

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Darwin Suite at the Assembly Rooms, Derby on Wednesday 23 November 2011 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 12 September 2011 **DOCUMENT 3**

Motion - That the minutes of the meeting of the Council held on 12 September 2011 be approved as a correct record, 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.

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|--------------------|--|
| a) Jamie Tan | Fly Tipping in Normanton |
| b) Karen Williams | Reward Scheme to Deter Fly Tipping in Normanton |
| c) Dorothy Skrytek | Waste Treatment Facility |
| d) Mark Tittley | Daily Home Care Service |
| e) Rebecca Stirrup | Arts Provision in Derby |
| f) Corey Mwamba | Decrease in Arts Staffing and Funding |
| g) Paula Moss | Strategy for Arts Provision |
| h) Reg Hand | Climate Change Board |
| i) Rosy Townsend | The Carbon Reduction Commitment Energy Efficiency Scheme |
| j) Simon Bacon | Household Waste Transfer Site |
| k) Dawn Foote | Investments in Arts Organisations |
| l) Mark Tittley | Alvaston District Centre Regeneration Project |

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| m) Dorothy Skrytek | Air Quality Monitoring |
| n) Rebecca Stirrup | Establishing the City Centre as a Leisure, Cultural and Festival Destination |
| o) Simon Bacon | Changes to Brown Bin Collections |
| p) Dawn Foote | Impact of Cultural Savings on Future Progress |

(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.
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 recommendation of the Council Cabinet dated 27 September, 18 October and 22 November 2011 requiring the approval of the Council. (note: there were no items from the meeting of 27 September)

DOCUMENT 9

DOCUMENT 9a

90/11 Contract and Financial Procedure Matters Report

To recommend Council to approve the additional borrowing required for changes to the Public Sector Capital programme.

Motion – To approve the above minute and recommendation of the Council Cabinet of 18 October 2011.

- 10 To consider the following minutes and recommendations of the Governance Committee dated 11 November 2011 requiring the approval of the Council.

DOCUMENT 10

5/11 Review of Polling Districts and Polling Places

To recommend to Council the new polling arrangements for Parliamentary Elections as proposed by the Acting Returning Officer, subject to further investigation of the best option for Polling District AN7 within Alvaston ward.

DOCUMENT 10a

6/11 Procedure for the removal of the Executive Leader

To recommend to Council the adoption of the procedure for the removal of the Executive Leader, as proposed by the Monitoring Officer.

DOCUMENT 10b

7/11 Review of Members' Allowances

To recommend that Council note progress made on reducing overall spend on Members' Allowances and reduction in the number of Special

DOCUMENT 10c

Responsibility Allowances paid.

Motion – To approve the above minutes and recommendations of the Governance Committee of 11 November 2011.

- 11 To consider the following minute and recommendation of the Audit and Accounts Committee dated 29 September 2011 requiring the approval of the Council. **DOCUMENT 11**

27/11 Corporate Prosecution Policy

To recommend Council to adopt the Derby City Council – Corporate Prosecution Policy.

DOCUMENT 11a

Motion –

To approve the above minute and recommendation of the Audit and Accounts Committee of 29 September 2011.

- 12 To consider a report of the Strategic Director of Resources, relating to a revision of the Employee Code of Conduct. **DOCUMENT 12**

Motion –

DOCUMENT 12a

To adopt the revised Employee Code of Conduct and to effect resultant changes to the Council Constitution

- 13 To consider a report of the Monitoring Officer, relating to proposed changes in the procedure for Public and Member Questions at Council meetings (Council Procedure Rules 11-31) **DOCUMENT 13**

Motion –

To support the adoption of the model set out in 4.12 to 4.16, of the attached report and resultant amendments to the Council Constitution.

To support the removal of public and Member questions at the Budget-setting Council Meeting, as detailed in 4.17 and 4.18, of the attached report.

- 14 To consider a report of the Director of Legal and Democratic Services, relating to a Designation of Public Places Order for Mackworth **DOCUMENT 14**

Motion –

To approve the introduction of a DPPO in respect of land in Mackworth listed in Appendix 2 of the attached report.

To authorise the Director of Legal and Democratic Services to make the DPPO and make arrangements for it to be advertised in a local newspaper and for signs to be erected in the designated area.

- 15 To consider a report of the Monitoring Officer, relating to the appointment of Mr Peter Berry to Spondon Relief in Need

Motion –

To approve the appointment of Mr Peter Berry to Spondon Relief in Need

- 16 To consider the following Notices of Motion:

- (1) Councillor Rawson to move, Councillor Redfern to second

‘The NHS is one of the greatest public services in the world – free to all at the point of need. Derby residents who rely on the NHS, and do not have access to private healthcare, are concerned that the Health and Social Care Bill, proposed by the Con-Dem Government, will break up the NHS and damage patient care. Council therefore calls on the Leader of the Council and the Cabinet Member for Adult Social Care and Health, to write to the Prime Minister and Deputy Prime Minister, opposing the NHS Health and Social Care Bill.’

