

Time commenced - 6.13 pm
Time finished - 9.13 pm

COUNCIL MEETING 12 SEPTEMBER 2007

Present: The Mayor (Councillor Latham)
Councillors Ahern, Afzal, Allen, Banwait, Baxter, Bayliss, Berry, Bolton, Care, Carr, Chera, Dhamrait, Dhindsa, Gerrard, Ginns, Graves, Grimadell, Harbon, Hickson, Higginbottom, Hird, Hussain, Ingall, Jackson, Jones, R Khan, S Khan, Leeming, Lowe, Marshall, Mitchell, Nath, Poulter, Rawson, Redfern, Repton, Richards, Roberts, Skelton, Smalley, Troup, Turner, Webb, Williams, Willoughby, Williamson, Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Jennings and Tittley.

Declarations of Interest

There were no declarations of interest.

Announcements from the Mayor

The Council stood in silence as a tribute to the memory of the late former Councillor Swindells.

The Mayor referred to recent successes in the East Midlands in Bloom competition.

38/07 Minutes of the Previous Meeting

Resolved that the minutes of the Meeting of the Council held on the 18 July 2007 be approved as a correct record, confirmed and signed by the Mayor.

39/07 Statements by Members of the Council Cabinet

A statement concerning developments which support the Council's priorities around learning and achievement, was made by Councillor Bolton, Council Cabinet Member for Children and Young People.

40/07 Public Questions

Questions from members of the public were asked as follows:

1. By Ms P De Abreu, concerning the visual impact of the Westfield cinema block and car park, answered by Councillor Williamson, Leader of the Council and Council Cabinet Member for Corporate Policy.
2. By Ms P De Abreu, concerning public consultation on the replacement of St Mary's footbridge, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
3. By Mr A Dunn, concerning the Big Screen in the Market Place, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
4. By Mr A Dunn, concerning the Sir Peter Hilton Gardens, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
5. By Ms A Underhill, concerning recycling policy and incorrectly filled refuse bins (two questions), answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
6. By Mr C Underhill, concerning the blighting of certain areas, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
7. By Mr C Underhill, concerning old double decker buses, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.

41/07 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 Ltd.

42/07 Written questions from Non-Council Cabinet Members to Member of the Council Cabinet.

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

1. By Councillor Rawson, concerning GCSE results, answered by Councillor Bolton, Council Cabinet Member for Children and Young People.
2. By Councillor Webb, concerning back garden development, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
3. By Councillor Care, concerning the new cobbled surface on East Street, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
4. By Councillor Care, concerning the closure of the Sustrans Route 54 for planned work, answered by Councillor Banwait, Council Cabinet Member for Planning and Transportation.
5. By Councillor Marshall, concerning home care charges, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
6. By Councillor Skelton, concerning reviews of home care service users' needs and overspends on the home care service budget, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
7. By Councillor R Khan, concerning Exeter House, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.

43/07 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 Williamson, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 31 July and 4 September 2007.

It was moved by Councillor Nath, and seconded, that paragraph 3 of the resolution in Minute No. 74/07 be amended by the insertion of the words "with the exception that the second column in Item 3 shall read "Agreed – the Good Practice Guide already allows grants to be paid to religious bodies for non-religious projects or services" between the words "above" and "and".

(The effect of the amendment, if approved, was that paragraph 3 of the resolution in Minute No. 74/07 would read as follows:

- “3. Approve the Good Practice Guide at Appendix 3 subject to the amendments described in the table above, with the exception that the second column in Item 3 shall read “Agreed – the Good Practice Guide already allows grants to be paid to religious bodies for non- religious projects or services”, and to authorise the Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy to approve any further minor amendments prior to formal publication.”)

The amendment was put to the meeting and carried.

The Council considered the appointment of Chairs of Neighbourhood Boards as recommended in paragraph 5 of the resolution in Minute No. 74/07. The Mayor invited nominations for the Chairs and appointments were made as follows:

