

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Council Chamber at the Council House, Derby on Wednesday 18 November 2009 at 6 pm.

A G E N D A

1. To receive apologies.
2. To receive Declarations of Interest.
3. To approve the minutes of the meeting of the Council held on 9 September 2009 and the Extraordinary Meeting of the Council on 4 November 2009. **DOCUMENT 3, 3A**

Motion - That the minutes of the meeting of the Council held on 9 September 2009 and the Extraordinary Meeting of the Council held on 4 November 2009 be approved as correct records, confirmed and signed by the Mayor.

4. To receive any announcements from The Mayor.
5. To receive any Statements from Members of the Council Cabinet.
6. To receive any questions from the public to members of the Council Cabinet and the answers to those questions.
 - a. Simon Bacon - Waste tonnages
 - b. Simon Bacon - Joint Waste Agreement
 - c. Tony Dunn - Democratic process at Planning Control Committee
 - d. Tony Dunn - Waste Treatment Plant Contract
 - e. Linda Winter - Brindley Court
 - f. Penny DeAbreu - Empty property in the Strutt's Park conservation area
 - g. Penny DeAbreu - Security at 40 West Avenue
 - h. Dorothy Skrytek - Waste Framework Directive
 - i. Colin Underhill - Dual bins in the City Centre
 - j. Colin Underhill - Cathedral Green

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

7. To receive any written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority and Derby Homes and the answers to those questions.
- a. Derbyshire Fire Authority - Reduced Service at Ascot Drive
8. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.
9. To consider the following minutes and recommendations of the Council Cabinet dated 29 September and 27 October 2009 requiring the approval of the Council. **DOCUMENT 9, 9A**
- 83/09 Food Law Enforcement Plan 2009 - 10** **DOCUMENT 9B**
- To recommend Council to approve the Food Law Enforcement Plan 2009/2010.
- 84/09 Corporate Planning Framework** **DOCUMENT 9C**
1. To recommend Council to approve the revised arrangements for corporate planning, including a streamlined Corporate Plan summary and Council Improvement Plan for 2010/11.
2. To recommend Council to approve the adoption of a sixth priority relating to service improvement and value for money.
- 103/09 New Build Housing Phase 2** **DOCUMENT 9D**
- To recommend to Council that additional prudential borrowing of approximately £58,000 per unit, be permitted for this purpose, and that it is lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future. Risk to the Council had been minimised in this arrangement as the Council has full control of the proposed new build dwellings.
- Motion – To approve the above minutes and recommendations of the Council Cabinet dated 29 September and 27 October 2009.**
10. To consider the following minutes and recommendations of the General Licensing Committee dated 14 October 2009 requiring the approval of the Council. **DOCUMENT 10**
- 11/09 Gambling Act Statement of Principles Consultation** **DOCUMENT 10A**
- To recommend Council to adopt of the Revised Statement of Principles.
- 12/09 Derby and Derbyshire Licensing Protocol** **DOCUMENT 10B**
- To recommend Council to adopt the Derby and Derbyshire Licensing protocol.

13/09 Mobile Home Site Licence Conditions

DOCUMENT 10C

To recommend Council to adopt the Mobile Home Site Licence Conditions.

Motion – To approve the above minutes and recommendations of the General Licensing Committee dated 14 October 2009.

11. To consider the following minutes and recommendations of the Audit and Accounts Committee dated 20 October 2009 requiring the approval of the Council.

DOCUMENT 11

40/09 Review of Council’s Financial Procedure Rules

DOCUMENT 11A

To recommend Council to approve the revised Financial Procedure Rules.

Motion – To approve the above minutes and recommendations of the Audit and Accounts Committee dated 20 October 2009.

12. To consider a report of the Director of Corporate and Adult Services concerning Urgent Decisions made by Council Cabinet.

DOCUMENT 12

Motion – To note the report

13. To consider a report on World Cup 2018 (or 2022)

**DOCUMENT 13
TO FOLLOW**

Motion –

14. To consider a report on Corporate Restructure – Housing Function

**DOCUMENT 14
TO FOLLOW**

Motion –

15. To consider a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive.

DOCUMENT 15

Motion – To note the report

16. To consider the following Notices of Motion:

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

“This council recognises the enormous efforts made by the City’s postal workers over many years, which have given reliable service to communities throughout Derby.

Council is disturbed about the recent movement of work by Royal Mail, taking up to 750,000 items from Derby to Nottingham, without any consultation with the public and only 6 days notice to the workforce.

Council is concerned that the removal of this work from the City's sorting office could represent the thin end of the wedge and has the potential to decimate jobs and services in Derby.

Council therefore resolves to instruct the Council's Chief Executive to write to Royal Mail seeking assurances that:

- no further work will be transferred out of Derby to Nottingham or any other location
- every effort will be made to protect Derby's postal services and jobs in the future".

(2) Councillor Williamson to move, Councillor Banwait to second:

"Council is alarmed by the complaints from Derby residents about the tactics employed by City Parks Management Limited, the private wheel clamping company that manages the Crompton Street car park.

These complaints have led Council to conclude that the behaviour and tactics of this company's operatives is causing considerable stress and anxiety to local people who have been clamped.

Council notes with concern that, according to the Security Industry Authority website, Mathew Rutherford who runs this company has been refused a licence to clamp.

Council therefore requests the Council Cabinet to instruct its Highways and Legal Officers to:

- examine what legal remedies are available to curb the activities of private clamping companies in the city, including the possibility of Anti-Social Behaviour Orders against clampers
- draw up a protocol on the management of private car parks in the city, including the possibility of creating an independent Traffic Penalty Tribunal, administered by the Council or another independent body, to adjudicate on appeals against penalty charge notices imposed by the operators of private car parks in the city.

