

Time commenced - 6.00 pm  
Time adjourned - 9.55 pm

## **COUNCIL MEETING 21 APRIL 2004**

Present: The Mayor (Councillor P S Berry)  
Councillors Ahern, Allen, Baxter, Bayliss, E Berry, Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Crosby, Dhamrait, Gerrard, Graves, Gupta, J E Hickson, P J Hickson, Hird, A Hussain, F Hussain, Jackman, Jackson, Jones, Kalia, Latham, Liversedge, Lowe, MacDonald, Nath, Redfern, Repton, Roberts, Samra, Skelton, Smalley, Travis, Troup, Turner, Webb, West, Williamson, Willitts, Winter, Wynn.

### **Apologies for Absence**

Apologies for absence were received from Councillors Rehman and Wilsoncroft.

### **Declarations of Interest**

Councillor Gerrard declared a personal interest in Item 13 – Pay and Grading of Teaching Assistants – as a member of his extended family was a Teaching Assistant.

Councillor Webb declared a personal interest in Item 13 – Pay and Grading of Teaching Assistants – as he has an acquaintance who is a Teaching Assistant.

Councillors Bayliss, Gupta, Liversedge, Lowe and Troup declared personal interests in Item 14 – Appointment of Independent Member of Derby Homes Board – as they themselves had been appointed by the Council as members of the Board of Derby Homes.

### **Announcements from the Mayor**

The Mayor made the following announcements:

- To wish many happy returns to Her Majesty the Queen on her birthday today.
- That Friday 23 April was St Georges Day and gave details of the celebrations in Derby on that day and the following Sunday.
- To draw Members attention to the Equality Standard Commitment Charter, that had been signed by all three Group Leaders, which sets out the actions to be taken to ensure the Council achieves Level 1 of the Standard
- To wish the Sikh community in Derby a happy Vaisakhi.

## 78/03 Minutes of the Previous Meeting

**Resolved that the minutes of the meeting of the Council held on 1 March 2004 be approved as a correct record, confirmed and signed by the Mayor.**

## 79/03 Statements by Members of the Council Cabinet

There were no statements by members of the Council Cabinet.

## 80/03 Public Questions

**Resolved, on the motion of Councillor Roberts, to suspend part of Council Procedural Rule CP11 to allow the maximum period of time for questions by the public at this meeting to be extended to 30 minutes.**

The Director of Corporate Services stated that the Mayor had agreed that all public questions relating to Adult Education/St Helen's House be grouped together and that the Council Cabinet Member for Lifelong Learning would give one composite answer. If time permitted, supplementary questions would be allowed.

Questions from members of the public were asked and answered as follows:

1. By Mr A Dunn, concerning the Quad development, answered by Councillor West, Council Cabinet Member for Leisure and Cultural Services.
2. By Mr A Dunn, concerning the sale of open space on Full Street, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
3. By Mrs Abreu, concerning the felling of mature trees, the loss of public open space and damage to ancient hedgerows, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
4. By Lisa Higginbottom, concerning the use of the Rycote Centre for adult education purposes, answered by Councillor Allen, Council Cabinet for Lifelong Learning.
5. By Ms Ensor, concerning adult education courses, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
6. By Ms Bondar, concerning crèche facilities at St Helen's House and the Rycote Centre, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.

7. By Ms Hutchings, concerning provision of adult education facilities by the Workers Education Association at St Helen's House, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
8. By Mr Sleigh, concerning heating at St Helen's House, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
9. By P Hodgson, concerning the costs of the repair of St Helen's House and the incorporation of disabled access, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
10. By Mr Molson, concerning adult education at St Helen's House, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.

