

Time commenced - 6.00 pm
Time finished - 10.00 pm

COUNCIL MEETING 18 NOVEMBER 2009

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

Apologies for Absence

Apologies for absence were received from Councillors Batey and Tuplin

Declarations of Interest

Councillor Ingall declared a personal and prejudicial interest in Motion 1 under Minute No. 68/09 as his son worked at Royal Mail. Councillor Berry declared a personal and prejudicial interest in Motion 1 under Minute No. 68/09 as he was a Post Office pensioner.

Announcements from the Mayor

The Mayor mentioned that Rosemary Jackson, Members' Secretary, was due to retire shortly. He extended to her best wishes for a long and happy retirement.

56/09 Minutes of the Previous Meetings

Resolved 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.

57/09 Statements by Members of the Council Cabinet

There were no statements from Members of the Council Cabinet.

58/09 Public Questions

Questions from members of the public were asked as follows:

1. By Simon Bacon, concerning waste tonnages, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
2. By Simon Bacon, concerning the Joint Waste Agreement, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
3. By Tony Dunn, concerning democratic processes at the Planning Control Committee, answered by Councillor Wood, Chair of the Planning Control Committee.
4. By Tony Dunn, concerning the Waste Treatment Plant Contract, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
5. By Linda Winter, concerning Brindley Court, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
6. By Penny DeAbreu, concerning an empty property in the Strutt's Park conservation area, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
7. By Penny DeAbreu, concerning security at 40 West Avenue, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
8. By Dorothy Skrytek, concerning the Waste Framework Directive, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
9. By Colin Underhill, concerning dual bins in the city centre, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
10. By Colin Underhill, concerning Cathedral Green, answered by Councillor Naitta, Council Cabinet Member for Leisure and Culture.

59/09 Written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Limited

A question concerning the reduced service at the Ascot Drive Fire Station was asked by Councillor Graves and answered by Councillor Allen, Vice Chair of Derbyshire Fire Authority.

60/09 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 Roberts, concerning the Derby and Derbyshire Economic Partnership funding, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
2. By Councillor Roberts, concerning an employment tribunal, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
3. By Councillor Bayliss, concerning the Alvaston District Centre, answered by Councillor Care, Council Cabinet Member for Planning and Transport.
4. By Councillor Bayliss, concerning the Durley Close site, answered by Councillor Troup, Council Cabinet Member for Housing and Environment.
5. By Councillor Holmes, concerning school meals, answered by Councillor Carr, Council Cabinet Member for Direct and Internal Services.
6. By Councillor Holmes, concerning the backlog of road repairs, answered by Councillor Care, Council Cabinet Member of Planning and Transport.
7. By Councillor Banwait, concerning the CCTV camera outside Enthusiasm, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
8. By Councillor Dhindsa, concerning the Regulation of Investigatory Powers Act 2000, answered by Councillor Jones, Leader of the Council and Council Cabinet Member for Policy, Partnerships and Economic Development.
9. By Councillor Turner, concerning Sinfin Children and Young People's Centre, answered by Councillor Allen, Deputy Leader of the Council and Council Cabinet Member for Children and Young People.

61/09 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.

A question and Rule CP21, in relation to Council Cabinet Minute No. 83/09, was asked by Councillor Holmes and answered by Councillor Troup, Council Cabinet Member for Housing and Environment.

Resolved, on the motion of Councillor Jones, to approve the minutes and recommendations of the Council Cabinet dated 29 September and 27 October 2009.

62/09 Minutes and Recommendations of the General Licensing Committee

The Council considered the minutes and recommendations of the General Licensing 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 General Licensing Committee dated 14 October 2009.

63/09 Minutes and Recommendations of the Audit and Accounts Committee

The Council considered the minutes and recommendations of the Audit and Accounts Committee, requiring the approval of the Council, set out in Appendix C to these minutes.

Resolved, on the motion of Councillor Roberts, to approve the minutes and recommendations of the Audit and Accounts Committee dated 20 October 2009.