(3) Councillor Roberts to move, Councillor Banwait to second:

"Council accepts that the number of dropped kerbs around the city is inadequate, creating problems for users of mobility scooters, wheel chairs and parents with pushchairs, which is exacerbated by inconsiderate parking on pavements.

Council therefore demands action from the current administration before the end of this financial year to:

- clear the backlog in dropped kerbs
- launch an education campaign to alert drivers to the difficulties inconsiderate parking creates for disabled people and parents with young children.”

(4) Councillor Graves to move, Councillor Chera to second:

“Derby City Council calls upon the Government to take urgent action in respect of extradition treaties.

Since the episode concerning two Derby men where they were forced to spend over 10 weeks in a prison described as inhabitable by humans before a trial date was set, it has become apparent that the rules surrounding extradition treaties are woefully inadequate in protecting innocent British people.

Council requests the Government to review the extradition rules swiftly and urgently to ensure:

1. British people are given some protection around severity of offence so that extradition is not sought for minor offences.
2. extradition is not granted until a court date is set to give alleged offenders security in knowing their case will soon be heard.
3. extradition takes place within one week of the court date to reduce any unwarranted prison time.
4. British courts are to be satisfied that there is a valid reason for extradition in regard to the charges.”

(5) Councillor Williamson to move, Councillor Dhindsa to second:

“Council supports the 10:10 campaign to reduce the UK’s carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure the Council reduces its carbon emissions by 10% in 2010.“

(6) Councillor Holmes to move, Councillor Ingall to second:

“That Council recognises construction and building developments can cause significant disruption and disturbance to local residents and agrees to the implementation of a considerate building scheme that would control and limit working hours and other disturbances in or close by to residential areas.

The Planning and Control Committee would be asked to consider the procedures involved and ensure that it will be low-cost for the Council to operate and exclude householder development.

While Council understands any scheme will cover a wide range of detail to be decided upon by the Planning and Control Committee, it requests that where residential dwellings are likely to be affected by noise, the hours of noisy works should be restricted to:

Monday to Friday: 8am to 6pm

Saturday: 8am – 1pm

Sunday and bank holidays: no noisy activities on site.

Vehicles and plant arriving at and leaving the site must also comply with the stated hours of work.”

(7) Councillor Latham to move, Councillor Davis to second:

“That Council recognises the voluntary work carried out by the Street Pastors as they celebrate their first year working from 10pm to 4am on Friday and Saturday evenings in the City helping to keep people safe.

Council also congratulates the Street Pastors on their recent Community Achievement Award and is committed to supporting their work in liaison with the local police and security personnel.”

Michael Foote
Deputy Chief Executive and
Corporate Director of Corporate and Adult Services

**COUNCIL MEETING
9 SEPTEMBER 2009**

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

Apologies for Absence

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

Declarations of Interest

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

Announcements from the Mayor

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

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

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

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

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

43/09 Minutes of the Previous Meeting

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

44/09 Statements by Members of the Council Cabinet

There were no statements from Members of the Council Cabinet.

45/09 Public Questions

Questions from members of the public were asked as follows:

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

46/09 Written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited

There were no written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited.

47/09 Written questions from Non-Council Cabinet Members

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

1. By Councillor Graves, concerning the City Gate Affair, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
2. By Councillor Graves, concerning Boulton Neighbourhood Forum, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.

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

48/09 Minutes and Recommendations of the Council Cabinet

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

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

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

The amendment was put to the meeting and lost.

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

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

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

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

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

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

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

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

51/09 Public Questions at Full Council Meetings

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

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

The motion was put to the meeting and lost.

52/09 Office of Honorary Recorder

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

Resolved, on the motion of Councillor Jones:

- 1. To revive the title 'Recorder of Derby' as 'Honorary Recorder of Derby' and invite His Honour Judge John Burgess to be the first to hold office, for the length of his tenure as Resident Judge at Derby Crown Court, with his successors in that role to serve thereafter.**
- 2. To instruct the Corporate Director of Corporate and Adult Services to create a suitable ceremony, to involve Members of the Council and representatives of the judiciary, to formally present His Honour Judge Burgess with a scroll of admission as 'Honorary Recorder of Derby'.**

Mayor

**EXTRAORDINARY COUNCIL MEETING
4 NOVEMBER 2009**

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

Apologies for Absence

Apologies for absence were received from Councillors Higginbottom, Hussain, Lowe and Mitchell.

Declarations of Interest

Councillors Banwait, Dhindsa, Rawson, Repton and Williamson declared personal interests in Minute No. 55/09 as season ticket holders of Derby County Football Club. Councillor Jackson declared a personal interest in Minute No. 55/09 as an Honorary Member of the Rams Trust.

Announcements from the Mayor

The Council stood in silence in tribute to the memory of former Mayoress, Doris Glen.

The Mayor welcomed Councillor Davis to her first meeting of the Council.

The Mayor invited Members to sponsor him in his forthcoming parachute jump in aid of the Mayor's Charity Fund.

53/09 Procedural Motion

Resolved, on the motion of the Right Worshipful the Mayor (Councillor Marshall), that the Rules of Debate – that is Council Procedure Rules CP40 to CP62 – be suspended in respect of those parts of the consideration of Items 3 and 4 on the agenda (Corporate Restructure and World Cup 2018 (2022)) leading up to the motion

being put to the meeting, to enable the Council to receive information and advice from officers and to give the opportunity to Members to ask questions.

54/09 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet, requiring the approval of the Council, set out in Appendix A to these minutes, together with a presentation by the Chief Executive.

It was moved by Councillor Jones, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 27 October 2009.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the addition of the following words:

“with the exception of the first bullet point in the resolution in Minute No. 105/09 which be amended by the addition of the words ‘and that Council agrees that the housing function be part of the Neighbourhood Directorate’.”