### **81/03      Written Questions about the Business or Functions of the Derbyshire Police Authority or Derbyshire Fire Authority**

Written questions about the business or functions of the Derbyshire Police Authority or Derbyshire Fire Authority were asked as follows:

1. By Councillor P J Hickson, concerning a recent Audit Commission report on the performance of the Derbyshire Fire and Rescue Service, answered by Councillor J Dunn, Chair of the Derbyshire Fire Authority.
2. By Councillor P J Hickson, concerning the recent budget increase imposed by the Derbyshire Fire Authority, answered by Councillor J Dunn, Chair of the Derbyshire Fire Authority.
3. By Councillor Smalley, concerning the recent budget increase imposed by the Derbyshire Police Authority, answered by Brenda Hanks, a member of the Derbyshire Police Authority.
4. By Councillor Smalley, concerning the use of Community Support Officers by Derbyshire Police Authority, answered by Brenda Hanks, a member of the Derbyshire Police Authority.
5. By Councillor J E Hickson, concerning actions by the Police to deal with antisocial behaviour in the Chellaston area, answered by Brenda Hanks, a member of the Derbyshire Police Authority.

### **82/03      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 Repton, concerning alterations to the road system at Five Lamps, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
2. By Councillor Graves, concerning the siting of the Quad development, answered by Councillor West, Council Cabinet Member for Leisure and Cultural Services.
3. By Councillor Blanksby, concerning the Five Lamps and Kings Street link road scheme, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
4. By Councillor Roberts, concerning health and safety in the City's schools and the decision of the Council Cabinet Member not to participate in Education Safety Committee meetings, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
5. By Councillor Roberts, concerning corporate control over health and safety within the Council and the participation of Cabinet Members in departmental safety consultative processes, answered by Councillor Carr, Council Cabinet Member for Personnel, Equalities and Direct Services.
6. By Councillor Roberts, concerning governors' responsibilities and liabilities in respect of exclusions from school, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
7. By Councillor Turner, concerning the redevelopment of land in the Glossop Street area, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
8. By Councillor Bayliss, concerning the way Councillor Allen has carried out his duties as Council Cabinet Member for Lifelong Learning, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
9. By Councillor Wynn, concerning the projected financial cost of the asbestos release at Silverhill Primary School, answered by Councillor Allen, Council Cabinet Member for Lifelong Learning.
10. By Councillor Wynn, seeking an assurance that neither St Helen's House nor the Rycote Centre will be sold off by the controlling administration, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
11. By Councillor Wynn, asking why no accounts had been prepared for the Annual General Meetings of the City's Community Panels, answered by Councillor P J Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.

## 83/03 Minutes and Recommendations of the Scrutiny Management Commission

The Council considered the minutes and recommendations of the Scrutiny Management Commission requiring the approval of the Council, set out in Appendix A to these minutes.

It was moved by Councillor Smalley, and seconded, to approve the minutes and recommendations of the Scrutiny Management Commission dated 30 March 2004.

It was moved by Councillor Burgess, and seconded, that the motion be amended by the addition of the words "with the exception of Minute No. 90/03 which be amended by the insertion of the words 'with the exception that the second sentence of paragraph 6 shall read 'if the relevant Council Cabinet Member(s) are not available, the Leader or Deputy Leader may attend in their place' between the words 'above' and 'and'."

With the consent of the Council and his seconder, Councillor Burgess subsequently withdrew his amendment.

**Resolved to approve the minutes and recommendations of the Scrutiny Management Commission dated 30 March 2004.**

## 84/03 Notices of Motion

### 1. *Councillor Crosby*

It was moved by Councillor Bolton, and seconded, that in view of Councillor Crosby's failure to provide an adequate explanation as to why she did not declare a prejudicial interest at the December meeting of the Planning Control Committee, this Council declares that it has no confidence in her retaining her position as Vice Chair and resolves to replace her with another member to be nominated by Councillors Burgess and P Hickson.

It was moved by Councillor Burgess, and seconded, that the motion be amended by the deletion of all words and the insertion in their place of the words 'This Council has confidence in Councillor Crosby as Vice Chair of the Planning Control Committee. If any Councillor believes she has failed to comply with the authority's Code of Conduct they are advised to report the matter to the Standards Board for England in accordance with the Council's Constitution, Part 5 Codes and Protocols, Members' Code of Conduct paragraph 7.

