

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend the Annual Meeting of the Derby City Council in the Great Hall, Assembly Rooms, Derby on Wednesday 20 May 2009 at 11.00 am.

A G E N D A

1. To elect the Mayor of the City for the next municipal year.
2. To appoint the Deputy Mayor of the City for the next municipal year.
3. To thank the retiring Mayor.

Motion - That the thanks of this Council be given to Councillor Barbara Sybil Jackson for the zeal, impartiality and ability with which she has discharged the duties of the Office of Mayor of the City for the past year.

4. To receive apologies.
5. To appoint the Pinder and Tenter for the ensuing year.

Motion - That the Markets Officer be appointed Pinder and Tenter for the ensuing year.

6. Presentation of the Derby Civic Award for 2008/09 and recognition of Derby Community Champions.
7. To adjourn the Council meeting.

Motion - That the Council now adjourn until 6.00 pm today in the Council Chamber, Council House, Derby.

8. To receive apologies.
9. To receive Declarations of Interest.

10. To approve the minutes of the meeting of the Council held on 2 March 2009 and the Extraordinary Meeting of the Council on 5 March 2009

**DOCUMENT 10,
10A**

Motion - That the minutes of the meeting of the Council held on 2 March 2009 and the Extraordinary Meeting of the Council held on 5 March 2009 be approved as correct records, confirmed and signed by the Mayor

11. To receive any announcements from The Mayor.
12. To receive any Statements from Members of the Council Cabinet.
13. To receive any questions from the public to Members of the Council Cabinet, Chairs of Commissions or Chairs of Committees, and the answers to those questions.
 - a) Tony Dunn - Proposed changes to Planning Applications
 - b) Tony Dunn - Diseased Tree Programme
 - c) Dorothy Skrytek - Public Information re Landfill Allowance Targets
 - d) Penny De Abreu - The Market Place parking
 - e) Penny De Abreu - Replacement trees in the former St Alkmunds Churchyard
 - f) Colin Underhill - Planned Social Housing Development in St Helen's Street
 - g). Colin Underhill - Outcome of Archaeological digs in King Street and Ford Street

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

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

No questions have been received.

15. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.

16.
 - a) To elect the Leader of the Council for the next municipal year.
 - b) To appoint the Council Cabinet for the next municipal year.

Motion(s) will be circulated at the meeting

(Note – In accordance with paragraph 7.2 of Article 7 of the Constitution, the Council Cabinet must consist of the Council Cabinet Leader together with no fewer than two and no more than nine Councillors.)

17. To approve constitutional appointments.

**DOCUMENT 17
TO FOLLOW**

Motion – To approve the constitutional appointments for the next municipal year now submitted.

18. To appoint the following Chairs of Neighbourhoods Boards and Ward Committees for the next municipal year and to agree that the other two ward councillors act as vice chairs:

Neighbourhood (Ward)	Chair
Abbey	Councillor
Allestree	Councillor
Alvaston	Councillor
Arboretum	Councillor
Blagreaves	Councillor
Boulton	Councillor
Chaddesden	Councillor
Chellaston	Councillor
Darley	Councillor
Derwent	Councillor
Littleover	Councillor
Mackworth	Councillor
Mickleover	Councillor
Normanton	Councillor
Oakwood	Councillor
Sinfin	Councillor
Spondon	Councillor

19. To approve the Schedule of Meetings.

**DOCUMENT 19
TO FOLLOW**

Motion - To approve the Schedule of Meetings for May 2009 to July 2010 now submitted.

20. To approve appointments to outside bodies and charities.

**DOCUMENT 20
TO FOLLOW**

Motion - To approve appointments of representatives to serve on outside bodies and charities for the next municipal year, now submitted.

21. To approve attendances at annual conferences.

**DOCUMENT 21
TO FOLLOW**

Motion - To approve the list of representatives authorised to attend annual conferences for the next municipal year, now submitted.

22. To consider the minutes and recommendations of the General Licensing Committee dated 25 March 2009 requiring the approval of the Council.

DOCUMENT 22

27/08 Scrutiny Management Commission's Review of Licensing Enforcement

DOCUMENT 22A

1. To approve the recommendations of the Scrutiny Management Commission with the amendments made by the Cross Party Working Group and refer these to Council for its consideration:
 - a. All Derby Responsible Authorities (RAs) should use their enforcement powers promptly and effectively and in conjunction with each other to deal with breaches of licence conditions and the licensees should be made aware that this will happen.
 - b. That within any limitations imposed by the legislation or by the interpretation of the legislation there should be regular monthly liaison meetings between representatives of all the Derby RAs.
 - c. To investigate the degree to which links between the Council and the Police Licensing Teams can legitimately be strengthened and enhanced and if appropriate to develop a protocol for an improved working relationship aimed at making best use of resources and providing the most effective enforcement of the Act.
 - d. An effective and workable information sharing protocol should be developed to enable the legitimate exchange of information on licensed premises between Police and the Council in its role as RA. The protocol should include procedures for the exchange all the information that can legitimately be exchanged, including if possible the issue of closure notices currently recorded on the Police 'Innkeeper' system.
 - e. That the Environmental Health and Trading Standards Division make provision for Environmental Health and Trading Standards staff to work frequently and regularly outside during the times when it is known that problems at/with 'on' and 'off' licensed premises are likely to occur.

