

Time commenced - 6.00 pm
Time finished - 7.30 pm

COUNCIL MEETING 9 SEPTEMBER 2009

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

Apologies for Absence

Apologies for absence were received from Councillors Latham, Mitchell, Nath, Roberts and Tuplin.

Declarations of Interest

Councillor Repton declared a personal interest in Minute No. 67/09 of the Council Cabinet – Revenue Budget, Capital Budget and Corporate Planning Strategy. Councillor R Khan declared a personal interest in Minute No. 10/09 of the Taxi Licensing and Appeals Committee – Driver Training and Qualifications.

Announcements from the Mayor

The Council stood in silence as a tribute to the memory of former Councillor Pat Hill who had died recently. Tributes to Pat Hill were paid by Councillors Graves, Jones, Bolton and Hickson.

The Mayor congratulated Spondon for achieving a Silver Gilt Award as the Best Urban Community in East Midlands in Bloom 2009.

The Mayor extended a warm welcome to Adam Wilkinson, Chief Executive, who was attending his first meeting of the full Council.

The Mayor asked Members to support two events for his charities namely a sponsored motorbike event and golf tournament.

Councillor Williamson presented Councillor Bolton with a certificate as Councillor of the Year awarded by the Derby Association of Community Partners.

43/09 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on 15 July 2009 be approved as a correct record, confirmed and signed by the Mayor.

44/09 Statements by Members of the Council Cabinet

There were no statements from Members of the Council Cabinet.

45/09 Public Questions

Questions from members of the public were asked as follows:

1. By Dorothy Skrytek, concerning the Council's commitment to Climate Change, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
2. By Linda Winter, concerning the outdoor play area at Sure Start, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.
3. By Linda Winter, concerning Planning officers, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

46/09 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.

47/09 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 Graves, concerning the City Gate Affair, answered by Councillor Care, Council Cabinet Member for Planning and Transport.

2. By Councillor Graves, concerning Boulton Neighbourhood Forum, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
3. By Councillor Harwood, concerning additional equipment on Oakwood Park, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
4. By Councillor Jackson, concerning Allenton Library opening hours, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
5. By Councillor Bayliss, concerning the Alvaston District Centre refurbishment, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
6. By Councillor Bayliss, concerning Alvaston Park changing rooms, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
7. By Councillor Graves, concerning the Football Foundation Funding Application, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.
8. By Councillor Turner, concerning the proposed traveller site area extension, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
9. By Councillor Shanker, concerning the Elton Road and Glossop Street housing area, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.

48/09 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.

It was moved by Councillor Jones, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 28 July and 1 September 2009.

It was moved by Councillor Jennings, and seconded, that minutes numbered 46/09 and 53/09 be referred back to the Council Cabinet for further consideration.

The amendment was put to the meeting and lost.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 28 July and 1 September 2009.

(In accordance with Rule CP69, Councillor Hickson asked that his abstention from voting on the above resolution be recorded.)

49/09 Minutes and Recommendations of the Taxi Licensing and Appeals Committee

The Council considered the minutes and recommendations of the Taxi Licensing and Appeals Committee, requiring the approval of the Council, set out in Appendix B to these minutes.

Resolved, on the motion of Councillor Redfern, to approve the minutes and recommendations of the Taxi Licensing and Appeals Committee dated 22 July 2009.

50/09 Urgent Non-Executive Decision of the Acting Chief Executive

The Council considered a report of the Director of Corporate and Adult Services concerning a Urgent Non-Executive Decision made by the Acting Chief Executive.

Resolved, on the motion of Councillor Jones, to note the report.

51/09 Public Questions at Full Council Meetings

The Council considered a report of the Director of Corporate and Adult Services, as Monitoring Officer, upon recommendations of the Members' Services Working Party in relation to Public Questions at Full Council Meetings.

It was moved by Councillor Wood, and seconded, to approve the Monitoring Officer making changes to the Constitution (CP11 and CP16-CP19) as detailed in Appendix 2 to reflect the proposal set out in the report.

The motion was put to the meeting and lost.

52/09 Office of Honorary Recorder

The Council considered a report of the Director of Corporate and Adult Services, concerning the Office of Honorary Recorder.

Resolved, on the motion of Councillor Jones:

- 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'.**

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.

COUNCIL CABINET

1 SEPTEMBER 2009

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

In attendance Councillors Dhindsa and Jennings

This record of decisions was published on 3 September 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.

Budget and Policy Framework

67/09 Revenue Budget, Capital Budget and Corporate Planning Strategy

The Council Cabinet considered a report on Revenue Budget, Capital Budget and Corporate Planning Strategy. The report outlined the Council's medium term financial strategy in terms of the revenue and capital budget and corporate planning strategy over the next three years period 2010/11 to 2012/13. The key issues covered included ...

