/12      Urgent Non-Executive Decisions made by the Chief Executive**

The Council considered a report of the Strategic Director of Resources concerning an Urgent Non-Executive decision made by the Chief Executive, relating to the appointment of Councillor Pegg to the Derbyshire Police and Crime Panel

**Resolved, on the motion of Councillor Bayliss and seconded to note the report.**

Mayor