It is also recommended that as part of their job the Environmental Health and Trading Standards officers be tasked to inspect all types of licensed premises to:

- i. Investigate complaints and take action where appropriate
- ii. Conduct under age sales investigations
- iii. Proactively ensure compliance with Licence conditions

Where breaches of the legislation or License conditions are found to have occurred the Environmental Health and Trading Standards officers should report and action their findings promptly and correctly so that the appropriate action can be taken by the Licensing Committee.

- f. That the Trading Standards Section should implement the recommendation made in the Underage Sales Review (2004) and should work co-operatively with other neighbouring local authorities in order to provide 'new' staff and test customers for underage sales exercises.
- g. (i) That the Trading Standards Team and Derbyshire Constabulary should prepare and publish a protocol that defines the actions they will take as RAs in the event that a licensed premises fails a test purchase exercise. The protocol should for example specify the circumstance under which a failed test purchase would result in a warning or in a request for a review of the license.

(ii) That where Trading Standards have information of the nature and quality to enforce failed test purchases, they should be tasked to more readily exercise their own statutory review powers so that the matter can then work its way through the system to members to make a determination upon.
- h. That a senior officer of Derbyshire Constabulary should be asked:
 - i. to confirm or deny the statements made to the SMC working group by representatives of Derbyshire Constabulary about the level of alcohol related crime in Derby and the resource implications that this is presenting for the Police, and;
 - ii. to comment on the suggestion made by the representatives of Derbyshire Constabulary that there are just too many licensed premises
 - iii. to clarify whether the comments made by the Derbyshire Constabulary representatives amount to an indication on the part of the Police that they are in favour of the establishment of a Saturation Zone.
- i. That wherever legally practicable, the appropriate RAs should recommend that membership of Pubwatch is made a condition of the 'on' licences they consider.
- j. To investigate ways whereby the views of the Derby Community Safety Partnership and the Derby Primary Care Trust on matters relating to the licensing of premises can be made available to and taken into account by the Licensing Committee.

- k. Investigate what might be done to change the 'drinking culture' of Derby
- l. That the means whereby enforcement action taken by Fire Officers is reported to the Council is examined and improved where necessary.

28/08 General Licensing Committee Cross Party Working Group Review of Licensing

DOCUMENT 22B

Resolved to approve the recommendations of the Cross Party Working Group Review of Licensing, and refer to Council for its consideration, as follows:

1. To support the principle of the introduction of standardised county-wide licensing guidance and conditions, so far as is lawfully permissible and to the extent that doing so does not create a conflict with the need to secure that the terms of any such guidance or conditions remain relevant to the Council's corporate objectives.
2. That the Assistant Director (Environmental Health and Trading Standards) be instructed to undertake investigations, with a view to identifying practical measures to bring about improved joint working in the licensing field by stakeholder partners.
3. That a guide to making representations for non-licence applicants be drawn up and made readily available for distribution, along similar principles to the guide that has been prepared for the use of elected members who are called upon to make representations on behalf of residents of their ward.
4. That additional funding be made available to secure that effective enforcement of the Council's statutory obligations can take place, including but not limited to securing that an after-hours enforcement service is created. Part of the funding should also be earmarked to secure that relevant staff are trained, and have their training regularly reviewed.
5. That a report be brought to committee at a future date to initiate discussions about how the Council's Licensing Policy can support the wider Alcohol Strategy for Derby.
6. That training for Licensing Committee members be scheduled into the Member Training Programme like Planning Committee training and that members should not be allowed to sit on Licensing Sub-Committees unless they have received the training.

Motion - To approve the minutes and recommendations of the General Licensing Committee dated 25 March 2009.

23. To consider the minutes and recommendations of the Planning Control Committee dated 9 April 2009 requiring the approval of the Council.

DOCUMENT 23

142/08 Proposed amendments to the Constitution to amend the Scheme of Delegation arrangements **DOCUMENT 23A**

Resolved to recommend that Council:

1. Amend paragraph 2 of the Planning Control Committee's Scheme of Delegation by;
 - A. Deleting paragraph 2b which requests that applications for planning permission and advertisement control or any other application made under planning legislation must be determined by the Planning Control Committee where "four or more objections have been received and the officer recommendation is to approve."
 - B. Amending the remainder of paragraph 2 by inserting the words shown underlined so it now reads;
- '2. determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:
 - a. The application is contrary to a Local Plan allocation and the officer recommendation is to approve ; or
 - b. A Member of the Council has provided a written request, giving reasons, to the Director of Regeneration and Community, within three weeks of being sent the weekly list of planning applications which will highlight ward member specific planning applications, that it be determined by the Committee. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Regeneration and Community.'
2. Review the amendment in the new paragraph 2(b) in twelve months
3. Retain the three week Planning Control Committee meeting cycle;
4. Approve the following amendments to the Regeneration and Community Department's procedures;
 - A. Provide training annually for all Members informing them of the planning processes and the list of planning applications they receive;
 - B. No longer include enclosures or items in the Political Group Rooms or the Council Chamber Foyer and instead make these available on the Council's website;
 - C. Inform Members in each Committee report after the Section 106 information any reason for potentially missing target dates at the time of writing the report and that developers will be informed that the application will be refused if the agreement is not signed by the target

date;

- D. In the event of an objection to an application by the Conservation Area Advisory Committee and this is subsequently resolved through officer negotiation then this application would not be brought before the Planning Control Committee. In the case of a remaining objection then this would still be brought before the Committee's consideration. This practice to be reviewed in 12 months; and'
- E. Consult with Members of Conservation Area Advisory Committee on whether they would prefer to receive an e-link to view plans and details.