Neighbourhood (Ward)	Proposed	Proposed	Appointed
Abbey	Councillor Afzal	Councillor Lowe	Councillor Afzal
Allestree	Councillor Hickson		Councillor Hickson
Alvaston	Councillor Graves		Councillor Graves
Arboretum	Councillor S Khan		Councillor S Khan
Blagreaves	Councillor Marshall	Councillor Skelton	Councillor Marshall
Boulton	Councillor Banwait		Councillor Banwait
Chaddesden	Councillor Ahern		Councillor Ahern
Chellaston	Councillor Tittley		Councillor Tittley
Darley	Councillor Repton	Councillor Richards	Councillor Repton
Derwent	Councillor Redfern		Councillor Redfern
Littleover	Councillor Allen		Councillor Allen
Mackworth	Councillor Gerrard		Councillor Gerrard
Mickleover	Councillor Jones		Councillor Jones
Normanton	Councillor Dhindsa		Councillor Dhindsa
Oakwood	Councillor Smalley		Councillor Smalley
Sinfin	Councillor Dhamrait		Councillor Dhamrait
Spondon	Councillor Williams		Councillor Williams

Resolved to approve the minutes and recommendations of the Council Cabinet dated 31 July and 4 September 2007, as amended.

44/07 Waste Treatment Procurement Site Visits

The Council considered a report of the Cabinet Member for Leisure and Direct Services on Waste Treatment Procurement site visits.

Resolved, on the motion of Councillor Graves, to accept the proposal for up to five members and four officers to make the necessary visits to the

proposed treatment plants in Europe and to approve the visits as 'approved duties' for the purposes of the Members' Allowances Scheme.

45/07 Appointments to Outside Bodies and Charities

The Council considered a report of the Director of Corporate and Adult Services concerning Appointments to Outside Bodies and Charities.

Resolved, on the motion of the Mayor (Councillor Latham), to approve the following appointments of Members and Officers to SCAPE:

Director (SCAPE)	C Edwards, Assistant Director - Property Services
Alternate Director Architect	Paul Glowacki, Principal
Shareholder Member of CLASP Management Committee:) Councillor Bolton))

46/07 Notices of Motion

1. *Duffield Road Bus Lanes*

It was moved by Councillor Willoughby, and seconded, that the Council acknowledges that the trial Duffield Road Bus Lanes have not been popular with residents and road users.

The current configuration of narrow lanes is a potential health and safety hazard, and indeed there have been a number of accidents or near accidents as a result. The bus lanes have also resulted in an increase in traffic congestion, and hence carbon emissions, going into and out of the city.

The Council therefore calls upon the Cabinet Member for Planning and Transportation to immediately end this trial scheme, which has just been further extended for 1 year, and to return this section of Duffield Road to its original configuration for two lane traffic.

It was moved by Councillor Richards, and seconded, that the motion be amended by the deletion of the whole of the second paragraph and all words after the words "upon the" in the third paragraph, and the insertion of the words "some" between the words "with" and "residents" in the first paragraph, the words "some" between the words "and" and "road" in the first paragraph, and the words "Planning and Transportation Overview and Scrutiny Commission to carry out a detailed review of the Duffield Road Bus Lane as a

matter of urgency, and to make recommendations to the Cabinet Member for Planning and Transportation” in the third paragraph.

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

“The Council acknowledges that the trial Duffield Road Bus Lanes have not been popular with some residents and some road users.

The Council therefore calls upon the Planning and Transportation Overview and Scrutiny Commission to carry out a detailed review on the Duffield Road Bus Lane as a matter of urgency, and to make recommendations to the Cabinet Member for Planning and Transportation.”)

The amendment was put to the meeting and lost.

The motion was put to the meeting and lost.

2. *Place names*

It was moved by Councillor Care, and seconded, that the names that people give places are an important part of the history of an area, and help to provide identity and make a place unique. Using existing names respects a place’s heritage. High-publicity renaming may obscure or obliterate an area’s true history. Being aware of these effects is all the more important at a time when towns and cities are threatened by ‘clone town culture’.

Council is therefore saddened by the lack of consultation by Westfield before their decision to drop the name Eagle Centre, but welcomes the continued use of the name Cock Pitt, albeit in a minor way.

Council further encourages Cityscape and other developers to have full regard to the history of Derby as reflected in its place names and the role they have in promoting Derby and its heritage.

The motion was put to the meeting and lost.

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL
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**COUNCIL CABINET
31 JULY 2007**

Present: Councillor Williamson (Chair)
Councillors Banwait, Graves, Hickson,
Nath, Roberts, Smalley, and Williams

In attendance Councillor Jones

This record of decisions was published on 2 August 2007. The key decisions set out in this expiry of five clear days unless a key decision is called in.