- (2) Councillor Naitta to move, Councillor Carr to second:

‘This Council notes:

- That British households currently spend more on heating their homes than their counterparts in Sweden, where winter temperatures are far lower
- That this means a legacy of draughty, cold homes that are expensive to heat - leaving vulnerable local residents facing serious health risks
- An over reliance on fossil fuels, leaving households and businesses exposed to soaring world energy prices
- That the previous government left office with Britain at 25th place in Europe for renewable energy generation

This Council recognizes the role played by Liberal Democrats in Government in securing:

- The Warm Homes Discount, to give an extra £120 each year to the least well off pensioners in Derby to keep warm this winter
- A commitment from energy companies to help with free loft and cavity wall insulation for Derby’s poorest households
- From October 2012, the Green Deal will aim to insulate all domestic and commercial properties to high standards **at no upfront cost to consumers**

This Council resolves:

- To support the Green Deal locally, by ensuring local residents in Derby know about the opportunities and helping direct them towards providers
- To investigate how else the Council can help with supporting home insulation work – for instance by acting as a Green Deal provider itself
- To write to the Local Government Association and other appropriate national bodies with details of Derby City Council's plans to keep our residents warm and to tackle climate change
- To investigate ways that the Council can assist local residents to save money and keep warm through the provision of information and advice, including through working with partner agencies
- This Council resolves to write to the Energy Minister, Chris Huhne, urging him to continue his campaign to put pressure on the energy companies to cut soaring energy prices'

(3) Councillor Carr to move, Councillor Troup to second:

'Council notes that:

- Increasing numbers of households have been installing photovoltaic (PV) panels on their roofs, meaning that a growing proportion of electricity used during the day in Derby is now zero carbon and free for the householder
- This investment has resulted in the creation of new green jobs, increasing skills in the workforce and new apprenticeships
- Where social landlords have installed PV panels, on homes for rent, the tenants are able to use the electricity generated on their home at no cost, reducing fuel poverty

Council further notes the government consultation on changes to the 'Feed in Tariff' scheme, which is helping to fund these installations and is concerned that:

- The abrupt halving of the tariff paid will make systems unaffordable to many households
- The reduction in systems being installed will result in job losses and companies folding

- ‘Stop start’ policy changes undermine the government’s aim to create new green industry and low carbon energy supplies
- The proposal to apply a lower tariff to multi-installations will exclude further tenants from the benefits of PV installations on their homes

Council does however support the proposal to expect homes receiving Tariff payments to also meet a reasonable standard of energy efficiency.

Council therefore agrees to write to the Prime Minister, the Secretary of State for Energy and Climate Change, and relevant Ministers of State asking that:

- They announce immediately that there will be no change to the ‘Feed in Tariff’ rules until the consultation period has ended, as an issue of trust in consultation
- The Tariff is reduced progressively over a longer period (say 6 to 18 months) to enable the industry and householders to adjust
- Social Housing providers are excluded from the lower tariff proposed for the multi-installations, so that more householders in fuel poverty can benefit from free electricity’

(4) Councillor Hickson to move, Councillor Jones to second:

‘In view of the importance of the decisions to be made on the Budget, Council Procedure Rules be suspended for the meeting of the Council on 15 December 2011 so that the only items on the agenda are;

- a). to receive apologies
- b). to receive declarations of interest from Members
- c). to approve the minutes of the last meeting
- d). to receive announcements from the Mayor
- e). to consider minutes or reports from the Council Cabinet on the General Fund Revenue Budget 2012/13, Capital Programme 2012/13, Council Tax Base 2012/13 and to pass resolutions on these matters.’

- (5) Councillor Allen (The Mayor) to move, Councillor Bayliss to second:

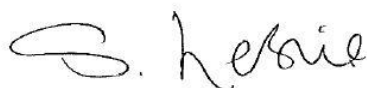
'Following the serious and very unfortunate accident to Cllr Robin Turner, during his stay in Portugal, I ask that Council supports a motion that he is not automatically disbarred from being a Member of the Council, for failing to attend Council meetings whilst he is recovering. I therefore move that Council approves, under Section 85 Local Government Act 1972, the absence of Cllr Robin Turner from Council meetings, for the remainder of the municipal year, while he recovers from his accident.

Furthermore, I propose that Council approves the following substitutions for the outside bodies of which Councillor Turner is a member, again for the remainder of the municipal year:

Compact Forum - Cllr Sarah Russell
Derby Dance Centre – Development Board - Cllr Martin Repton
Derby Racial Equality Council - Cllr Karen Hillier'

- (6) Councillor Shanker to move, Councillor Banwait to second:

'Derby residents are having their finances squeezed with the rising cost of living and local economic growth is being stifled by excessive and indiscriminate cuts by the Con-Dem Government. Council therefore calls on the Con- Dem administration, to lobby their ministerial colleagues in Government, to reverse January's damaging VAT rise for a temporary period, to provide immediate help for struggling Derby families and pensioners, and our high streets'



Stuart Leslie
Director of Legal and Democratic Services

Time commenced - 6.00 pm
Time finished - 8.22 pm

**COUNCIL MEETING
12 SEPTEMBER 2011**

Present: The Mayor (Councillor Allen) (in the Chair)
Councillors Afzal, Ashburner, Atwal, Banwait, Bailey, Barker, Bayliss, Bolton, Campbell, Carr, Davis, Dhindsa, Harwood, Hickson, Higginbottom, Hillier, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, F Khan, J Khan, S Khan, Leeming, Marshall, Naitta, Poulter, Radford, Rawson, Redfern, Repton, Richards, Roberts, Russell, Sandhu, Shanker, Skelton, Troup, Tuplin, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Graves, Keith, Turner and Webb.