Motion - To approve the minutes and recommendations of the Planning Control Committee dated 9 April 2009.

24. To consider a joint report of the Director of Resources and Director of Corporate and Adult Services concerning Housing Rents – Reduction to Approved Rent Increase 2009/10.

DOCUMENT 24

Motion:

- 1. To accept the offer from CLG of additional financial assistance to enable council house rents to be reduced.**
- 2. To reduce the average overall rent increase for all Council owned dwellings within the HRA to 3.1%, instead of an increase of 5.95% as approved by Council at its meeting on 2 March 2009.**
- 3. To agree that the revised increase will be implemented from 13 July 2009 and will only apply to tenants in residence on that date.**

25. To consider a joint report of the Corporate Director of Corporate and Adult Services and Corporate Director of Children and Young People concerning a Review of Contract Procedure Rules.

**DOCUMENT 25
TO FOLLOW**

Motion:

- 1. To adopt the new Contract Procedure Rules ("The Rules") and agree that they be brought into effect on 1 July 2009.**
- 2. To authorise the Assistant Director – Legal Services / Chief Legal Officer in consultation with**

the Head of Procurement to make minor amendments and additions to the revised Rules and to report them to the Audit and Accounts Committee.

- 3. To adopt the new Contract Procedure Rules for schools and agree that they be brought into effect on 1 July 2009.**
- 4. To replace the wording in Paragraph 2.18 of the Scheme for Funding Schools with that in paragraph 8.2 of the Schools Contract Procedure Rules in order to update the thresholds for particular competition requirements.**

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| 26. | To consider a report of the Director of Corporate and Adult Services as Monitoring Officer on Proposed Amendments to the Constitution. | DOCUMENT 26 |
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Motion - To approve the amendments to the Constitution set out in Appendix 2.

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| 27. | To consider a report of the Chair of the Scrutiny Management Commission on Councillor Call for Action (CCfA) – Adoption of Draft Protocol. | DOCUMENT 27 |
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Motion – To approve the draft protocol for the use of Councillor Calls for Action and to agree that Scrutiny Management Commission reviews its operation after twelve months.

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| 28. | To consider a report of the Chair of the Scrutiny Management Commission concerning Devolved Neighbourhood Highways Budgets | DOCUMENT 28 |
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Motion – To approve the proposed amendments to the Neighbourhood Boards and Forums Good Practice Guide.

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| 29. | To consider a report of the Director of Corporate and Adult Services on Urgent Non- Executive Decisions of the Chief Executive. | DOCUMENT 29 |
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Motion – To note the report

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| 30. | To consider a report of the Scrutiny Management Commission on the 2008/09 Annual Report of the Overview and Scrutiny Commissions | DOCUMENT 30 |
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Motion – To receive the 2008/09 Annual Report of the Overview and Scrutiny Commissions.

31. To consider a report of the Corporate Director of Corporate and Adult Services concerning Standing Advisory Council for Religious Education – SACRE – New Representative.

Motion – To approve the appointment of Maxine Bull – Church of England representative for a four year term.

32. To consider the following Notices of Motion:

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

“Council believes that the Police Service should work closely with Local Councils and other agencies, and commends the successful relationships built up in many Crime and Disorder Reduction Partnerships.

Council notes that a significant proportion of council tax is spent on policing and welcomes the steps taken to increase the responsiveness of the service, particularly the Derbyshire Constabulary.

Council commends the Constabulary’s efforts to keep the public informed through initiatives such as crime mapping, policing pledge and their support for and involvement with the City’s neighbourhood agenda.

Council recognises the importance of greater transparency and accountability at neighbourhood, basic command unit and force level but rejects proposals for the direct election of police authority members or police commissioners.

Council therefore welcome’s the Home Secretary’s decision not to proceed with such proposals.”

- (2) Councillor Banwait to propose and Councillor Williamson to second:

“Council acknowledges a “Speakers Corner” in Derby as an innovative way to help improve community cohesion in our city by encouraging the following:

- Greater involvement with – and engagement in – political debate, current affairs and community concerns
- Provide a forum for opinions to be aired and

responses sought, especially from the more marginalised and more disenfranchised members of our communities

- To foster positive social attitudes and understandings, and thereby help prevent and pre-empt anti-social behaviour.

Council therefore asks Cabinet to set up a working group comprising one member from each political group together with representatives from Community Safety Partnership, Derby Live and Derby District Speakers Club to draw up a proposal for the use, location, appearance and funding for a Speakers Corner in Derby.”

- (3) Councillor Wood to propose and Councillor Jennings to second:

“This Council approves in principle a proposal to revive the title of ‘Recorder of Derby’ as an honorary position thereby bringing the judiciary and local elected members closer together. Council instructs the Director of Corporate and Adult Services to bring a report to a future meeting of the Council on the implementation of this proposal on the basis that there would be no additional costs to the authority.”

- (4) Councillor Shanker to propose and Councillor Turner to second:

“Council agrees that the Osmaston area of Derby, including Victory Road, Ash Tree Avenue and Elm Tree Avenue are in need of regeneration to improve the general perception of the area and the quality of life for residents and businesses in the area.