- The revised budget position based on current estimates and assumptions showed a budget funding gap for 2010/11 of £0.64million rising to £7million in 2011/12 and £8million by 2012/13.
- It was proposed that a strategic approach was needed to develop options to close the budget gaps through Chief Officers in conjunction with Cabinet Members, with thorough budget scrutiny and review of service and capital investment priorities and value for money across the Council. Therefore, no arbitrary allocation of savings targets to individual departments was proposed at this stage.
- The Council's corporate priorities were central to the budget planning process as they guide resource allocation in line with our 2020 vision to create 'Derby - a city of all ages'. In April 2009, Derby City Partnership published its new Sustainable Community Strategy - SCS – 2009-2011. For 2010/11, it was proposed that the Council adopt the ambitions and priorities for action contained in the SCS as its own corporate priorities.
- A Council Tax increase of 2.5% rather than the 4.9% built into the indicative budget for 2010/11 and 2011/12 agreed by Council on 2 March 2009 creating a financial pressure of £2.074m in 2010/11 and £2.23m in 2011/12.

- Actions would be taken in departments during 2009/10 to deliver permanent staffing savings of £1.310m to satisfy the 1% salary savings targets agreed by Council on 2 March 2009 without the use of any likely savings arising from the 2009/10 pay award settlement.
- The 2009/10 budget included a provision for a 2.5% pay award. Based on the current proposal being negotiated, the actual pay award was likely to be lower at 1.25% on SCP 4 to 10 and 1% on SCP 11 and above. It was proposed that any savings in 2009/10 from a lower pay award which could be over £1.5m be transferred to our existing 'Budget Risks' corporate reserve which currently had a balance of £3m.
- Because of the significant fall in inflation in the past 12 months, the £584k inflation contingency included in our 2009/10 budget was no longer needed and should be transferred to our Budget Risks corporate reserve for both the 2009/10 and the ongoing savings in future years that this releases.
- Given that 2011/12 was outside the existing three year grant settlement period (CSR 2007), we had made a revised prudent assumption of a cash freeze in Government Grant for 2011/12 and 2012/13.
- The 2010/11 Area Based Grant funding, anticipated to be £23.578m, including £10.556m for Supporting People, be passported to the funded organisations and service areas as in previous years. However, as ABG was un-ringfenced and therefore allowed some flexibility in reallocating resources in line with Council priorities and the 35 key Local Area Agreement priorities, the grant should be reviewed in the wider budget strategy on how we allocate our resources as the budget process develops.
- Pay inflation assumed at 1.5% which equated to around £1.8m annually for all three years.
- General price inflation and income inflation assumed at 1.5% for all years. This equated to a reduction of 1.5%, £0.7m for 2010/11 and 1%, £0.4m for 2011/12. A 0.5% inflation contingency had been maintained in the budget from 2010/11.
- A number of ongoing pressures requiring funding in the budget had emerged from the 2008/9 revenue outturn and early 2009/10 revenue budget monitoring and required adding into the overall budget position.
- Implementation of Single Status – an annual contingency budget of £2.5m was maintained with a corporate reserve of £4m. At this stage no additional budget change was proposed and would be considered further as the implementation of single status progresses.

- Transfer £2m from the Treasury management reserve to create an Accommodation Strategy/New Ways of Working reserve, to provide additional funding that could support both the capital programme and associated revenue costs that may arise.
- That £400k currently in the capital programme for Automatic Reading Meters that was no longer required be ringfenced for climate change initiatives.

Decision

1. To approve and recommend Council to adopt the ambitions and early priorities for action contained in the Derby City Partnership's city wide Sustainable Community Strategy 2008-2011 as the Council's own corporate priorities as set out in Appendix 2 of the report.
2. To note the estimated financial position and funding gap facing the Council for 2010/11 to 2012/13, and the assumptions included within these forecasts.
3. To approve the treatment of variations to the 2009/10 revenue budget and ongoing implications as set out in paragraphs 3.3 to 3.7 of the report.
4. To note the service and cross cutting reviews earmarked to deliver the committed £884k Transforming Derby savings target in 2010/11. See Appendix 4 of the report.
5. To note the Council's earmarked revenue reserves and approve the proposed treatment as set out in paragraph 3.51 to 3.55 of the report.
6. To recommend Council to approve the revenue and capital budget strategy and corporate priorities.

APPENDIX B

MINUTES OF TAXI LICENSING AND APPEALS 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.**