39/11 Declarations of Interest

There were no declarations of interest.

40/11 Minutes of the previous meeting

Resolved that the Minutes of the Meeting of the Council held on 13 July 2011 be approved as a correct record, confirmed and signed by the Mayor.

41/11 Announcements by the Mayor

On behalf of the Council the Mayor congratulated all students, teachers, head teachers, parents and carers, following the successes in recent A-Level and GCSE results – the latter being the city's best ever.

42/11 Statements by Members of the Council Cabinet

Councillor Hickson, Leader of the Council, made a statement on initiatives and achievements. Councillor Bayliss responded.

43/11 Public Questions

Questions from members of the public were asked as follows:

1. By Andy Findlay, concerning Council Champions, answered by Council Hickson, Leader of the Council.

At this point, it was proposed by Councillor Hillier and seconded that in accordance with Council Procedure Rule CP20, this issue be referred to the Scrutiny Management Commission.

Resolved, to refer the issue of Council Champions to the Scrutiny Management Commission.

2. By Simon Bacon, concerning the Waste Treatment Facility Appeal answered by Councillor Wood, Chair of the Planning Control Committee.
3. By Valerie Beech, concerning the Normanton Medical Centre, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
4. By Dorothy Skrytek, concerning food savings schemes, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
5. By Reg Hand, concerning reduction in carbon emissions, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.
6. By Andy Findlay, concerning wheelchair access to the River Gardens, answered by Councillor Holmes, Council Cabinet Member for Planning and Environment.

At this point it was proposed by Councillor Bayliss and seconded that Council Procedure Rule CP19 be waived, to enable an extension of the time allowed for public questions.

Resolved to waive Council Procedure Rule CP19 to extend the time available for public questions.

7. By Simon Bacon, concerning financial benefits of recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
8. By Dorothy Skrytek, concerning car parking on Walbrook Road, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

44/11 Written questions about the business or functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

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

45/11 Written questions from non-Council Cabinet Members

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

- 1 By Councillor Russell, concerning the cost of Whittaker Road Day Care consultation, answered by Councillor Skelton, Council Cabinet Member for Adult Social Care and Health.
- 2 By Councillor F Khan, concerning CCTV reviews, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 3 By Councillor Bolton, concerning budgets for Children and Young People's Services, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
- 4 By Councillor Roberts, concerning BID income and expenditure, answered by Councillor Hickson, Leader of the Council.
- 5 By Councillor Richards, concerning extension of a clean-up area, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 6 By Councillor Richards, concerning the Masterplan, answered by Councillor Hickson, Leader of the Council.

46/11 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.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 19 July and 6 September 2011.

47/11 Notices of Motions

- 1 Local Development Framework Core Strategy.

Resolved on the motion of Councillor Dhindsa and seconded, that Derby as an ambitious Council, wants to achieve a thriving sustainable economy, in line with the Derby Plan, and meet the housing needs of Derby residents. Derby City Council is also committed, through the Derby Plan, to reducing carbon emissions and securing a better built and natural environment, including maintaining and promoting bio diversity through its green environment agenda.

The Council recognises the key role of the Local Development Framework Core Strategy in balancing these objectives and will ensure that in drawing up this plan, there is full assessment of the need for new development and the impacts of future development on climate change objectives, green space and bio diversity.

2 Business Rates

Resolved on the motion of Councillor Rawson and seconded, that Council notes with concern proposals to change the way Business Rates are collected and distributed. Initial estimates suggest Derby City Council could lose income of up to £13.7m per year, which would have a massive impact on our public services. The Council therefore requests the Leader of the Council to respond to the consultation and write to the minister, opposing any measures, which leave Derby City Council financially worse off. Also to write to the city's three MPs, asking them to support the City Council and oppose any changes in Parliament, which are damaging to the city's finances.

3 Bombardier.

Resolved on the motion of Councillor Hickson and seconded, that Council notes with concern and alarm both the Prime Minister's and the Government's continued refusal to reconsider the award of the preferred bidder status, for the Thameslink contract, to Siemens, thus exposing Bombardier to possible closure.

Council reaffirms its view that this decision is fundamentally flawed and perverse, bearing in mind the fact that no economic impact assessment was carried out as part of the evaluation process, without which any final decision on best value cannot properly be evaluated. This, coupled with the fact that Siemens do not have a working and tested bogie and allegations of corruption against them, would suggest that the whole competition process should be started again, with new, fairer and more appropriate evaluation criteria.

Council therefore confirms its intention to work with UNITE, as the main affected body, to explore the viability of a judicial review.

Council therefore recommends Cabinet to financially support any judicial review proceedings brought by UNITE (and/or Bombardier) to overturn the decision to award the Thameslink contract to Siemens, subject to the Director of Legal and Democratic Services being satisfied that UNITE have an arguable case.

4 Child Safety on School Transport

It was moved by Councillor L Winter and seconded, that Council calls on the Cabinet member to carry out an independent health and safety check on the current method of transporting children to and from school, and on school activities, and to include parents in the proposed consultation with schools, in order to improve safety for passengers, including vehicles having one seatbelt per child.