(The effect of the amendment, if approved, was that the first bullet point in the resolution in Minute No. 105/09 would read as follows:

- “ • Agree the proposed reduction in Council Departments from five to four, as outlined in paragraph 3.3 of the report and that Council agrees that the housing function be part of the Neighbourhood Directorate.”)

The amendment was put to the meeting and lost.

It was moved by Councillor Williamson, and seconded, that the motion be amended by the addition of the following words:

“with the exception of the last bullet point in the resolution in Minute No. 105/09 which be amended by the insertion of the words ‘for a future Council meeting’ between the words ‘prepared’ and ‘following’ and the addition of the words ‘and that this report should include an analysis of options, and a recommendation, as to which Department should include the housing function.’”

(The effect of the amendment, if approved, was that the last bullet point in the resolution in Minute No. 105/09 would read as follows:

“Agree that a report on the 2nd and 3rd tier officer levels should be prepared for a future Council meeting, following the completion of the current review of these structures, and that a report should also be prepared which puts forward a case as to which Department should include the housing function.”

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 27 October 2009, as amended.

55/09 World Cup 2018 (or 2022)

The Council considered a joint report of the Corporate Directors of Regeneration and Community, Resources and Corporate and Adult Services concerning the Council's proposed bid for Derby to become a host city should England be chosen to host the football World Cup in 2018 or 2022.

The Chief Executive made a presentation to the Council.

Resolved, on the motion of Councillor Jones:

- 1. To agree in principle to the Council signing the Host City Agreement.**
- 2. To agree in principle to the Council signing the Intellectual Property Rights Agreement contained in the Football Association's 'Invitation To Qualify'.**
- 3. To complete discussions with the training ground owners to enable them to sign the Training Ground Agreements with the FA and FIFA.**
- 4. To progress discussions with Derby County Football Club regarding the Stadium Agreement, to enable the Football Club to sign this agreement, and bring back a report to Council on 18 November 2009.**

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL

**COUNCIL CABINET
29 SEPTEMBER 2009**

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

In attendance Councillors Jennings, Williamson, Holmes and Dhindsa

This record of decisions was published on 1 October 2009. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

Budget and Policy Framework

83/09 Food Law Enforcement Plan 2009 - 10

The Council Cabinet considered a report on Food Law Enforcement Plan 2009 – 10. Each year the council must produce a Food Law Enforcement Plan. This plan was required to identify the obligations placed on the Council by The Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2006, The Food Labelling Regulations 1996, The Agriculture Act 1970 and The Animal Health Act 2006 and the resources made available to officers to discharge these obligations.

Decision

To recommend Council to approve the Food Law Enforcement Plan 2009/2010.

84/09 Corporate Planning Framework

The Council Cabinet considered a report on Corporate Planning Framework. On 9 September 2009 Council approved the Revenue Budget, Capital Budget and Corporate Planning Strategy for 2010/11 to 2012/13.

The Corporate Planning Framework had been reviewed in light of the adoption of the Sustainable Community Strategy (SCS) ambitions as the Council's own priorities. In particular the role of the Corporate Plan had been considered. The current Corporate Plan served three main purposes; communication of Council priorities, compilation of actions and acting as a focus for budget allocation. Although the Corporate Plan pulls together Council actions in support of the SCS and Local Area Agreement (LAA), there was some

duplication with partner plans and potential gaps in delivery planning. The Plan could also better reflect the wider improvement agenda.

With this in mind, it was proposed to amend the Corporate Planning Framework, as shown in Appendix 2 of the report. Key changes are as follows...

- To redesign and publish a streamlined Corporate Plan summary, reflecting the Council's commitment to the SCS and its role as a primary communication tool for all priorities to stakeholders, i.e. public, partners and employees.
- To replace the existing Corporate Plan action plan with partnership delivery plans (based on a strategy mapping exercise).
- To develop a cross cutting Council Improvement Plan, focused on improving services through the transformation programme.

To support the focus on improvement, it was suggested a priority relating to improving services and delivering value for money should be added to the five SCS ambitions. Subject to Council Cabinet approval, the next steps would be to commence drafting the 2010/11 Corporate Plan, and working with Derby City Partnership (DCP) to agree an outcomes-based approach to developing the next SCS from 2011.

Decision

1. To recommend Council to approve the revised arrangements for corporate planning, including a streamlined Corporate Plan summary and Council Improvement Plan for 2010/11.
2. To recommend Council to approve the adoption of a sixth priority relating to service improvement and value for money.

COUNCIL CABINET 27 OCTOBER 2009

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

In attendance Councillors Jennings, Williamson and Holmes

This record of decisions was published on 29 October 2009. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

103/09 New Build Housing Phase 2

The Council Cabinet considered a report on New Build Housing Phase 2. In July 2007 the Government published its housing green paper, 'Homes for the Future: More Affordable, More Sustainable' which included increased targets for the provision of affordable housing. In order to meet these increased output goals the then Housing Corporation, now succeeded by the Homes and Communities Agency, HCA, decided to work with a larger and more diverse range of delivery partners, including for the first time Local Authorities – through 3*Arms Length Management Organisations. In April this year, the Government announced a £100M national pot to enable Local Authorities to bid in their own right for funding to build new Council Houses. On the 30 June 2009, the HCA announced that this pot was to be increased to £450M. This funding would provide some 50% of the required subsidy whilst the remaining 50% would be met through prudential borrowing by the Council supported through the rental income of the new properties. Two opportunities were announced for Local Authorities to bid, the deadlines were 31 July and 31 October 2009. The Council subsequently went through the Pre-Qualification process to be an approved Investment Partner of the Homes and Communities Agency and on 5 October 2009 was advised that it had been successful. The Council submitted a bid for the first bid round which was approved and will see funding of £1.6M coming into the city which would help deliver 33 new affordable homes across 2 sites, Elton Road, Osmaston and Cowsley Road, Chaddesden. In September 2009 the HCA announced that this bid had been successful. It was now proposed that a second bid be submitted. Due to the tight timescale required for the bid submission, the detailed proposals were at the time of drafting the report still being finalised. The bid will be for 22 units spread over 5 sites. Council new build properties would be outside the HRA subsidy system, but within the HRA and therefore subject to the Right to Buy, RTB. All the properties would be let at rent levels in line with the HCA's affordable target rents. The Corporate Director of Corporate and Adult Services updated the financial information included in the report.