The amendment was put to the meeting and carried.

**Resolved, that this Council has confidence in Councillor Crosby as**

**Vice Chair of the Planning Control Committee. If any Councillor believes she has failed to comply with the authority's Code of Conduct they are advised to report the matter to the Standards Board for England in accordance with the Council's Constitution, Part 5 Codes and Protocols, Members' Code of Conduct paragraph 7.**

2. *Asylum Seekers*

It was moved by Councillor P J Hickson, and seconded, that this Government's inability to manage the immigration and asylum process has caused a severe lack of public confidence in the process and has put this issue to the top of the political agenda.

The farcical management of the asylum process manifested itself in Derby recently when the press were informed that dispersal of asylum seekers had resumed only to be told three days later that this was a mistake and dispersal had not resumed.

A promised apology by the Minister of State was never received and she was later forced to resign her post.

Council reaffirms that the decision taken by Derby City Council to stop dispersal of asylum seekers was the right one and was taken in good faith to protect the position of asylum seekers already dispersed here and to the rest of the Derby population we serve.

To make sure that the position is clear and unequivocal Council requests that the Leader of the Council writes to the Home Office and the Prime Minister's Office to:

- express its concern over the recent fiasco in Derby
- to ask that the Minister makes a statement, as promised, that dispersal of asylum seekers to Derby has completely ceased and that no dispersals of asylum seekers will resume without the full agreement of this Council.

It was moved by Councillor Nath, and seconded, that the motion be amended by the deletion of all paragraphs except the final paragraph on page 2 of the Council Agenda.

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

“Council reaffirms that the decision taken by Derby City Council to stop dispersal of asylum seekers was the right one and was taken in good faith to protect the position of asylum seekers already dispersed here and to the rest of the Derby population we serve.”)

The amendment was put to the meeting and carried.

**Resolved that Council reaffirms that the decision taken by Derby City Council to stop dispersal of asylum seekers was the right one and was taken in good faith to protect the position of asylum seekers already dispersed here and to the rest of the Derby population we serve**

### **85/03 Area Panel Good Practice Guide and Protocol**

The Council considered a joint report of the Director of Corporate Services and Director of Policy concerning a proposed Area Panel Good Practice Guide and Protocol.

**Resolved, on the motion of Councillor E Berry:**

- 1. To approve the Area Panel Good Practice Guide and Protocol and to include it in the Codes and Protocols section of the Constitution.**
- 2. To amend Council Procedure Rule CP112 by deleting the words ‘but not by a Council Cabinet Member’ in the first sentence, and ‘non-Council Cabinet’ in the second sentence, so that Rule CP112 reads:**  
  
**‘Meetings of an Area Panel will be chaired by one of the Members appointed by the Council to serve on the Panel. Each Member of the Panel will chair a meeting of the Panel according to a rota agreed by the Panel at the first meeting after it has been appointed or re-appointed by the Council. If the Member who is due to chair a meeting is absent or refuses to act, the Panel will appoint a chair for the meeting.’**
- 3. To amend the wording in Article 10, paragraph 10.2, terms of reference item 1 of the Council Constitution, to read:**

**‘to participate actively in developing Derby City Partnership’s Neighbourhood Renewal Strategy and Community Strategy.**

### **86/03 Proposed Alcohol Free Zone at Oakwood**

The Council considered a report of the Director of Corporate Services on the designation of an Alcohol Free Zone at Oakwood.

**Resolved, on the motion of Councillor Smalley:**

- 1. To approve the designation of land in Oakwood, shown shaded on the plan attached to the report, as an Alcohol Free Zone.**

2. **To authorise the Director of Corporate Services to make the necessary Order, advertise it in a local paper and erect signs in the designated area.**

## 87/03 Pay and Grading of Teaching Assistants

The Council considered a report of the Director of Education on the pay and grading of Teaching Assistants.

It was moved by Councillor Allen, and seconded:

1. To approve the implementation of a new pay and grading structure for teaching assistants managed directed by the Council, as set out in Appendix 2 to the report.
2. To recommend to the governing bodies of community and voluntary controlled schools that they adopt the new pay and grading structure for teaching assistants employed from their delegated budgets.