It was moved by Councillor Holmes and seconded, that the motion be amended by the deletion of the words 'the Cabinet Member to carry out an independent health and safety check on' and 'and to include parents in the proposed consultation with the schools, in order to improve safety for passengers including' and the insertion of the words 'Cabinet Members to co-operate with and support a Scrutiny Commission review of' and 'in order to ensure safety for passengers including the option of' and 'where practical, parents should be consulted'. The amendment was put to the meeting and carried.

Resolved that Council calls on Cabinet Members to co-operate with and support a scrutiny commission review of the current method of transporting children to and from school, and on school activities, in order to ensure safety for passengers, including the option of vehicles having one seatbelt per child. Where practical, parents should be consulted.

5 Mandatory training for Councillors

Resolved, on the motion of Councillor Williams and seconded, that Section 11 of the Children Act 2004 places a duty on key persons and bodies, to make arrangements to ensure that in discharging their normal functions, they have regard to the need to safeguard and promote the welfare of children.

In order to fulfil their duties and under the Children Act 2004, Councillors should:

- a) be aware of how and when to refer child welfare concerns to the Children and Young People's Service**
- b) be aware, that after the referral has been registered, there are constraints on staff sharing information as set out in the Council's Constitution**
- c) be aware of and sign up to their responsibilities as Corporate Parents of Looked After Children**
- d) prioritise their attendance at the Safeguarding and Corporate Parenting briefings.**

As these responsibilities are set out in law they are extremely important in the protection of children and Councillors cannot opt out of or ignore their responsibilities as Corporate Parents.

Council therefore confirms that:

Awareness training on Safeguarding and Corporate Parenting must be provided, after each AGM of the Council, by senior officers from the Children and Young People's Directorate and that such training (subject to confirmation by the Standards Committee) should be mandatory for all Councillors, with immediate effect.

Mayor

MINUTES OF COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL

COUNCIL CABINET
18 OCTOBER 2011

Present Councillor Hickson (Chair)
 Councillors Carr, Holmes, Ingall, Jones, Poulter and Skelton

In attendance Councillor Bayliss

This record of decisions was published on 20 October 2011. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

Contract and Financial Procedure Matters

90/11 Contract and Financial Procedure Matters

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- changes to the capital programme including additional borrowing
- permission to bid for external funding
- approval for Derby City Council to act as an accountable body
- treatment of receipt.

Decision

1. To approve the revised capital programme for 2011/12, paragraph 4.2 and changes therein at Appendix 2 of the report.
2. To approve scheme commencements detailed in Appendix 3 of the report.
3. **To recommend Council to approve the additional borrowing required for changes to the Public Sector Capital programme.**
4. To approve the submission of a £55,312 revenue bid to the Paul Hamlyn Foundation fund.
5. To approve the submissions of a £36,363 revenue bid to the Reaching Communities Fund.
6. To approve Derby City Council to act as the accountable body for the Allestree Park Access and Conservation project.
7. To note and accept the offer of £100,000 from English Heritage for the extension of the current historic building repair grant scheme.
8. To approve the treatment of £921,000 VAT refund received from HM Revenue and Customs - HMRC.

MINUTES OF GOVERNANCE COMMITTEE REQUIRING APPROVAL OF COUNCIL
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**GOVERNANCE COMMITTEE
11 NOVEMBER 2011**

Present: Councillor Hickson (Chair), Councillors Bayliss, Carr and Jones.

05/11 Review of Polling Districts and Polling Places

A report from the Acting Returning Officer was considered. The report detailed comments received from stakeholders following the publication of proposed changes to polling districts and polling places in September 2011. The Acting Returning Officer's final recommendations were detailed in the report. Several updates to the numbers of electors in various polling places were detailed.

The possibility of using the James Wyatt Public House as an alternative to Keldholme Lane Community Centre was raised. Members voiced concerns over the use of public houses as polling places. It was proposed that the possibility of using Derby Homes owned buildings in Alvaston be explored as another alternative.

Resolved to recommend to Council the new polling arrangements for Parliamentary Elections as proposed by the Acting Returning Officer, subject to further investigation of the best option for Polling District AN7 within Alvaston ward.

06/11 Procedure for the removal of the Executive Leader

Members considered a report from the Monitoring Officer detailing a proposed procedure for the removal of the Executive Leader. It was explained that a resolution of Council had requested that such a procedure be drawn up at its meeting in March following the adoption of the 'Strong Leader' model of governance.

Resolved to recommend to Council the adoption of the procedure for the removal of the Executive Leader as proposed by the Monitoring Officer.

07/11 Review of Members' Allowances

A report of the Strategic Director of Resources was considered. The report updated members on progress in achieving the target to reduce the overall spend on Members' Allowances and reduce the number of Special Responsibility Allowances paid to members. It was detailed that there would be a saving of 7.3 per cent on Members' Allowances compared to the budgeted figure, and that the number of Special Responsibility Allowances had been reduced from 40 to 35.

Resolved:

- 1) **To recommend that Council note progress made on reducing overall spend on Members' Allowances and reduction in the number of Special Responsibility Allowances paid.**
- 2) To request that the Independent Remuneration Panel includes results of benchmarking with Nottingham and Leicester City Council within its recommendations for 2012/13.
- 3) To request that the Independent Remuneration Panel examines the Derby Homes Allowance Scheme and, if appropriate, including comments in its recommendations for 2012/13.