Council is frustrated at the lack of progress made by the current administration in moving the master planning proposals forward and recognise the frustration and anger that this mismanagement has caused residents.

Council therefore calls on the Council Cabinet to:

- a) instruct officers to produce a realistic timeline for regeneration activities to take place and communicate this to all residents.
- b) agree that other developments such as new schools, Home refurbishments and any highways maintenance will not be delayed in the short and medium term on the back of the feeble master plan

that might or might not be happening.

- c) work with Derby Homes to maintain all its properties in the area and not use the masterplan as an excuse to not doing any repairs or improvements.”

33. To consider a report of the Corporate Director of Resources concerning the Appointment of Chief Executive.

**DOCUMENT 33
TO FOLLOW**

Motion

M A Jooke

Director of Corporate and Adult Services
and Deputy Chief Executive

The Council House
Derby DE1 2ZL
12 May 2009

**COUNCIL MEETING
2 MARCH 2009**

Present: The Mayor (Councillor Jackson) (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,
Jennings, Jones, Keane, F Khan, R Khan, Latham, Leeming,
Lowe, Marshall, Mitchell, Naitta, Nath, Poulter, Rawson,
Redfern, Repton, Richards, Roberts, Shanker, Skelton, Troup,
Tuplin, Turner, Webb, Williams, Williamson, Willoughby, Winter,
Wood.

Apologies for Absence

An apology for absence was received from Councillor Grimadell.

Declarations of Interest

Councillor Wood declared a personal interest in Minute No 85/08 as he was a Director of Derby Community Transport.

Councillors Richards and Keane declared a personal interest in Minute No 85/08 as they were lease holders of Council accommodation managed by Derby Homes.

Announcements from the Mayor

The Mayor thanked Council for its support during her time as Mayor.

80/08 Minutes of the Previous Meeting

Resolved that the minutes of the Meeting of the Council held on 21 January 2009 be approved as a correct record, confirmed and signed by the Mayor.

81/08 Statements by Members of the Council Cabinet

There were no Statements by Members of the Council Cabinet.

82/08 Public Questions

Questions from members of the public were asked as follows:

1. By Dorothy Skrytek, concerning the incinerator site in Osmaston/Sinfin, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
2. By Tony Dunn, concerning the future plans for the refurbishment of 40 West Avenue, answered by Councillor Care, Deputy Leader of the Council and Council Cabinet Member for Planning and Transportation.
3. By Tony Dunn, concerning marketing and refurbishment of 85-89 Kings Street, answered by Councillor Care, Deputy Leader of the Council and Council Cabinet Member for Planning and Transportation.
4. By Simon Bacon, concerning the youth club at King George V park, answered by Councillor Allen, Council Cabinet Member for Children and Young People.
5. By Penny De Abreu, concerning wear and tear on St Mary's footbridge, answered by Councillor Care, Deputy Leader of the Council and Council Cabinet Member for Planning and Transportation.
6. By Penny De Abreu, concerning the market place alterations, answered by Councillor Care, Deputy Leader of the Council and Council Cabinet Member for Planning and Transportation.
7. By Colin Underhill, concerning archaeological search at 2-8 St Helen's Street, answered by Councillor Care, Deputy Leader of the Council and Council Cabinet Member for Planning and Transportation.

83/08 Written questions from Non-Council Cabinet Members to Members of the Council Cabinet.

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

1. By Councillor Shanker, concerning the Osmaston Masterplan, answered by Councillor Troup, Council Cabinet Member for Housing and Public Protection.
2. By Councillor Turner, concerning the proposed waste plant, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.

84/08 Issues to be taken into account in approving the
Revenue Budget and Council Tax for 2009/10

The Council considered a joint report of the Chief Executive, the Corporate Director of Corporate and Adult Services and the Corporate Director of Resources detailing salient issues to be taken into account in approving the Revenue Budget and Council Tax for 2009/10.

Resolved to note the report.

85/08 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet of 13 January 2009 and 17 February 2009, 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 13 January and 17 February 2009.

It was moved by Councillor Williamson and seconded, that the motion be amended by the addition of the following words to the resolution in Minute 232/08:

'subject to the inclusion of the following schemes to be funded from Housing Revenue Account Reserves:

- Replacement of storage heaters in Council houses within 18 months – estimated cost £2,300,000
- 200 pre-war Council houses brought up to date with modern day insulation standards – estimated cost £2,000,000

(items 11 and 12 of the Appendix to Notice of Motion 1 refer)'

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 13 January and 17 February, subject to the addition to the resolution in Minute no 232/08 of the words "subject to the inclusion of the following schemes to be funded from Housing Revenue Account Reserves:

- **Replacement of storage heaters in Council houses within 18 months – estimated cost £2,300,000**
- **200 pre-war Council houses brought up to date with modern day insulation standards – estimated cost £2,000,000**

(items 11 and 12 of the Appendix to Notice of Motion 1 refer)

86/08 Further Minutes and Recommendations of the Council Cabinet

The Council considered further minutes and recommendations of the Council Cabinet of 17 February 2009, requiring the approval of the Council, set out in Appendix B to these minutes.

The Mayor proposed to allow Councillors Jennings, Jones and Williamson to speak for more than five minutes in the budget debate.