46/07 Community Cohesion Strategy

The Council Cabinet considered a report of the Director, Derby Community Safety Partnership. The Community Cohesion Strategy was the first of its kind for Derby City. The Plan was designed to deliver strong sustainable community relations across the City resulting in 'A City where people live together and respect each other'. Creating cohesive communities was now a major policy theme for national and regional government. Improving community cohesion in the City would play a significant role in building and maintaining the reputation of Derby and in encouraging Derby citizens to confidently participate in the life of the City and its neighbourhoods. The overall aim of the strategy was to create a City where there was a clearly defined and widely shared sense of the contribution of different individuals and communities to a future vision for the City. In particular there was a focus on the contribution of those newly arrived in the City, those people already settled, and what they share in common. The strategy also aimed to be preventative, avoiding future problems through targeted work with young people.

Decision

To recommend Council to

1. approve and adopt the strategy on behalf of the City Council
2. note that it will be driven through the Community Safety Partnership recently established Community Cohesion Leadership Group and will be adopted by the Community Safety Partnership and Derby City Partnership board.

**COUNCIL CABINET
4 SEPTEMBER 2007**

Present: Councillor Williamson (Chair)
Councillors Banwait, Bolton, Graves, Hussain,
Nath, Roberts, Smalley and Williams

In attendance Councillor Jones

This record of decisions was published on 6 September 2007. 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.

Contract and Financial Procedure Matters

68/07 Capital Monitoring

The Council Cabinet considered a report on Capital Monitoring. Council approved the capital programme for the 2007/08 to 2009/10 period at its meeting on 1 March 2007. Since then, the programme had been updated to reflect the 2006/07 outturn, including approved slippage, changes approved through Contract and Financial Procedure Matters reports and individual departmental cabinet reports. The report provided an update on the projected variance on the programme, with a particular focus on risk budgets. Projects at Derwent Community Primary School and Nightingale Junior School had been approved at the formal Cabinet Member meeting in view of their urgency.

Decision

1. To recommend to Council changes to the capital programme as set out in paragraph 1.2 and Appendix 2.
2. To recommend to Council the addition of the schemes detailed in paragraph 1.3 to the 2007/8 capital programme.
3. To note the projected outturn and variance.
4. To note the capital risk budgets identified by departments and progress on those schemes.
5. To recommend to Council scheme commencement for Ivy House Special Needs School, and Breadsall Hill Top Junior School replacement windows.
6. To recommend to Council the allocation of capital receipts to the Connecting Derby project once the sale of Connecting Derby land at 2-8 St Helen's Street had taken place.

Other Matters

74/07 From Areas to Neighbourhoods

The Council Cabinet considered a report on From Areas to Neighbourhoods. Following the approval of Cabinet and full Council, in July 2007, to the principle of transforming Area Panels into Neighbourhood Boards and Forums, the report set out the proposed detailed arrangements. The report sought approval to necessary amendments to the Constitution and to a Good Practice Guide for the new Neighbourhood Boards and Forums. Full Council will also be asked to appoint the chairs of the proposed Neighbourhood Boards. The Community Commission raised issues about the neighbourhood working arrangements at its meeting on 23 July and it was hoped that the Good Practice Guide addressed those issues. The Commission held a further meeting on 29 August to examine the detailed proposals and a report from the Commission setting out their comments and suggested amendments to the Good Practice Guide was considered. It was noted that partners would be consulted through the Area and Neighbourhood Board.

Recommendations of the Community Commission to Council Cabinet	Recommendations of Council Cabinet to Full Council
1. The Commission supports the distribution of the Area Panel budget equally amongst all wards as this is the fairest method of dividing the Area Panel budget.	Agreed
2. The Commission has concerns about the level of funding currently being made available to Boards and feels this is insufficient to address all their local priorities. The Commission recognises that neighbourhood working is a new process which enables elected members to strengthen their leadership role and address a range of local issues. However, the level of resources available to each area can influence how quickly and effectively some of the local issues can be tackled. The Commission therefore anticipates more resources will be made available to Neighbourhood Forums in the future.	Agreed in principle
3. All Neighbourhood Boards should be required to develop criteria for their community budget which should reflect their local priorities. However, the Boards should be given the freedom and flexibility to decide how the budget should be spent within their respective neighbourhoods. Members felt the existing criteria was too restrictive and that, for example, religious organisations should be eligible to bid for funding providing they do not spend the money on promoting religious activities.	Not agreed
4. The Commission recommends details of the funding available to each ward in the current year be circulated to all Councillors as an addendum to the Cabinet report.	Agreed