MINUTES OF AUDIT AND ACCOUNTS COMMITTEE
REQUIRING APPROVAL OF COUNCIL

**AUDIT AND ACCOUNTS COMMITTEE
29 SEPTEMBER 2011**

Present: Councillor Ashburner – Chair
Councillors Bailey, Campbell, Davis, Harwood Roberts
and Troup

27/11 Corporate Prosecution Policy

The Committee considered a report which stated that the Chartered Institute of Public Finance and Accountancy (CIPFA) recommended that local authorities should have in place a corporate prosecutions policy that sets out how authorities would react to instances of fraud/criminal activity that they may be victims of.

The Department for Communities and Local Government (CLG) had also issued guidance to local authorities recommending that each had in place a prosecutions policy that set out in broad terms the operational principles within which they would undertake their regulatory enforcement work.

In line with committee's term of reference to "*...consider the council's compliance with its own and other published standards and controls*", committee identified the absence of a corporate prosecution policy as a risk to operational effectiveness and tasked officers, through the Legal Services Division, to produce a document that addresses both of the aims identified in the two preceding paragraphs.

Resolved to recommend Council to adopt the Derby City Council – Corporate Prosecution Policy set out in appendix 2 to the report.



Revised Employee Code of Conduct

SUMMARY

- 1.1 The Council's Employee Code of Conduct was last revised in April 2007. Provision for a national employees' code was included in the Local Government Act 2000 but, despite consultation, it has not yet been introduced. The Government is considering whether to continue the work from the 2008 consultation but has not yet made any further proposals in respect of a code with nationwide application.
- 1.2 Following an audit report in June 2011, the proposed code (provided at Appendix 2) has been revised in line with the recommendations.
- 1.3 Key changes to the code's content are:
 - Inclusion of the Council's values
 - Revised guidance on acceptance of hospitality/gifts/sponsorship
 - Checks to additional employment for conflicts of interest and working time
 - Inclusion of impact of employees involved in producing, possessing or supplying illegal substances
 - New section on legacies/bequests in a will
 - Removal of use of Council equipment for outside interests/additional employment
 - New section on ensuring employees maintain professional registration to practise where appropriate
 - Employees to declare where personal relationships at work have formed.
- 1.4 Consultation has taken place within the HR Community, Audit, Legal, the Organisational Development Board and values working group. The code has also been discussed at the Conditions of Service Working Party and Corporate Joint Committee.
- 1.5 Following consultation and approval, a communications plan will be drawn up to ensure all employees are aware of the revised code. Thoughts around this are as follows:
 - Email announcements with supporting intranet site
 - Posters
 - A pocket-sized card for quick reference
 - A flyer attachment to employee payslips
 - Announcements through corporate communications, for example, In touch magazine, manager bulletin
 - A manager briefing event
 - Awareness raising by HR Business Partners through DMT's.

RECOMMENDATIONS

2.1 To approve the revised Employee Code of Conduct.

REASONS FOR RECOMMENDATIONS

3.1 To ensure the code is consistent with the recommendations of the audit report in June 2011.

OTHER OPTIONS CONSIDERED

5.1 None

For more information contact:
Background papers:
List of appendices:

Karen Jewell 01332 643724 e-mail karen.jewell@derby.gov.uk
None
Appendix 1 – Implications
Appendix 2 – Proposed new code

IMPLICATIONS

Financial and Value for Money

- 1.1 None.

Legal

- 2.1 The revised code strengthens the Council's position in terms of managing potential bribery and corruption, protecting its reputation and adherence to the Bribery Act 2010.
- 2.2 Under Article 4 of the Council Constitution, Council is required to approve non-executive policies that do not form part of the Policy Framework and which have not been delegated. This applies to the Employee Code of Conduct. The proposed changes would also result in a Constitutional change, another responsibility reserved for Council.

Personnel

- 3.1 The code will be subject to formal agreement through the normal negotiating machinery which includes Conditions of Service Working Party, Corporate Joint Committee and Full Council.
- 3.2 The code is in addition to and designed to be read in conjunction with the disciplinary rules (within the disciplinary policy). Any breach of the code will be treated as a disciplinary matter.

Equalities Impact

- 4.1 An equality impact assessment was carried out on 4 October 2011 which found no adverse impact on equality groups. The only equality objective that was set is to provide the code in alternative formats/languages where required.

Health and Safety

- 5.1 None

Carbon commitment

- 6.1 None

Asset Management

- 7.1 None.

Risk Management

- 8.1 None.

Corporate objectives and priorities for change

- 9.1 Good quality services that meet local needs
A skilled and motivated workforce



Public and Member Questions at Full Council Meetings

SUMMARY

- 1.1 It was agreed at the Policy Co-ordination Group meeting on Tuesday 12 July to look at the way the council manages questions at meetings of the Full Council. This followed concerns that, very often, the majority of the first two hours of the meeting is concerned with questions, providing little time for the remaining business.
- 1.2 The arrangements for questions at 10 other unitary authorities in the midlands and north have been examined in compiling this report, namely: Birmingham, Doncaster, Leeds, Leicester, Kirklees, Manchester, Nottingham, Rotherham, Sheffield and Stoke.
- 1.3 Any changes to the current arrangements would require a Constitutional amendment, permitted only by resolution of Full Council. Prior to this report coming to Council it has received the approval of Policy Co-ordination Group and Members' Steering Group.