64/09 Urgent Executive Decisions made by the Council Cabinet

In accordance with Rule A127, the Council considered a report of the Director of Corporate and Adult Services on Urgent Executive Decisions made by the Council Cabinet.

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

65/09 World Cup 2018 (or 2022) – Host City Submission

The Council considered a report of the Corporate Directors of Regeneration Community, Resources and Corporate and Adult Services on World Cup 2018 (or 2022) – Host City Submission.

Resolved, on the motion of Councillor Jones:

- 1. To authorise the Chief Executive and Director of Corporate and Adult Services to sign the Host City Agreement and the Intellectual Property Rights Assignment Agreement on behalf of the Council.**
- 2. To authorise the Chief Executive to issue a Letter of Comfort to Derby County Football Club regarding the Stadium Agreement as described in para 4.5.**
- 3. To authorise the Chief Executive to issue Letters of Comfort to the Training Ground owners regarding the costs associated with implementing the Venue Specific Training Site Agreements.**
- 4. To agree the payment of £250,000 in financial year 2010/11, to the FA, as a Host City contribution to the costs of promoting the bid to FIFA and authorise the Chief Executive and Director of Corporate and Adult Services to sign the necessary agreement with England 2018.**
- 5. To submit a bid to the FA, comprising the bid document, Host City Agreement, Intellectual Property Rights Assignment Agreement, and the Venue Specific Training Site Agreements.**

66/09 Corporate Restructure – Position of Housing and Advice Services

The Council considered a report of the Chief Executive on the Corporate Restructure – Position of Housing and Advice Services.

Resolved, on the motion of Councillor Jones:

- 1. That the part of Housing and Advice Services engaged in delivering enforcement activity within the private rented sector and associated activities, be located within Environmental Health and Trading Standards, in the newly created Neighbourhoods Department.**
- 2. That the remaining Housing and Advice Services be located in the Adults and Health Department.**

3. To note that further consideration may be needed following the decision on the future of Derby Homes, after its contract expires in March 2012.

67/09 Urgent Non-Executive Decisions made by the Chief Executive

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

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

68/09 Notices of Motion

1. *Postal Services*

It was moved by Councillor Williamson, and seconded, that 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.

In accordance with Rule CP68 it was demanded by at least 10 Members that a recorded vote be taken on the motion.

The following Members voted for the motion:

Councillors Banwait, Baxter, Bayliss, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Williamson (16).

The following Members voted against the motion:

Councillors Allen, Care, Carr, Ginns, Harwood, Hird, Jones, Keane, F Khan, R Khan, Lowe, Naitta, Skelton, Troup, Winter (15).

The following Members abstained:

The Mayor (Councillor Marshall), Councillors Chera, Davis, Grimadell, Hickson, Holmes, Jennings, Latham, Leeming, Nath, Poulter, Webb, Williams, Wood (14).

Councillor Richards was absent from the Council Chamber when the recorded vote was taken.

The motion was declared carried.

Resolved that 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.**

Having declared interests, Councillors Berry and Ingall withdrew from the meeting during consideration of the above Minute.

2. Private Car Parks

It was moved by Councillor Williamson, and seconded, that 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.

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the third paragraph and all words after the second bullet point, and the insertion of the words after the second bullet point "ask the Government to provide local councils with more powers to control the operation of privately run public car parks in their area."

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

"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 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
- Ask the Government to provide local councils with more powers to control the operation of privately run public car parks in their area.")

Resolved, on the motion of Councillor Jennings, that the Council adjourn for the Political Groups to consider the above amendment.

The Council then adjourned for 12 minutes.

When the Council reconvened, Councillor Care sought the Council's consent to alter her amendment of the motion. The Council consented to this alteration.

It was moved by Councillor Care, and seconded, that the amendment above be altered so that the motion was amended additionally by the deletion of the words from the first paragraph "City Parks Management Limited, the private wheel clamping company that manages the Crompton Street car park," and the substitution of the words "these companies" for the words "this company's" in the second paragraph.