It was moved by Councillor Jones, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 17 February 2009 and:

1. To approve the capital programme for 2009/10 and the indicative capital programme for 2010/11 and 2011/12 set out in the report, subject to the completion and approval of a full business case by the Corporate Asset Management Group or Public Realm board for major new schemes in the corporate programme identified in Appendix 2 of the report.
2. To approve a revenue budget requirement for the Council for 2009/2010 of £199,030,461.
3. To approve for 2009/2010 the departmental revenue budget estimates and use of corporate reserves of £713,000 (0.36% of the budget) in 2009/10 and £232,000 in 2010/11 (due to a financial adjustment from the previous 3 year budget agreed in the Revenue Budget Strategy in September 2008) summarised in Appendices 4, 5, 6, and 12 of the report.
4. To agree the latest 2008/2009 revenue budget monitoring position as set out in Appendix 13 of the report.
5. To approve the measures proposed to manage budget risks in 2009/10 and in future years, including the deliverability of identified savings, levels of service and inflation forecasts as set out in Section 11.
6. To approve within this total of £199,030,461:

Net service estimates of:	£
Children and Young People	41,052,186
Environmental Services	22,786,000
Regeneration and Community	19,836,304
Partnerships	6,897,051
Resources	10,558,000
Corporate and Adult Services	67,834,340
Corporate and Contingency Budgets	31,154,000
	<u>199,937,461</u>

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

	£
Corporate reserves	(713,000)
Service reserves	(244,000)
Revenue Financing Capital	50,000
	<u>199,030,461</u>

7. To note that, at its meeting on 21 January 2009, the Council calculated the amount of 70,187 equivalent band D properties as the Council's Tax Base for the year 2009/10 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.
8. To calculate the following amounts for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act).
 - a. £620,157,714 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e).
 - b. (£421,127,253) 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. £199,030,461 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. £106,648,562 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.
 - e. £1110.40 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	740.27	E	1357.16
B	863.64	F	1603.91
C	987.02	G	1850.67
D	1110.40	H	2220.80

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.

9. To note that for the year 2009/10, 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	107.55	E	197.17
B	125.47	F	233.02
C	143.40	G	268.87
D	161.32	H	322.64

10. To note that for the year 2009/10, 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	43.68	E	80.08
B	50.96	F	94.64
C	58.24	G	109.20
D	65.52	H	131.04

11. Having calculated the aggregate in each case of the amount in 2.5, 2.6 and 2.7 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 2009/10 for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

£		£	
A	891.50	E	1634.41
B	1040.07	F	1931.57
C	1188.66	G	2228.74
D	1337.24	H	2674.48

12. To note the revenue budget plans for 2010/11 and 2011/12 set out in section 5 of this report.
13. To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.
14. To note the revised tables and appendices in the addendum report and resulting from the adjustments described in paragraphs 3.1 to 3.3 of the report.
15. To agree that any shortfall needed to meet the Minimum Funding Guarantee in school budgets should be met initially from the £350,000 earmarked for schools maintenance and , if this is insufficient, from the Children and Young People's Department budget.

Amendment 1 - lost

It was moved by Councillor Hickson and seconded, that Council Cabinet Minute No 229/08 be amended as follows:

2. Change budget requirement to £197,722,461.
3. Add to the end:

Subject to the following changes		£
A	Reduction of 1% from total salary costs	(1,310,000)
B	Reduction from Public Realm	(200,000)
C	Reduction from Derby Live	(100,000)
D	LABGI funding for capital schemes	(695,000)
	Sub Total	(2,305,000)
E	Retention of DCT Services	80,000
F	Retention of cash office until 31.03.10	Nil
G	Providing powers to Neighbourhood Boards for highway projects	170,000
H	Additional post to support G	34,000
	Total net savings	(2,021,000)

6. Change Appropriations to/from reserves to:
(Net service estimates to be adjusted accordingly)

	£	
Corporate reserves		nil
Service reserves		(244,000)
Revenue Financing Capital		50,000
		197,722,461

8. Change figures in:

	£		£
a to	618,849,714		
c to	197,722,461		
e to	1091.76		
f to	A	727.84	E 1334.37
	B	849.15	F 1576.99
	C	970.45	G 1819.60
	D	1091.76	H 2183.52

11. Change figures to:

	£		£
A	879.07	E	1611.62
B	1025.58	F	1904.65
C	1172.09	G	2197.67
D	1318.60	H	2637.20

The amendment was put to the meeting and lost.

It was moved by Councillor Hickson, and seconded, that, in accordance with Rule CP56 (f), that the debate on the motion be adjourned and the meeting itself be adjourned for up to one hour to establish whether the Political Groups could reach agreement on a compromise amendment to the motion. The motion was put to the meeting and carried.

The meeting adjourned at 8.10pm and reconvened at 9.10pm.