Options Considered

The Council had for a number of years worked successfully with a range of development partners, including now Derby Homes, to provide affordable housing in the City. All of these organisations were precluded from bidding from the Local Authority new build funding pot which had now been made available. This scheme could be seen as a pilot project to

compare the outcome of Council new build with other models for development when Council owned land was utilised.

Decision

1. ...
2. ...
3. To recommend to Council that additional prudential borrowing of approximately £58,000 per unit, be permitted for this purpose, and that it is lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future. Risk to the Council had been minimised in this arrangement as the Council has full control of the proposed new build dwellings.

Reasons

1. Grant funding of up to some £1,300,000 would be required to enable the proposed housing schemes to proceed.
2. The legal guarantees were required to enable the grant funding to be drawn down.
3. The prudential borrowing was a fundamental assumption within the submitted bid.

In accordance with Procedure Rule A126, the Chair of the Community Commission had been advised that this item would be considered although not included in the Forward Plan.

**MINUTES OF THE GENERAL LICENSING COMMITTEE
REQUIRING THE APPROVAL OF COUNCIL**

**GENERAL LICENSING COMMITTEE
14 OCTOBER 2009**

Present: Councillor Redfern (Chair)
Councillors Baxter, Berry, Hird, Hussain, Jackson, Leeming, Poulter,
Richards, Skelton, Tuplin and Williams

11/09 Gambling Act Statement of Principles Consultation

The Committee considered a report from the Corporate Director of Environmental Services on the Gambling Act Statement of Principles Consultation. It was reported that as part of the consultation process 232 letters, 17 posters and 60 information packs were sent out to the consultees. Members noted that there were 3 responses received, 2 of which were from Responsible Authorities (Derbyshire Fire and Rescue and Planning Control) and one from an existing license holder. All responses received were in support of the revised Statement of Principles.

Members were disappointed with the response rate from the consultees, particularly of those within the Council. It was reported that the Licensing department regularly held meetings with all the Responsible Authorities and that the concerns noted would be raised.

Resolved:

1. ...
2. **To recommend Council to adopt of the Revised Statement of Principles.**

12/09 Derby and Derbyshire Licensing Protocol

The Committee considered a report from the Corporate Director of Environmental Services on the Derby and Derbyshire Licensing Protocol. It was reported that the protocol was previously considered by the Committee on 22 July 2009 at which clarification had been sought on various points. It was noted that Members were now happy with the clarifications received.

Resolved:

1. ...
2. **To recommend Council to adopt the Derby and Derbyshire Licensing protocol.**

13/09 Mobile Home Site Licence Conditions

The Committee considered a report from the Corporate Director of Environmental Services on Mobile Home Site Conditions. It was reported that the conditions had previously been considered by the Committee on 22 July 2009 but that Members had raised concerns about outstanding health and safety issues so a further consultation was deemed necessary. This consultation had now taken place with Derbyshire Fire and Rescue, Site Operators/Owners and the Residents Association.

Resolved

1. ...
2. **To recommend Council to adopt the Mobile Home Site Licence Conditions.**

MINUTES OF THE AUDIT AND ACCOUNTS COMMITTEE REQUIRING THE APPROVAL OF COUNCIL

AUDIT AND ACCOUNTS COMMITTEE 20 OCTOBER 2009

Present: Councillor Roberts – Chair
Councillors Harwood, Holmes, Jackson and Troup

Governance

40/09 Review of Council's Financial Procedure Rules

The Committee considered a report which stated that the Council's Financial Procedure Rules were previously reviewed in 2006. Given the significant changes to the Council's systems, processes and personnel since then, the Corporate Director of resources has reviewed, updated and refreshed the Council's Financial Procedure Rules. Material changes to the previous Financial Procedure Rules were summarised in the contents table of the report and were shaded in the updated version of the Financial Procedure Rules.

The revised Financial Procedure Rules included changes to most sections and were presented in line with the Chartered Institute of Public Financial Accountant (CIPFA) good practice. Officers had reviewed delegated limits for Chief Officers, regarding revenue virement limits and capital commencement authorisation limits. The suggested changes were reflected in Appendix 2 of the report.

Members of the Committee made the following comments/concerns:

- Training session should be arranged for risk assessments.
- Evidence is required to show that Chief Officers and Assistant Directors have been trained.
- Need to have objective evidence of ongoing compliance, particularly where non compliance may invalidate insurance cover.
- The chair will ask for risk registers to be provided by chief officers on behalf of the Committee. Chief Officers will need to be able to demonstrate reviews of risk registers and the actions taken to mitigate the risks.
- It is essential that managers notify the Risk and Insurance Manager immediately of any changes to their activities that could materially affect risk. It was not sufficient to wait for the Risk and Insurance Manager to request the information. This needed to be included as part of the procedure.
- Making sure that all letters making claims against the Council are passed to the Corporate Director of Resources and all employees should be made aware of their responsibility by including in employee induction/employee handbook.
- Paragraph E3.4 needs to be made more specific
- Final paragraph of E4 delete the words 'chair of' from the final sentence.

- Paragraph F4.4 delete 'TAX' and replace with 'the range of tax requirements in the paragraph above.'

Resolved

1. ...
2. **To recommend Council to approve the revised Financial Procedure Rules.**

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Council Chamber at the Council House, Derby on Wednesday 18 November 2009 at 6 pm.