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

"Council is alarmed by the complaints from Derby residents about the tactics employed by some private car park operators in the city.

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

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
- ask the Government to provide local councils with more powers to control the operation of privately run public car parks in their area")

In accordance with Rule CP68 it was demanded by at least 10 Members that a recorded vote be taken on the amendment.

The following Members voted for the amendment:

The Mayor (Councillor Marshall), Councillors Allen, Berry, Care, Carr, Chera, Davis, Ginns, Graves, Grimadell, Harwood, Hickson, Hird, Holmes, Ingall, Jennings, Jones, Keane, F Khan, R Khan, Latham, Leeming, Lowe, Naitta, Nath, Poulter, Richards, Skelton, Troup, Webb, Williams, Winter, Wood (33).

The following Members voted against the amendment:

Councillors Banwait, Baxter, Bayliss, Bolton, Dhindsa, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Williamson (15).

The amendment was declared carried.

Resolved that Council is alarmed by the complaints from Derby residents about the tactics employed by some private car park operators in the city.

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

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**
- **ask the Government to provide local councils with more powers to control the operation of privately run public car parks in their area.**

3. Dropped Kerbs

It was moved by Councillor Roberts, and seconded, that 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.

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of all words after the word "therefore" in the second paragraph and the insertion in their place of the words "1) encourages Neighbourhood Boards to consider using some of their funds to install dropped kerbs where they think they are a priority and 2) welcomes the progress being made by the Council's Parking Officers to use National Regulations introduced earlier this year to enforce access to dropped kerbs."

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

"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:

- 1) encourages Neighbourhood Boards to consider using some of their funds to install dropped kerbs where they think they are a priority
- 2) welcomes the progress being made by the Council's parking officers to use national regulations introduced earlier this year to enforce access to dropped kerbs")

The amendment was put to the meeting and carried.

Resolved that 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:

- 1) encourages Neighbourhood Boards to consider using some of their funds to install dropped kerbs where they think they are a priority**
- 2) welcomes the progress being made by the Council's parking officers to use national regulations introduced earlier this year to enforce access to dropped kerbs**

4. Extradition Treaties

It was moved by Councillor Graves, and seconded, that 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 uninhabitable 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.

It was moved by Councillors Carr and Roberts that the motion be amended by the deletion from the first paragraph of the words “innocent” and “people” and the addition of the word “subjects” after the word “British” in the first paragraph and after the word “British” in sub paragraph 1.

The amendment was put to the meeting and carried.

Resolved that 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 uninhabitable by humans before a trial date was set, it has become apparent that the rules surrounding extradition treaties are woefully inadequate in protecting British subjects.

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

1. **British subjects 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 changes.**

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

5. *10:10 Campaign*

Resolved, on the motion of Councillor Dhindsa, that the motion on the agenda relating to the 10:10 Campaign be deferred for consideration at the next meeting of the Council.

6. *Considerate Building Scheme*

Resolved, on the motion of Councillor Holmes, that the motion on the agenda relating to the Considerate Building Scheme be deferred for consideration at the next meeting of the Council.

7. *Street Pastors*

It was moved by Councillor Latham, and seconded, 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.

It was moved by Councillor Dhindsa, and seconded, that the motion be amended by the addition of the words “and welcomes the extension of this scheme to other areas such as Normanton, Alvaston and Sinfin.”

The amendment was put to the meeting and carried.

Resolved 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, and welcomes the extension of this scheme to other areas such as Normanton, Alvaston and Sinfin.

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.

Mayor

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| MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL |
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**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.

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| MINUTES OF THE GENERAL LICENSING COMMITTEE REQUIRING THE APPROVAL OF COUNCIL |
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**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 Principals Consultation. It was reported that as part of the consultation process 232 letter, 17 posters and 60 information packs were send 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 meeting 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.**