Amendment 2 - carried

It was moved by Councillor Hickson and seconded that Council Cabinet Minute No 229/08 be amended as follows:

2. Change budget requirement to £198,282,979.
3. Add to the end:

Subject to the following changes		£
A	Reduction of 1% from total salary costs	(1,310,000)
B	Reduction from Public Realm	(200,000)
C	Reduction from Derby Live	(100,000)
D	Local Authority Business Growth Initiative funding for capital schemes	(137,000)
	Sub Total	(1,747,000)
E	Retention of Derby City Transport Services	80,000
F	Retention of cash office until 31.03.10	Nil
G	Providing powers to Neighbourhood Boards for highway projects	170,000
H	Additional post to support G	34,000
	Total net savings	(1,463,000)

6. Change Appropriations to/from reserves to:
(Net service estimates to be adjusted accordingly)

	£
Corporate reserves	2,518
Service reserves	(244,000)
Revenue Financing Capital	50,000
	198,282,979

8. Change figures in:

	£		£
a to	618,697,232		
b to	420,414,253		
c to	198,282,979		
e to	1099.75		
f to	A	733.17	E 1344.14
	B	855.36	F 1588.53
	C	977.56	G 1832.92
	D	1099.75	H 2199.50

11. Change figures to:

	£		£
A	884.40	E	1621.39
B	1031.79	F	1916.19
C	1179.20	G	2210.99
D	1326.59	H	2653.18

The amendment was put to the meeting and carried.

It was moved by Councillor Hickson, and seconded, that, in accordance with Rule CP10, the meeting be extended beyond four hours to conclude the budget debate. The motion was put to the meeting and carried.

Resolved

1. To approve the capital programme for 2009/10 and the indicative capital programme for 2010/11 and 2011/12 set out in the report, subject to the completion and approval of a full business case by the Corporate Asset Management Group or Public Realm board for major new schemes in the corporate programme identified in Appendix 2 of the report.
2. To approve a revenue budget requirement for the Council for 2009/2010 of £198,282,979.
3. To approve for 2009/2010 the departmental revenue budget estimates and use of corporate reserves of £713,000 (0.36% of the budget) in 2009/10 and £232,000 in 2010/11 (due to a financial adjustment from the previous 3 year budget agreed in the Revenue Budget Strategy in September 2008) summarised in Appendices 4, 5, 6, and 12 of the report, subject to the following changes:

	£
A Reduction of 1% from total salary costs	(1,310,000)
B Reduction from Public Realm	(200,000)
C Reduction from Derby Live	(100,000)
D Local Authority Business Growth Initiative funding for capital schemes	(137,000)
Sub Total	(1747,000)
E Retention of Derby City Transport Services	80,000
F Retention of cash office until 31.03.10	Nil
G Providing powers to Neighbourhood Boards for highway projects	170,000
H Additional post to support G	34,000
Total net savings	(1,463,000)

4. To agree the latest 2008/2009 revenue budget monitoring position as set out in Appendix 13 of the report.
5. To approve the measures proposed to manage budget risks in 2009/10 and in future years, including the deliverability of identified savings, levels of service and inflation forecasts as set out in Section 11.
6. To approve within this total of £199,030,461:

Net service estimates of:	£
Children and Young People	41,052,186
Environmental Services	22,786,000
Regeneration and Community Partnerships	19,836,304
	6,897,051

Resources	10,558,000
Corporate and Adult Services	67,834,340
Corporate and Contingency Budgets	31,154,000
	<u>199,937,461</u>

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

Corporate reserves	2,518
Service reserves	(244,000)
Revenue Financing Capital	50,000
	<u>198,282,979</u>

- 7. To note that, at its meeting on 21 January 2009, the Council calculated the amount of 70,187 equivalent band D properties as the Council's Tax Base for the year 2009/10 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.**
- 8. To calculate the following amounts for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (the Act).**
 - a. £618,697,232 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e).**
 - b. (£420,414,253) 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. £198,282,979 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. £106,648,562 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.**
 - e. £1099.75 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	733.17	E	1344.14
B	855.36	F	1588.53
C	977.56	G	1832.92
D	1099.75	H	2199.50

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.

9. To note that for the year 2009/10, 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	107.55	E	197.17
B	125.47	F	233.02
C	143.40	G	268.87
D	161.32	H	322.64

10. To note that for the year 2009/10, 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	43.68	E	80.08
B	50.96	F	94.64
C	58.24	G	109.20
D	65.52	H	131.04

11. Having calculated the aggregate in each case of the amount in 2.5, 2.6 and 2.7 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 2009/10 for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	884.40	E	1621.39
B	1031.79	F	1916.19
C	1179.20	G	2210.99
D	1326.59	H	2653.18

12. To note the revenue budget plans for 2010/11 and 2011/12 set out in section 5 of this report.
13. To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.
14. To note the revised tables and appendices in the addendum report and resulting from the adjustments described in paragraphs 3.1 to 3.3 of the report.
15. To agree that any shortfall needed to meet the Minimum Funding Guarantee in school budgets should be met initially from the £350,000 earmarked for schools maintenance and , if this is insufficient, from the Children and Young People's Department budget.

The remaining business was to be considered at an extraordinary meeting of the Council at 6.00pm on Thursday 5 March 2009.

Mayor

**EXTRAORDINARY COUNCIL MEETING
5 MARCH 2009**

Present: The Mayor (Councillor Jackson) (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,
Jennings, Jones, Keane, R Khan, Leeming, Lowe, Naitta, Nath,
Poulter, Rawson, Redfern, Repton, Roberts, Shanker, Skelton,
Troup, Tuplin, Turner, Webb, Williams, Williamson and Winter.

Apologies for Absence

Apologies for absence were received from Councillors F Khan, Latham,
Marshall, Mitchell, Richards, Willoughby and Wood.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Council stood in silence in tribute to the memory of former leader of
Derbyshire County Council, Sir Martin Doughty. Tributes to Sir Martin were
paid by the Mayor (Councillor Jackson).