RECOMMENDATION

- 2.1 To support for the adoption of the model used in Sheffield, detailed in 4.12 to 4.16, and resultant amendments to the Council Constitution.
- 2.2 To support the removal of public and member questions at the Budget-setting Council Meeting, detailed in 4.17 and 4.18.

REASONS FOR RECOMMENDATION

- 3.1 To ensure the council is able to continue allowing a high level of democratic accountability through public and member questions, while also freeing more time for the consideration of other business at Full Council meetings.

SUPPORTING INFORMATION

- 4.1 The council's arrangements for public and member questions have been compared with those of 10 other unitary authorities. The overwhelming conclusion is that Derby's arrangements exceed those of other authorities in terms of enabling democratic accountability through public and member questions. This is discussed in more detail in the following paragraphs, and is displayed in tabular form in Appendix 2.

Public questions

- 4.2 Birmingham, Manchester and Leeds offer no opportunity at all for public questions. Sheffield offers the opportunity at every other meeting. Nottingham and Leicester provide no opportunities for public questions at their Annual Meetings, while additionally Leicester provides no opportunity for public question at its budget-setting meeting.
- 4.3 Of the seven authorities that do allow public questions, two allow a shorter time period for public questions than permitted in Derby (20 mins in Leicester, 15 minutes in Kirklees). The remaining five provide the same 30-minute allocation as in Derby.
- 4.4 Kirklees and Nottingham provide no opportunity for supplementary questions, which are allowed in Derby.
- 4.5 Doncaster, Rotherham and Leicester have greater restrictions on the number of questions that can be asked by an individual than Derby. In Derby, members of the public are currently restricted to a maximum of two questions per meeting.
- 4.6 Stoke, Doncaster and Rotherham impose a word number restriction on public questions. There is no restriction in Derby.

Member questions

- 4.7 All the 10 authorities provide for member questions at their Full Council meetings, save that Leicester prohibits any questions at its Annual Meeting and budget setting meeting.
- 4.8 Leeds, Birmingham, Kirklees, Doncaster and Sheffield time limit member questions for between 30-60 minutes. There is no time restriction in Derby.
- 4.9 Birmingham, Manchester, Nottingham and Kirkless provide no opportunity for supplementary questions, which are allowed in Derby.
- 4.10 Manchester, Doncaster and Nottingham restrict the number of questions a member can ask. There is no restriction in Derby.
- 4.11 Stoke, Doncaster and Rotherham impose a word number restriction on member questions. There is no restriction in Derby.

The Sheffield model

- 4.12 Sheffield City Council has adopted an approach that enables questions to be asked without imposing too heavily on the four-hour time limit on its meetings. This is detailed below.
- 4.13 In Sheffield, questions are put in advance so that officers can assist Cabinet Members and Committee Chairs in compiling a response, much in the same way as happens in Derby. However, the answers are published in advance of the meeting and are not read out at the meeting. Only supplementary questions are put and answered orally at the meeting.

- 4.14 This approach has a number of benefits. Specifically, it:
- Provides questioners with more time to consider an appropriate and valid supplementary question. There have been issues in the past where supplementary questions bore little relation to the response received to the first question.
 - Enables a swifter publication of the questions and answers. At present this takes place within two weeks of the meeting.
 - Reduces the amount of time spent on questions, freeing more time for other Full Council business and reducing the risk of meetings being extended or extraordinary meetings being called.
- 4.15 If Derby was to adopt this approach, it is proposed that questions and their answers would be made available by 5pm in order that groups could consider them at group meetings. Hard copies would be provided to public questioners. An electronic version would be published on CMIS so that, when webcasting is up-and-running following the return to the Council House, online viewers could follow proceedings. Existing deadlines are detailed in Appendix 3.
- 4.16 To successfully facilitate this, it would be necessary to amend the existing deadlines for the submission of councillor questions to cabinet members, bringing the deadline forward by 24 hours to 12 noon two days before the meeting.

The Budget-setting Council meeting

- 4.17 Due to circumstances, there were no public or member questions at the Budget-setting Council meeting in March 2011. This worked well and allowed the tradition of unlimited speech time for the group leaders without the meeting over-running.
- 4.18 Although adopting this approach permanently would be a slight reduction in the opportunity to ask questions, it would reflect similar arrangements at our local comparator authorities (Leicester and Nottingham) and would enable members to concentrate on the key business of setting Council Tax and an annual budget at that meeting.

Adoption of changes

- 4.17 Adoption of these proposed changes would require amendments to the Council Constitution (rules CP11-CP31). This requires the approval of Full Council.

OTHER OPTIONS CONSIDERED

- 5.1 An alternative would be for the council to take any combination of the following steps, already adopted by the other authorities which have been examined:
- a) Reducing the time limit on public questions
 - b) Imposing a new time limit on member questions
 - c) Restricting the number of questions a member can put at a meeting
 - d) Removing the right to a supplementary question
 - e) Imposing a word limit on questions.
- 5.2 However, any of the above would be a significant reduction in the public/members' rights to ask questions compared to the current arrangements.