<p>5. The Commission feels the procedure for appointing resident members on to the Board is too onerous and bureaucratic and should be made simpler. It recognises the need to make the process open, transparent and accountable but feels requiring each nominee to be nominated by a minimum of ten residents from ten separate households is excessive. This is greater than for example the requirement to stand as a ward councillor. The guidance for candidates and agents published by the Electoral Commission requires nomination paper to be signed by 10 registered electors in the ward but does not specify the number of households.</p>	<p>The requirements for 10 separate households will not be applied but replaced with a requirement for the ten residents to come from more than one household.</p>
<p>6. The Good Practice Guidance is unclear about how resident members of the Board can be selected in the first year. It states that a selection of the nominated persons will be made by members of the Board. Since there is no Board to begin with for some wards, resident members cannot be selected. The Commission suggests that in the first year resident members be appointed by the Neighbourhood Forum.</p>	<p>Agreed</p>
<p>7. The Commission supports setting a minimum requirement of 50% of resident and community representatives to live in the neighbourhood as this will ensure local accountability.</p>	<p>Agreed</p>
<p>8. Section 9.3.1 lists partner organisations that can be Board members. The Commission suggests only the representatives of the partner organisations should be given a position on the Board and the word <i>officers</i> be deleted (9.3.1). And since the City Council is represented by the three councillors and it should also be removed from the list of partner organisations.</p>	<p>Not agreed</p>
<p>9. There is currently no set maximum number of people for each Board. The Commission believes that this could be made clearer and the numbers could be set at a maximum of 20. These could include 3 ward members, 7 agency representatives and up to 10 local/community representatives. The Board could be allowed from time to time to co-opt individuals with specific expertise to assist them with their work as and when required.</p>	<p>Agreed</p>
<p>10. Some members felt there was confusion on the number of forums that could be held per ward and asked for greater clarity. The Commission suggests that the Council Cabinet should take into account whether there is administrative capacity to support more than one forum per ward.</p>	<p>This is for each ward to decide - not agreed that the Council Cabinet should restrict wards to one forum</p>
<p>11. Members felt that in their experience there had been occasions when relevant officers had not attended Area Panel meetings and consequently issues could not be progressed as quickly as they could have done. The Commission recommends that relevant officers and/or Council Cabinet member should be required to attend Board meetings when requested and that this requirement is referenced in the Good Practice Guide.</p>	<p>Lead Council Officer will be Neighbourhood Manager but other officers will attend subject to each department being able to be flexible with regard to representation.</p>

12. There was considerable debate on whether the Board meetings should be open to the public or held in private and there were strong arguments on both sides. The Commission suggests that this be left up to each Neighbourhood Board to decide.	Agreed
13. Tackling cross boundary issues such as parking and traffic congestion were raised by some members. The Commission believes these could be addressed by establishing sub groups between the neighbourhoods affected.	This is for each ward to decide
14. Members felt the scope of the forums should be broad and include all matters that affect residents and not be restricted to clean, safe and green issues nor Council centric.	Agreed
15. Neighbourhood Forums are expected to produce local priorities. It is unlikely that all of these could be funded through the Community budget. The Commission recommends a robust mechanism to be established that enables Neighbourhood priorities to be fed up to the City Council and partners to ensure that Neighbourhood Priorities are reflected in partner budgets.	Agreed
16. The Commission accept the recommendations for petitions.	Agreed
17. The minimum number of meetings for Forums/Boards needs to be made clear in the guidance-it is not clear in the guidance reviewed by the Commission.	It is suggested that there be at least four meetings per year, but each Board/Forum could decide to hold more.
18. Neighbourhood Managers were mentioned at the meeting, this information should be circulated as an addendum to this report along with the budget information.	Agreed

Decision

To recommend Council to:

1. approve the arrangements for Neighbourhood Boards and Neighbourhood Forums set out in the report.
2. approve the amendments to the Constitution set out in Appendix 2.
3. approve the Good Practice Guide at Appendix 3 subject to the amendments described in the table above and to authorise the Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy to approve any further minor amendments prior to formal publication.
4. agree that the Area Panel budget of £99,000 be divided equally between each ward (equivalent to £5,823 a ward) and allocated to the Neighbourhood Board to be used to help meet neighbourhood priorities.

5. appoint the following chairs of Neighbourhood Boards for the remainder of the current municipal year and agree that the other two ward councillors would act as vice chairs:

(Names of councillors to be submitted at the Council meeting)

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