**87/08 Minutes and Recommendations of the General
Licensing Committee**

The Council considered the minutes and recommendations of the General
Licensing Committee dated 11 February 2009, requiring the approval of the
Council, set out in Appendix A to these minutes.

**Resolved, on the motion of Councillor Redfern, to approve the minutes
and recommendations of the General Licensing Committee dated 11
February 2009.**

88/08 Deprivation of Liberty Safeguards

The Council considered a report of the Director of Corporate and Adult
Services concerning deprivation of Liberty Safeguards.

Resolved, on the motion of Councillor Skelton, to delegate the following powers to the Senior Assistant Director (Adult Services) and the Acting Assistant Director (Operations): The issue of Deprivation of Liberty authorisations.

89/08 Appointment of Independent Members of the Standards Committee

The Council considered a report of the Corporate Director of Corporate and Adult Services concerning the Appointment of Independent Members of the Standards Committee.

Resolved, on the motion of Councillor Jones:

- 1. To confirm the appointment of Ms Dionne Reid as an independent Member of the Standards Committee for the period ending at the Annual Meeting in May 2012.**
- 2. To reappoint Mr Philip Sunderland as an Independent Member of the Standards Committee for the period ending at the Annual Meeting in May 2012.**

(In accordance with the Relevant Authorities (Standards Committees) Regulations 2001, the above resolution was approved by a majority of Members of the Council)

90/08 Urgent Non-Executive Decisions

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

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

91/08 Notices of Motion

- 1. Alternative Budget Proposals*

As the budget had been determined under Minute No 86/08 this motion was not considered.

- 2. Weapons Amnesty*

Resolved, on the motion of Councillor Banwait, that Derby City Council acknowledges the use of a weapons Amnesty to make the streets of Derby safer by providing people a confidential way of discarding weapons like knives and guns.

Council therefore calls upon the Derby Community Safety Partnership to organise, promote and facilitate a Weapons Amnesty.

Council also calls upon Derby's youth service providers, including Derby City Council Youth Service and Enthusiasm, to work in partnership with community leaders to run confidential advice surgeries for young people across Derby where young people can share any issues affecting them and receive advice and coaching on resolving differences and disputes without resorting to violence.

Mayor

<p>MINUTES OF GENERAL LICENSING COMMITTEE REQUIRING THE APPROVAL OF COUNCIL</p>

**GENERAL LICENSING COMMITTEE
25 MARCH 2009**

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

In attendance: Councillors F Khan and Webb

**27/08 Scrutiny Management Commission's Review of
Licensing Enforcement**

The Commission considered a report from the Chair of the Scrutiny Management Commission detailing the outcomes of the Scrutiny Management Commission's Review of the Enforcement of the Council's Licensing Policy and the recommendations that had been made by the Commission.

The Cross Party Working Group had met to consider the recommendations of the Scrutiny Management Commission and had made its own observations and recommendations in response.

Resolved:

- 1. To note the Scrutiny Management Commission's Review of Licensing Enforcement.**
- 2. To approve the recommendations of the Scrutiny Management Commission with the amendments made by the Cross Party Working Group and refer these to Council for it's consideration:**
 - a. All Derby Responsible Authorities (RAs) should use their enforcement powers promptly and effectively and in conjunction with each other to deal with breaches of licence conditions and the licensees should be made aware that this will happen.**
 - b. That within any limitations imposed by the legislation or by**

the interpretation of the legislation there should be regular monthly liaison meetings between representatives of all the Derby RAs.

- c. To investigate the degree to which links between the Council and the Police Licensing Teams can legitimately be strengthened and enhanced and if appropriate to develop a protocol for an improved working relationship aimed at making best use of resources and providing the most effective enforcement of the Act.**
- d. An effective and workable information sharing protocol should be developed to enable the legitimate exchange of information on licensed premises between Police and the Council in its role as RA. The protocol should include procedures for the exchange all the information that can legitimately be exchanged, including if possible the issue of closure notices currently recorded on the Police 'Innkeeper' system.**
- e. That the Environmental Health and Trading Standards Division make provision for Environmental Health and Trading Standards staff to work frequently and regularly outside during the times when it is known that problems at/with 'on' and 'off' licensed premises are likely to occur.**

It is also recommended that as part of their job the Environmental Health and Trading Standards officers be tasked to inspect all types of licensed premises to:

- i. Investigate complaints and take action where appropriate**
- ii. Conduct under age sales investigations**
- iii. Proactively ensure compliance with Licence conditions**

Where breaches of the legislation or License conditions are found to have occurred the Environmental Health and Trading Standards officers should report and action their findings promptly and correctly so that the appropriate action can be taken by the Licensing Committee.

- f. That the Trading Standards Section should implement the recommendation made in the Underage Sales Review (2004) and should work co-operatively with other neighbouring local authorities in order to provide 'new' staff and test customers for underage sales exercises.**
- g. (i) That the Trading Standards Team and Derbyshire Constabulary should prepare and publish a protocol that defines the actions they will take as RAs in the event that a**

licensed premises fails a test purchase exercise. The protocol should for example specify the circumstance under which a failed test purchase would result in a warning or in a request for a review of the license.