It was moved by Councillor Williamson and seconded, that the motion be amended by the deletion of all words and the insertion in their place of the words "to refer the implementation of a new pay and grading structure for teaching assistants managed directly by the Council and those employed from school delegated budgets, back for further negotiation with trade unions and schools.

The amendment was put to the meeting and carried.

**Resolved to refer the implementation of a new pay and grading structure for teaching assistants managed directly by the Council and those employed from school delegated budgets, back for further negotiation with trade unions and schools.**

## 88/03 Appointments to Outside Bodies – Derby Homes Board

The Council considered a report of the Director of Corporate Services concerning the appointment of an independent member of Derby Homes Board.

**Resolved, on the motion of Councillor Burgess, to appoint Mr Tabani Ndlovu as an Independent Member of Derby Homes Board until 26 October 2006.**

## 89/03 Retiring Members

The Mayor said that this would be the last meeting of the Council before the forthcoming council elections on 10 June 2004. Members paid tribute to



Councillors Beech, Crosby, A Hussain and Kalia, who were not seeking re-election, and thanked them for their services to the Council and the City.

MAYOR

MINUTES OF SCRUTINY MANAGEMENT COMMISSION REQUIRING THE APPROVAL OF COUNCIL
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### SCRUTINY MANAGEMENT COMMISSION 30 MARCH 2004

Present: Councillor Graves (in the Chair)  
Councillors Bayliss, Bolton, Jones, Latham, Lowe,  
Repton, Travis and Wynn

#### 89/03 Draft Annual Report of the Overview and Scrutiny Commission 2003/04

The Commission considered a report of the Chair of the Scrutiny Management Commission, which set out the draft annual report of the Overview and Scrutiny Commissions 2003/04, which would be reported to Full Council. The report gave details of the workings of the Overview and Scrutiny Commissions, and made recommendations on future work programmes and amended working methods, where appropriate. Councillor Bolton had submitted some amendments direct to David Romaine, Overview and Scrutiny Co-ordinator.

Councillor Bayliss felt that the report should reflect on how seriously Council Cabinet considered reports on the Call in of executive decisions. He felt that Call-Ins were not treated with the respect they deserved.

Councillor Travis felt that the report should promote the positive aspects of scrutiny. Councillor Wynn was concerned about how effectively the work of Commissions was being implemented. Councillor Repton felt that the report should be positive and that a massive amount of work had taken place during the year, but he was concerned that there was a feeling that scrutiny was not taken seriously and was used as a way to keep back benches occupied. He felt that the time that both members and officers put in to scrutiny needed to be recognised. Councillor Bolton reported on the effectiveness of commissions, particularly in relation to the grass cutting topic review.

**Resolved to recommend Council to approve the report, subject to the minor amendments submitted by Councillor Bolton.**

## 92/03 Draft Protocol on Call-In of Executive Decisions

The Commission considered a report of the Director of Corporate Services, which set out revisions suggested by Council Cabinet and Chief Officers to the draft protocol of Call-In of Executive Decisions.

The Commission made the following comments:

Paragraph 6 of the protocol, the second sentence to read – ‘the relevant Council Cabinet member or a Cabinet member nominee would be expected to attend.’

Paragraph 10 to read – ‘up to three of the signatories to the call-in notice will be invited to address the Commission on the call-in. The relevant Cabinet Member will then be invited to address the Commission. Members of the Commission may ask questions of the signatories and the relevant Council Cabinet member or Director.’

Paragraph 13 to read – ‘one nominated signatory of the first three signatories to the call-in will be allowed to make a further statement to the Commission, lasting no more than five minutes, in response to submissions and questions heard previously. He/she will not be allowed to question any person.’

**Resolved to recommend Council to approve and adopt the protocol on call-in of Executive Decisions, subject to the amendments above, and to include it in part 5, ‘Codes and Protocols’ of the Constitution.**