A G E N D A

1. To receive apologies.
2. To receive Declarations of Interest.
3. To approve the minutes of the meeting of the Council held on 9 September 2009 and the Extraordinary Meeting of the Council on 4 November 2009. **DOCUMENT 3, 3A**

Motion - That the minutes of the meeting of the Council held on 9 September 2009 and the Extraordinary Meeting of the Council held on 4 November 2009 be approved as correct records, confirmed and signed by the Mayor.

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5. To receive any Statements from Members of the Council Cabinet.
6. To receive any questions from the public to members of the Council Cabinet and the answers to those questions.
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 - b. Simon Bacon - Joint Waste Agreement
 - c. Tony Dunn - Democratic process at Planning Control Committee
 - d. Tony Dunn - Waste Treatment Plant Contract
 - e. Linda Winter - Brindley Court
 - f. Penny DeAbreu - Empty property in the Strutt's Park conservation area
 - g. Penny DeAbreu - Security at 40 West Avenue
 - h. Dorothy Skrytek - Waste Framework Directive
 - i. Colin Underhill - Dual bins in the City Centre
 - j. Colin Underhill - Cathedral Green

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

7. To receive any written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority and Derby Homes and the answers to those questions.
- a. Derbyshire Fire Authority - Reduced Service at Ascot Drive
8. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.
9. To consider the following minutes and recommendations of the Council Cabinet dated 29 September and 27 October 2009 requiring the approval of the Council. **DOCUMENT 9, 9A**
- 83/09 Food Law Enforcement Plan 2009 - 10** **DOCUMENT 9B**
- To recommend Council to approve the Food Law Enforcement Plan 2009/2010.
- 84/09 Corporate Planning Framework** **DOCUMENT 9C**
1. To recommend Council to approve the revised arrangements for corporate planning, including a streamlined Corporate Plan summary and Council Improvement Plan for 2010/11.
2. To recommend Council to approve the adoption of a sixth priority relating to service improvement and value for money.
- 103/09 New Build Housing Phase 2** **DOCUMENT 9D**
- To recommend to Council that additional prudential borrowing of approximately £58,000 per unit, be permitted for this purpose, and that it is lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future. Risk to the Council had been minimised in this arrangement as the Council has full control of the proposed new build dwellings.
- Motion – To approve the above minutes and recommendations of the Council Cabinet dated 29 September and 27 October 2009.**
10. To consider the following minutes and recommendations of the General Licensing Committee dated 14 October 2009 requiring the approval of the Council. **DOCUMENT 10**
- 11/09 Gambling Act Statement of Principles Consultation** **DOCUMENT 10A**
- To recommend Council to adopt of the Revised Statement of Principles.
- 12/09 Derby and Derbyshire Licensing Protocol** **DOCUMENT 10B**
- To recommend Council to adopt the Derby and Derbyshire Licensing protocol.

13/09 Mobile Home Site Licence Conditions

DOCUMENT 10C

To recommend Council to adopt the Mobile Home Site Licence Conditions.

Motion – To approve the above minutes and recommendations of the General Licensing Committee dated 14 October 2009.

11. To consider the following minutes and recommendations of the Audit and Accounts Committee dated 20 October 2009 requiring the approval of the Council.

DOCUMENT 11

40/09 Review of Council’s Financial Procedure Rules

DOCUMENT 11A

To recommend Council to approve the revised Financial Procedure Rules.

Motion – To approve the above minutes and recommendations of the Audit and Accounts Committee dated 20 October 2009.

12. To consider a report of the Director of Corporate and Adult Services concerning Urgent Decisions made by Council Cabinet.

DOCUMENT 12

Motion – To note the report

13. To consider a report on World Cup 2018 (or 2022)

**DOCUMENT 13
TO FOLLOW**

Motion –

14. To consider a report on Corporate Restructure – Housing Function

**DOCUMENT 14
TO FOLLOW**

Motion –

15. To consider a report of the Director of Corporate and Adult Services concerning Urgent Non-Executive Decisions made by the Chief Executive.

DOCUMENT 15

Motion – To note the report

16. To consider the following Notices of Motion:

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

“This council recognises the enormous efforts made by the City’s postal workers over many years, which have given reliable service to communities throughout Derby.

Council is disturbed about the recent movement of work by Royal Mail, taking up to 750,000 items from Derby to Nottingham, without any consultation with the public and only 6 days notice to the workforce.

Council is concerned that the removal of this work from the City's sorting office could represent the thin end of the wedge and has the potential to decimate jobs and services in Derby.

Council therefore resolves to instruct the Council's Chief Executive to write to Royal Mail seeking assurances that:

- no further work will be transferred out of Derby to Nottingham or any other location
- every effort will be made to protect Derby's postal services and jobs in the future".

(2) Councillor Williamson to move, Councillor Banwait to second:

"Council is alarmed by the complaints from Derby residents about the tactics employed by City Parks Management Limited, the private wheel clamping company that manages the Crompton Street car park.

These complaints have led Council to conclude that the behaviour and tactics of this company's operatives is causing considerable stress and anxiety to local people who have been clamped.

Council notes with concern that, according to the Security Industry Authority website, Mathew Rutherford who runs this company has been refused a licence to clamp.

Council therefore requests the Council Cabinet to instruct its Highways and Legal Officers to:

- examine what legal remedies are available to curb the activities of private clamping companies in the city, including the possibility of Anti-Social Behaviour Orders against clampers
- draw up a protocol on the management of private car parks in the city, including the possibility of creating an independent Traffic Penalty Tribunal, administered by the Council or another independent body, to adjudicate on appeals against penalty charge notices imposed by the operators of private car parks in the city.

(3) Councillor Roberts to move, Councillor Banwait to second:

"Council accepts that the number of dropped kerbs around the city is inadequate, creating problems for users of mobility scooters, wheel chairs and parents with pushchairs, which is exacerbated by inconsiderate parking on pavements.