(ii) That where Trading Standards have information of the nature and quality to enforce failed test purchases, they should be tasked to more readily exercise their own statutory review powers so that the matter can then work its way through the system to members to make a determination upon.

- h. That a senior officer of Derbyshire Constabulary should be asked:

 - iv. to confirm or deny the statements made to the SMC working group by representatives of Derbyshire Constabulary about the level of alcohol related crime in Derby and the resource implications that this is presenting for the Police, and:
 - v. to comment on the suggestion made by the representatives of Derbyshire Constabulary that there are just too many licensed premises
 - vi. to clarify whether the comments made by the Derbyshire Constabulary representatives amount to a indication on the part of the Police that they are in favour of the establishment of a Saturation Zone.
- i. That wherever legally practicable and the appropriate RAs should recommend that membership of Pubwatch is made a condition of the 'on' licences they consider.
- j. To investigate ways whereby the views of the Derby Community Safety Partnership and the Derby Primary Care Trust on matters relating to the licensing of premises can be made available to and taken into account by the Licensing Committee.
- k. Investigate what might be done to change the 'drinking culture' of Derby
- l. That the means whereby enforcement action taken by Fire Officers is reported to the Council is examined and improved where necessary.

28/08 General Licensing Committee Cross Party Working Group Review of Licensing

The Commission considered a report detailing the outcomes and recommendations of the General Licensing Committee's Cross Party Working Group Review of Licensing.

Resolved to approve the recommendations of the Cross Party Working Group Review of Licensing, and refer to Council for its consideration, as follows:

- 1. To support the principle of the introduction of standardised county-wide licensing guidance and conditions, so far as is lawfully permissible and to the extent that doing so does not create a conflict with the need to secure that the terms of any such guidance or conditions remain relevant to the Council's corporate objectives.**
- 2. That the Assistant Director (Environmental Health and Trading Standards) be instructed to undertake investigations, with a view to identifying practical measures to bring about improved joint working in the licensing field by stakeholder partners.**
- 3. That a guide to making representations for non-licence applicants be drawn up and made readily available for distribution, along similar principles to the guide that has been prepared for the use of elected members who are called upon to make representations on behalf of residents of their ward.**
- 4. That additional funding be made available to secure that effective enforcement of the Council's statutory obligations can take place, including but not limited to securing that an after-hours enforcement service is created. Part of the funding should also be earmarked to secure that relevant staff are trained, and have their training regularly reviewed.**
- 5. That a report be brought to committee at a future date to initiate discussions about how the Council's Licensing Policy can support the wider Alcohol Strategy for Derby.**
- 6. That training for Licensing Committee members be scheduled into the Member Training Programme like Planning Committee training and that members should not be allowed to sit on Licensing Sub-Committees unless they have received the training.**

**PLANNING CONTROL COMMITTEE
9 APRIL 2009**

Present: Councillor Wood (Chair)
Councillors Banwait, Baxter, Bolton, Care, Carr, Grimadell,
Harwood and Richards

**142/08 Proposed amendments to the Constitution to
amend the Scheme of Delegation arrangements**

The Head of Development Control informed the Committee of a series of amendments to the planning department's procedures and the Constitution's Scheme of Delegation to improve the efficiency of the department. The Chair informed members that all three parties had considered this report along with the Cabinet Member and senior officers. He informed the Committee that the Chief Executive had advised that this report be considered at a later date because of the current public sentiment. The Committee considered this advice and the Chair decided to open up the decision to consider this item to Members. It was put to the vote and:

Resolved to consider the report at this meeting of the Planning Control Committee.

(The above resolution was carried on the casting vote of the chair).

The Committee then considered each section of the report in turn and;

Resolved to recommend that Council:

- 1. Amend paragraph 2 of the Planning Control Committee's Scheme of Delegation by;**
 - A. Deleting paragraph 2b which requests that applications for planning permission and advertisement control or any other application made under planning legislation must be determined by the Planning Control Committee where "four or more objections have been received and the officer recommendation is to approve."**
 - B. Amending the remainder of paragraph 2 by inserting the words shown underlined so it now reads;**
- '2. determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:**

- a. The application is contrary to a Local Plan allocation and the officer recommendation is to approve ; or
 - b. A Member of the Council has provided a written request, giving reasons, to the Director of Regeneration and Community, within three weeks of being sent the weekly list of planning applications which will highlight ward member specific planning applications, that it be determined by the Committee. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Regeneration and Community.'
- 2. Review the amendment in the new paragraph 2(b) in twelve months
- 3. Retain the three week Planning Control Committee meeting cycle;
- 4. Approve the following amendments to the Regeneration and Community Departments procedures;
 - A. Provide training annually for all Members informing them of the planning processes and the list of planning applications they receive;
 - B. No longer include enclosures or items in the Political Group Rooms or the Council Chamber Foyer and instead make these available on the Council's website;
 - C. Inform Members in each Committee report after the Section 106 information any reason for potentially missing target dates at the time of writing the report and that developers will be informed that the application will be refused if the agreement is not signed by the target date;
 - D. In the event of an objection to an application by the Conservation Area Advisory Committee and this is subsequently resolved through officer negotiation then this application would not be brought before the Planning Control Committee. In the case of a remaining objection then this would still be brought before the Committee's consideration. This practice to be reviewed in 12 months; and'
 - E. Consult with Members of Conservation Area Advisory Committee on whether they would prefer to receive an e-link to view plans and details.