- 5.3 The start time of Full Council could be brought forward by one hour to 5.00pm, to allow more time for public and member questions. A separate report to Members Steering Group on 'Timings of meetings of the Full Council' identifies problems that could arise from this approach.

This report has been approved by the following officers:

Legal officer	Stuart Leslie, Director of Legal and Democratic Services
Financial officer	Not Applicable
Human Resources officer	Not Applicable
Service Director(s)	Stuart Leslie, Director of Legal and Democratic Services
Other(s)	Phil O'Brien, Head of Democratic Services

For more information contact:	David Walsh 01332 643655 david.walsh@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Matrix of public/member question arrangements elsewhere Appendix 3 – Existing deadlines relating to Full Council questions

IMPLICATIONS

Financial and Value for Money

1.1 None.

Legal

2.1 None. Allowing public/member questions is entirely discretionary.

Personnel

3.1 None.

Equalities Impact

4.1 None.

Health and Safety

5.1 **None.**

Environmental Sustainability

6.1 **None.**

Asset Management

7.1 None.

Risk Management

8.1 None.

Corporate objectives and priorities for change

9.1 None.

Appendix 2

	Control	DERBY	BIRMINGHAM	DONCASTER	LEEDS	LEICESTER	KIRKLEES	MACNHESTER	NOTTINGHAM	ROTHERHAM	SHEFFIELD	STOKE
Public	Are the public given an opportunity to ask questions at Full Council meetings?	Yes	No	Yes	No	Partly	Yes	No	Partly	Yes	Partly	Yes
	Are supplementary questions allowed?	Yes	-	Yes	-	Yes	No	-	No	Yes	Yes	Yes
	What is the time restriction in minutes?	30	-	30	-	20	15	-	30	30	30	30
	What is the limit on the number of questions an individual can ask in a year?	12	-	6	-	6	None	-	None	6	None	-
	What is the word restriction?	None	-	100	-	None	None	-	None	50	None	150
Member	Are non-executive members given an opportunity to ask questions at Full Council meetings?	Yes	Yes	Yes	Yes	Partly	Yes	Yes	Yes	Yes	Yes	Yes
	Are supplementary questions allowed?	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
	What is the time restriction in minutes?	None	30	60	30	None	30	None	None	None	30	None
	What is the limit on the number of questions an individual can ask in a year?	None	None	1	None	None	None	1	12 (all)	None	None	None
	What is the word restriction?	None	None	100	None	None	None	None	None	50	None	None

Appendix 3

EXISTING DEADLINES

Public Questions

- Questions must be submitted by 12pm on the day the agenda is distributed (usually eight calendar days before the meeting).
- Final responses must be returned to Constitutional Services by 10am two days before the meeting.

Member Questions

- Questions must be submitted by 12pm on the day before the meeting
- Final responses must be returned to Constitutional Services by 10am on the day of the meeting

Publication of Responses

- Question and Answer packs are provided to Cabinet Members and Chief Officers at the earliest opportunity on the day of the meeting.
- All responses are published within two weeks of the meeting taking place.



DESIGNATION OF PUBLIC PLACES ORDER – MACKWORTH

SUMMARY

- 1.1 The proposal is to make a Designation of Public Places Order (DPPO) for Mackworth.
- 1.2 The order will, if approved, restrict anti-social drinking in public places and give the police much greater enforcement powers, including the power of arrest.

RECOMMENDATION

- 2.1 To approve the introduction of a DPPO in respect of land in Mackworth listed in Appendix 2 and shown on the plans at Appendix 3.
- 2.2 To authorise the Director of Legal and Democratic Services to make the DPPO and make arrangements for it to be advertised in a local newspaper and for signs to be erected in the designated area.

REASONS FOR RECOMMENDATION

- 3.1 To introduce measures to tackle anti-social behaviour in the area.

SUPPORTING INFORMATION

Effect of Designation

- 4.1 The effect of a DPPO is that the Police will have the power to require a person in the designated area not to drink where a police officer believes that the person is, has or intends to do so. The officer can also require the person to surrender any alcohol. Failure to comply with the officer's request, without reasonable excuse, is an arrestable offence.

Criteria for Designation

- 4.2 The law is not intended to lead to a complete ban on drinking in the open air but rather to restrict drinking which is associated with nuisance or annoyance to the public.

- 4.3 Before making a DPPO a local authority should be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a DPPO is appropriate.
- 4.4 The Home Office guidance stresses that local authorities will want to satisfy themselves that their powers are not being used disproportionately or in an arbitrary fashion and comments that “clearly there should be evidence of an existing problem with an assessment of the likelihood that the problem will continue unless these powers are adopted”.

Consultations with the Police

- 4.5 The Police have been consulted on the proposed DPPO for Mackworth and a copy of the response from the local Acting Area Inspector is attached as Appendix 4. In his response the Acting Inspector comments that “whilst the police have some powers to deal with drunkenness often we are called once someone has been affected by this anti-social behaviour. The additional powers that a DPPO bring allow us to be more pro-active in our approach to prevent this behaviour at a much earlier stage”.
- 4.6 The Police were originally consulted in 2009 when the then Local Area Inspector commented that the police “can send a strong message to the law abiding public that we are there to support them whilst at the same time ensuring that those who do commit offences or cause a nuisance through public drinking will be positively dealt with”. At that time, it was proposed that the DPPO would cover a larger area of land, but prior to such an order being made the new Local Area Inspector reviewed the proposal in detail and decided that a DPPO covering a lesser area in Mackworth would be as effective.