Council therefore demands action from the current administration before the end of this financial year to:

- clear the backlog in dropped kerbs
- launch an education campaign to alert drivers to the difficulties inconsiderate parking creates for disabled people and parents with young children.”

(4) Councillor Graves to move, Councillor Chera to second:

“Derby City Council calls upon the Government to take urgent action in respect of extradition treaties.

Since the episode concerning two Derby men where they were forced to spend over 10 weeks in a prison described as inhabitable by humans before a trial date was set, it has become apparent that the rules surrounding extradition treaties are woefully inadequate in protecting innocent British people.

Council requests the Government to review the extradition rules swiftly and urgently to ensure:

1. British people are given some protection around severity of offence so that extradition is not sought for minor offences.
2. extradition is not granted until a court date is set to give alleged offenders security in knowing their case will soon be heard.
3. extradition takes place within one week of the court date to reduce any unwarranted prison time.
4. British courts are to be satisfied that there is a valid reason for extradition in regard to the charges.”

(5) Councillor Williamson to move, Councillor Dhindsa to second:

“Council supports the 10:10 campaign to reduce the UK’s carbon emissions by 10% in 2010 and calls on the Council Cabinet to ensure the Council reduces its carbon emissions by 10% in 2010.“

(6) Councillor Holmes to move, Councillor Ingall to second:

“That Council recognises construction and building developments can cause significant disruption and disturbance to local residents and agrees to the implementation of a considerate building scheme that would control and limit working hours and other disturbances in or close by to residential areas.

The Planning and Control Committee would be asked to consider the procedures involved and ensure that it will be low-cost for the Council to operate and exclude householder development.

While Council understands any scheme will cover a wide range of detail to be decided upon by the Planning and Control Committee, it requests that where residential dwellings are likely to be affected by noise, the hours of noisy works should be restricted to:

Monday to Friday: 8am to 6pm

Saturday: 8am – 1pm

Sunday and bank holidays: no noisy activities on site.

Vehicles and plant arriving at and leaving the site must also comply with the stated hours of work.”

(7) Councillor Latham to move, Councillor Davis to second:

“That Council recognises the voluntary work carried out by the Street Pastors as they celebrate their first year working from 10pm to 4am on Friday and Saturday evenings in the City helping to keep people safe.

Council also congratulates the Street Pastors on their recent Community Achievement Award and is committed to supporting their work in liaison with the local police and security personnel.”

Michael Foote
Deputy Chief Executive and
Corporate Director of Corporate and Adult Services

**COUNCIL MEETING
9 SEPTEMBER 2009**

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

Apologies for Absence

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

Declarations of Interest

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

Announcements from the Mayor

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

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

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

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

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

43/09 Minutes of the Previous Meeting

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

44/09 Statements by Members of the Council Cabinet

There were no statements from Members of the Council Cabinet.

45/09 Public Questions

Questions from members of the public were asked as follows:

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

46/09 Written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited

There were no written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited.

47/09 Written questions from Non-Council Cabinet Members

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

1. By Councillor Graves, concerning the City Gate Affair, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
2. By Councillor Graves, concerning Boulton Neighbourhood Forum, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.

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

48/09 Minutes and Recommendations of the Council Cabinet

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

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

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

The amendment was put to the meeting and lost.

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

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

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

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

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

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

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

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

51/09 Public Questions at Full Council Meetings

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

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

The motion was put to the meeting and lost.

52/09 Office of Honorary Recorder

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

Resolved, on the motion of Councillor Jones:

- 1. To revive the title 'Recorder of Derby' as 'Honorary Recorder of Derby' and invite His Honour Judge John Burgess to be the first to hold office, for the length of his tenure as Resident Judge at Derby Crown Court, with his successors in that role to serve thereafter.**
- 2. To instruct the Corporate Director of Corporate and Adult Services to create a suitable ceremony, to involve Members of the Council and representatives of the judiciary, to formally present His Honour Judge Burgess with a scroll of admission as 'Honorary Recorder of Derby'.**

Mayor

**EXTRAORDINARY COUNCIL MEETING
4 NOVEMBER 2009**

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

Apologies for Absence

Apologies for absence were received from Councillors Higginbottom, Hussain, Lowe and Mitchell.

Declarations of Interest

Councillors Banwait, Dhindsa, Rawson, Repton and Williamson declared personal interests in Minute No. 55/09 as season ticket holders of Derby County Football Club. Councillor Jackson declared a personal interest in Minute No. 55/09 as an Honorary Member of the Rams Trust.

Announcements from the Mayor

The Council stood in silence in tribute to the memory of former Mayoress, Doris Glen.

The Mayor welcomed Councillor Davis to her first meeting of the Council.

The Mayor invited Members to sponsor him in his forthcoming parachute jump in aid of the Mayor's Charity Fund.

53/09 Procedural Motion

Resolved, on the motion of the Right Worshipful the Mayor (Councillor Marshall), that the Rules of Debate – that is Council Procedure Rules CP40 to CP62 – be suspended in respect of those parts of the consideration of Items 3 and 4 on the agenda (Corporate Restructure and World Cup 2018 (2022)) leading up to the motion

being put to the meeting, to enable the Council to receive information and advice from officers and to give the opportunity to Members to ask questions.

54/09 Minutes and Recommendations of the Council Cabinet

The Council considered the minutes and recommendations of the Council Cabinet, requiring the approval of the Council, set out in Appendix A to these minutes, together with a presentation by the Chief Executive.

It was moved by Councillor Jones, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 27 October 2009.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the addition of the following words:

“with the exception of the first bullet point in the resolution in Minute No. 105/09 which be amended by the addition of the words ‘and that Council agrees that the housing function be part of the Neighbourhood Directorate’.”

(The effect of the amendment, if approved, was that the first bullet point in the resolution in Minute No. 105/09 would read as follows:

- “ • Agree the proposed reduction in Council Departments from five to four, as outlined in paragraph 3.3 of the report and that Council agrees that the housing function be part of the Neighbourhood Directorate.”)

The amendment was put to the meeting and lost.

It was moved by Councillor Williamson, and seconded, that the motion be amended by the addition of the following words:

“with the exception of the last bullet point in the resolution in Minute No. 105/09 which be amended by the insertion of the words ‘for a future Council meeting’ between the words ‘prepared’ and ‘following’ and the addition of the words ‘and that this report should include an analysis of options, and a recommendation, as to which Department should include the housing function.’”

(The effect of the amendment, if approved, was that the last bullet point in the resolution in Minute No. 105/09 would read as follows:

“Agree that a report on the 2nd and 3rd tier officer levels should be prepared for a future Council meeting, following the completion of the current review of these structures, and that a report should also be prepared which puts forward a case as to which Department should include the housing function.”

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 27 October 2009, as amended.

55/09 World Cup 2018 (or 2022)

The Council considered a joint report of the Corporate Directors of Regeneration and Community, Resources and Corporate and Adult Services concerning the Council's proposed bid for Derby to become a host city should England be chosen to host the football World Cup in 2018 or 2022.

The Chief Executive made a presentation to the Council.

Resolved, on the motion of Councillor Jones:

- 1. To agree in principle to the Council signing the Host City Agreement.**
- 2. To agree in principle to the Council signing the Intellectual Property Rights Agreement contained in the Football Association's 'Invitation To Qualify'.**
- 3. To complete discussions with the training ground owners to enable them to sign the Training Ground Agreements with the FA and FIFA.**
- 4. To progress discussions with Derby County Football Club regarding the Stadium Agreement, to enable the Football Club to sign this agreement, and bring back a report to Council on 18 November 2009.**

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL

**COUNCIL CABINET
29 SEPTEMBER 2009**

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

In attendance Councillors Jennings, Williamson, Holmes and Dhindsa

This record of decisions was published on 1 October 2009. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

Budget and Policy Framework

83/09 Food Law Enforcement Plan 2009 - 10

The Council Cabinet considered a report on Food Law Enforcement Plan 2009 – 10. Each year the council must produce a Food Law Enforcement Plan. This plan was required to identify the obligations placed on the Council by The Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2006, The Food Labelling Regulations 1996, The Agriculture Act 1970 and The Animal Health Act 2006 and the resources made available to officers to discharge these obligations.

Decision

To recommend Council to approve the Food Law Enforcement Plan 2009/2010.

84/09 Corporate Planning Framework

The Council Cabinet considered a report on Corporate Planning Framework. On 9 September 2009 Council approved the Revenue Budget, Capital Budget and Corporate Planning Strategy for 2010/11 to 2012/13.

The Corporate Planning Framework had been reviewed in light of the adoption of the Sustainable Community Strategy (SCS) ambitions as the Council's own priorities. In particular the role of the Corporate Plan had been considered. The current Corporate Plan served three main purposes; communication of Council priorities, compilation of actions and acting as a focus for budget allocation. Although the Corporate Plan pulls together Council actions in support of the SCS and Local Area Agreement (LAA), there was some

duplication with partner plans and potential gaps in delivery planning. The Plan could also better reflect the wider improvement agenda.

With this in mind, it was proposed to amend the Corporate Planning Framework, as shown in Appendix 2 of the report. Key changes are as follows...

- To redesign and publish a streamlined Corporate Plan summary, reflecting the Council's commitment to the SCS and its role as a primary communication tool for all priorities to stakeholders, i.e. public, partners and employees.
- To replace the existing Corporate Plan action plan with partnership delivery plans (based on a strategy mapping exercise).
- To develop a cross cutting Council Improvement Plan, focused on improving services through the transformation programme.

To support the focus on improvement, it was suggested a priority relating to improving services and delivering value for money should be added to the five SCS ambitions. Subject to Council Cabinet approval, the next steps would be to commence drafting the 2010/11 Corporate Plan, and working with Derby City Partnership (DCP) to agree an outcomes-based approach to developing the next SCS from 2011.

Decision

1. To recommend Council to approve the revised arrangements for corporate planning, including a streamlined Corporate Plan summary and Council Improvement Plan for 2010/11.
2. To recommend Council to approve the adoption of a sixth priority relating to service improvement and value for money.

COUNCIL CABINET 27 OCTOBER 2009

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

In attendance Councillors Jennings, Williamson and Holmes

This record of decisions was published on 29 October 2009. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

103/09 New Build Housing Phase 2

The Council Cabinet considered a report on New Build Housing Phase 2. In July 2007 the Government published its housing green paper, 'Homes for the Future: More Affordable, More Sustainable' which included increased targets for the provision of affordable housing. In order to meet these increased output goals the then Housing Corporation, now succeeded by the Homes and Communities Agency, HCA, decided to work with a larger and more diverse range of delivery partners, including for the first time Local Authorities – through 3*Arms Length Management Organisations. In April this year, the Government announced a £100M national pot to enable Local Authorities to bid in their own right for funding to build new Council Houses. On the 30 June 2009, the HCA announced that this pot was to be increased to £450M. This funding would provide some 50% of the required subsidy whilst the remaining 50% would be met through prudential borrowing by the Council supported through the rental income of the new properties. Two opportunities were announced for Local Authorities to bid, the deadlines were 31 July and 31 October 2009. The Council subsequently went through the Pre-Qualification process to be an approved Investment Partner of the Homes and Communities Agency and on 5 October 2009 was advised that it had been successful. The Council submitted a bid for the first bid round which was approved and will see funding of £1.6M coming into the city which would help deliver 33 new affordable homes across 2 sites, Elton Road, Osmaston and Cowsley Road, Chaddesden. In September 2009 the HCA announced that this bid had been successful. It was now proposed that a second bid be submitted. Due to the tight timescale required for the bid submission, the detailed proposals were at the time of drafting the report still being finalised. The bid will be for 22 units spread over 5 sites. Council new build properties would be outside the HRA subsidy system, but within the HRA and therefore subject to the Right to Buy, RTB. All the properties would be let at rent levels in line with the HCA's affordable target rents. The Corporate Director of Corporate and Adult Services updated the financial information included in the report.