Other Consultees

- 4.7 In addition to consulting the Police, before making a DPPO the Council must also:
- consult premises licence holders which it considers may be affected by the designation; and
 - take reasonable steps to consult the owners and occupiers of land to be included in the DPPO
- 4.8 Letters of consultation have therefore been sent to relevant premises licence holders and various private landowners. No representations have been received.

Public Notices

- 4.9 Public notices were first published in September 2010 in respect of the larger area of land referred to in paragraph 4.6 above.
- 4.10 A public notice advertising the proposed order relating to the smaller area of land was published in the Derby Evening Telegraph on 26 August 2011 (Appendix 5). No representations were received.

Next Steps

- 4.11 Before a DPPO can take effect the Council have to publish a further notice in a local newspaper and erect signs warning of the effects of the DPPO to ensure the public are made aware of the restrictions upon public drinking within the DPPO.
- 4.12 The Police, together with the Council's Planning, Highways and Parks Officers and the Council's street lighting contractor, Balfour Beatty, have been consulted on the location of the proposed signs, most of which will be affixed to lamp-posts within the Designated Public Place.

OTHER OPTIONS CONSIDERED

- 5.1 None

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Stuart Leslie
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For more information contact: Background papers: List of appendices:	Name 01332 643581 E-mail: diane.whittaker@derby.gov.uk None Appendix 1 – Implications Appendix 2 – List of streets/land to be included
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IMPLICATIONS

Financial

- 1.1 The cost of advertising the proposed DPPO to date is £1,372.22. It is estimated that a further sum of approximately £300.00 will be spent again on advertising if the designation is approved. It is also estimated that the signs will cost approximately £1,600.00 to order and attach.
- 1.2 There is currently a budget of £7,500 held by Derby Homes for this scheme.

Legal

- 2.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006) give local authorities the power to introduce a Designated Public Places Order and the designation procedure is set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

Personnel

- 3.1 None

Equalities Impact

- 4.1 None

Health and Safety

- 5.1 None

Carbon commitment

- 6.1 None

Asset Management

- 7.1 None

Corporate objectives and priorities for change

- 8.1 SSC2 To improve levels of safety and cleanliness and to develop confidence and pride across communities and neighbourhoods:

Appendix 2

LIST OF STREETS/LAND TO BE DESIGNATED:

Area 1

Brackensdale Avenue
Carnaby Close
Collingham Gardens
Fulham Road
Greenland Avenue
Greenwich Drive South
Highgate Green
Humbleton Drive
Ilford Road
Ilford Walk
Kew Gardens
Knightsbridge
Laburnham Grove
Leytonstone Drive
Lilac Avenue
Norwood Close
Osterley Green
Peckham Gardens
Southwark Close
Woburn Place

Area 2

Aldwych
Balham Walk
Barnes Green
Ealing Close
Harlesden Avenue
Holborn Drive
Hyde Park Road
Morden Green
Mornington Crescent
Prince Charles Avenue
Willesden Avenue
Wimbledon Road

Area 3

Cheviot Street Recreation Ground
Morley Street



Appointment of representative to Spondon Relief in Need

SUMMARY

- 1.1 At the Annual Meeting of Council in May, members opted not to appoint a replacement representative to Spondon Relief in Need to replace Mr Peter Berry, whose term of office was due to expire on 8 September 2011. The second council nominee is Councillor Poulter, whose term of office runs until 30 June 2012.
- 1.2 Mr Berry's term of office has now expired. The Secretary to Spondon Relief in Need has proposed that Mr Berry be reappointed for a further four-year term. Although in the past council appointees have been sitting councillors, the three group leaders have been consulted on this proposal and raised no objection.

RECOMMENDATION

- 2.1 To appoint Mr Peter Berry to Spondon Relief in Need for a four-year term expiring on 22 November 2015.

REASONS FOR RECOMMENDATION

- 3.1 There were no councillor nominations to fill this vacancy at the Annual Meeting.

SUPPORTING INFORMATION

- 4.1 Spondon Relief in Need is among nine charities to which Council currently appoints representatives to sit on a board of trustees. The charity's objective is to make grants to people in Spondon who are in need or hardship.

OTHER OPTIONS CONSIDERED

- 5.1 Unless members make an alternative nomination, the only remaining option is to allow the position to remain vacant. This is not considered appropriate where avoidable.

This report has been approved by the following officers:

Legal officer	Stuart Leslie
Financial officer	N/A
Human Resources officer	N/A
Service Director(s)	Stuart Leslie
Other(s)	Phil O'Brien

IMPLICATIONS

Financial and Value for Money

1.1 None.

Legal

2.1 Appointment of representatives to outside bodies and charities is a non-executive matter which has not been delegated, meaning it requires a decision of Council.

Personnel

3.1 None.

Equalities Impact

4.1 None.

Health and Safety

5.1 None.

Environmental Sustainability

6.1 None.

Asset Management

7.1 **None.**

Risk Management

8.1 None.

Corporate objectives and priorities for change

9.1 None.