Options Considered

The Council had for a number of years worked successfully with a range of development partners, including now Derby Homes, to provide affordable housing in the City. All of these organisations were precluded from bidding from the Local Authority new build funding pot which had now been made available. This scheme could be seen as a pilot project to

compare the outcome of Council new build with other models for development when Council owned land was utilised.

Decision

1. ...
2. ...
3. To recommend to Council that additional prudential borrowing of approximately £58,000 per unit, be permitted for this purpose, and that it is lent subject to conditions requiring full repayment in the event of the housing no longer being available for social housing in the future. Risk to the Council had been minimised in this arrangement as the Council has full control of the proposed new build dwellings.

Reasons

1. Grant funding of up to some £1,300,000 would be required to enable the proposed housing schemes to proceed.
2. The legal guarantees were required to enable the grant funding to be drawn down.
3. The prudential borrowing was a fundamental assumption within the submitted bid.

In accordance with Procedure Rule A126, the Chair of the Community Commission had been advised that this item would be considered although not included in the Forward Plan.

**MINUTES OF THE GENERAL LICENSING COMMITTEE
REQUIRING THE APPROVAL OF COUNCIL**

**GENERAL LICENSING COMMITTEE
14 OCTOBER 2009**

Present: Councillor Redfern (Chair)
Councillors Baxter, Berry, Hird, Hussain, Jackson, Leeming, Poulter,
Richards, Skelton, Tuplin and Williams

11/09 Gambling Act Statement of Principles Consultation

The Committee considered a report from the Corporate Director of Environmental Services on the Gambling Act Statement of Principles Consultation. It was reported that as part of the consultation process 232 letters, 17 posters and 60 information packs were sent out to the consultees. Members noted that there were 3 responses received, 2 of which were from Responsible Authorities (Derbyshire Fire and Rescue and Planning Control) and one from an existing license holder. All responses received were in support of the revised Statement of Principles.

Members were disappointed with the response rate from the consultees, particularly of those within the Council. It was reported that the Licensing department regularly held meetings with all the Responsible Authorities and that the concerns noted would be raised.

Resolved:

1. ...
2. **To recommend Council to adopt of the Revised Statement of Principles.**

12/09 Derby and Derbyshire Licensing Protocol

The Committee considered a report from the Corporate Director of Environmental Services on the Derby and Derbyshire Licensing Protocol. It was reported that the protocol was previously considered by the Committee on 22 July 2009 at which clarification had been sought on various points. It was noted that Members were now happy with the clarifications received.

Resolved:

1. ...
2. **To recommend Council to adopt the Derby and Derbyshire Licensing protocol.**

13/09 Mobile Home Site Licence Conditions

The Committee considered a report from the Corporate Director of Environmental Services on Mobile Home Site Conditions. It was reported that the conditions had previously been considered by the Committee on 22 July 2009 but that Members had raised concerns about outstanding health and safety issues so a further consultation was deemed necessary. This consultation had now taken place with Derbyshire Fire and Rescue, Site Operators/Owners and the Residents Association.

Resolved

1. ...
2. **To recommend Council to adopt the Mobile Home Site Licence Conditions.**

MINUTES OF THE AUDIT AND ACCOUNTS COMMITTEE REQUIRING THE APPROVAL OF COUNCIL

AUDIT AND ACCOUNTS COMMITTEE 20 OCTOBER 2009

Present: Councillor Roberts – Chair
Councillors Harwood, Holmes, Jackson and Troup

Governance

40/09 Review of Council's Financial Procedure Rules

The Committee considered a report which stated that the Council's Financial Procedure Rules were previously reviewed in 2006. Given the significant changes to the Council's systems, processes and personnel since then, the Corporate Director of resources has reviewed, updated and refreshed the Council's Financial Procedure Rules. Material changes to the previous Financial Procedure Rules were summarised in the contents table of the report and were shaded in the updated version of the Financial Procedure Rules.

The revised Financial Procedure Rules included changes to most sections and were presented in line with the Chartered Institute of Public Financial Accountant (CIPFA) good practice. Officers had reviewed delegated limits for Chief Officers, regarding revenue virement limits and capital commencement authorisation limits. The suggested changes were reflected in Appendix 2 of the report.

Members of the Committee made the following comments/concerns:

- Training session should be arranged for risk assessments.
- Evidence is required to show that Chief Officers and Assistant Directors have been trained.
- Need to have objective evidence of ongoing compliance, particularly where non compliance may invalidate insurance cover.
- The chair will ask for risk registers to be provided by chief officers on behalf of the Committee. Chief Officers will need to be able to demonstrate reviews of risk registers and the actions taken to mitigate the risks.
- It is essential that managers notify the Risk and Insurance Manager immediately of any changes to their activities that could materially affect risk. It was not sufficient to wait for the Risk and Insurance Manager to request the information. This needed to be included as part of the procedure.
- Making sure that all letters making claims against the Council are passed to the Corporate Director of Resources and all employees should be made aware of their responsibility by including in employee induction/employee handbook.
- Paragraph E3.4 needs to be made more specific
- Final paragraph of E4 delete the words 'chair of' from the final sentence.

- Paragraph F4.4 delete 'TAX' and replace with 'the range of tax requirements in the paragraph above.'

Resolved

1. ...
2. **To recommend Council to approve the revised Financial Procedure Rules.**