

Time commenced - 6.00 pm
Time adjourned - 10.00 pm

COUNCIL MEETING 22 NOVEMBER 2006

Present: The Mayor (Councillor Ahern)
Councillors Afzal, Allen, Banwait, Baxter, Berry, Bolton, Care, Chera,
Dhamrait, Dhindsa, Gerrard, Ginns, Graves, Hickson, Higginbottom, Hird,
Hussain, Ingall, Jackson, Jones, R Khan, S Khan, Latham, Leeming,
Liversedge, Lowe, MacDonald, Marshall, Mitchell, Nath, Poulter, Rawson,
Redfern, Richards, Roberts, Samra, Skelton, Smalley, Tittley, Travis, Troup,
Turner, Webb, West, Williams, Williamson, Winter, Wynn

Apologies for Absence

Apologies for absence were received from Councillors Carr and Harbon

Declarations of Interest

Councillor Troup declared a personal interest in Motion 4 (Minute No. 52/06) as he was a member of the Derby Cycling Group.

Councillor Chera declared a personal interest in Minute No. 93/06 of the Council Cabinet, Replacement of Sinfin Community School, as he was a governor of the school.

Announcements from the Mayor

The Council stood in silence in memory of the late former Councillors Colin Brown and Harold Johnson. Tributes to the former councillors were paid by Councillors Skelton, Smalley, Webb and Williamson.

The Mayor congratulated, and presented certificates to, councillors who participated in the recent Your City Your Voice Event. He also presented a photograph to the winning councillor, Councillor Smalley.

The Mayor reported that he had received a certificate in respect of the Council's involvement in the Reserve Services and said that he would pass this onto the relevant officer at the Stores Road Depot.

The Mayor referred to the Annual Christmas Party for Older People to be held on 18 December 2006. He also reminded Members of the Mayor's Christmas Party for Members and staff to be held on 20 December 2006.

44/06 Minutes of the Previous Meeting

Resolved that the minutes of the Meeting of the Council held on 13 September 2006 be approved as a correct record, confirmed and signed by the Mayor.

45/06 Statements by Members of the Council Cabinet

Two Statements were made by Councillor Wynn, Council Cabinet Member for Planning and Transportation, concerning...

- the Award of Accreditation under the Environmental Management System ISO 14001 for Pride Park
- the receipt of a national Green Apple Award at Gold Standard for the Council's work in protecting ponds.

46/06 Public Questions

Questions from members of the public were asked as follows:

1. By Mr M Holmes, concerning congestion problems, public transport facilities and new bus lanes, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.
2. By Mr T Dunn, concerning the proposed buildings to be included in the Riverlights development, answered by Councillor Williamson, Leader of the Council and the Council Cabinet Member for Corporate Policy.
3. By Mr T Dunn, concerning the adequacy of temporary bus shelters, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.
4. By Mr M Sear, concerning actions to reduce carbon emissions, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.
5. By Mrs P Abreu, concerning the Council's internal actions to combat the effects of climate change, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.

6. By Mrs P Abreu, asking what were the benefits of the 'Cabinet Style System' of local government to Derby, answered by Councillor Williamson, Leader of the Council and the Council Cabinet Member for Corporate Policy.

47/06 Written Questions about the Business or Functions of Derbyshire Police Authority or Derbyshire Fire Authority

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

48/06 Written Questions from Non-Council Cabinet Members to Members of the Council Cabinet

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

1. By Councillor Leeming, seeking information on the ownership by Derbyshire County Council of land, buildings and car parks within Derby City boundary, answered by Councillor Roberts, Council Cabinet Member for Personnel, Performance Management and Economic Development.
2. By Councillor Care, asking what consideration had been given to involving local communities in plans to meet the requirements of the Derby Declaration on Climate Change, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.
3. By Councillor Hird, concerning the future of the pool on the University site at Mickleover, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
4. By Councillor Poulter, concerning provision for gypsies and travellers within the draft East Midlands Regional Plan of the East Midlands Regional Assembly, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.
5. By Councillor Berry, concerning the allocation of funding from the Neighbourhood Renewal Strategy to the Asterdale Estate in Spondon, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.
6. By Councillor Liversedge, concerning the allocation of funding from the Neighbourhood Renewal Strategy to the Woodlands Estate in Chellaston, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.

7. By Councillor Williams, concerning the consideration of the report of the Children and Young People's Commission, relating to children looked after, by the Council Cabinet, answered by Councillor Williamson, Leader of the Council and the Council Cabinet Member for Corporate Policy.
8. By Councillor Williams, concerning underspends in the external funding budgets, answered by Councillor Nath, Council Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy.
9. By Councillor Skelton, concerning the Council's response to the Local Government White Paper 'Strong and Prosperous Communities', answered by Councillor Williamson, Leader of the Council and the Council Cabinet Member for Corporate Policy.
10. By Councillor Samra, asking what steps the Council are taking to improve the standard of Hackney Carriage and Private Hire vehicles in the city, answered by Councillor Redfern, Chair of the Taxi Licensing and Appeals Committee.

49/06 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, on the motion of Councillor Williamson, to approve the minutes and recommendations of the Council Cabinet dated 3 and 31 October 2006.

50/06 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 B to these minutes.

Resolved, on the motion of Councillor Tittley, to approve the minutes and recommendations of the Audit and Accounts Committee dated 28 September 2006.

51/06 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 C to these minutes.

Resolved, on the motion of Councillor Redfern, to approve the minutes and recommendations of the General Licensing Committee dated 18 October 2006.

52/06 Notices of Motion

1. *Election Campaign Protocol*

Resolved, on the motion of Councillor Williamson, that the Council is keen to promote the highest standards of ethical behaviour. It is proud of its reputation in this respect. The Council is however keen to extend this reputation into local election campaigns.

Council therefore calls upon the Leaders of the three political groups represented on the Council to enter into a protocol under which they commit their respective groups and political parties when campaigning for local elections...

- **not to misrepresent policies of the other groups or parties;**
- **not to make assertions which have no factual basis, and**
- **to comply with any Codes of Practice issued by the Electoral Commission.**

2. *Postal and Proxy Voting Procedures*

It was moved by Councillor Hickson, and seconded, that the recent conviction of two Liberal Democrat councillors for vote rigging raises serious concerns about the integrity of the postal vote process.

In this particular case, the two Liberal Democrat councillors in Burnley took advantage of an all postal vote to secure a victory at a Local Government election by illegal use of postal proxy votes.

The Judge in the case said these were serious offences and sentencing is due on 23 November.

In view of the damage caused to public confidence in the postal voting process by fraudulent actions of Liberal Democrat councillors, urgent action needs to be taken in Derby to protect public confidence in the postal vote system in Derby.

Council therefore asks the Director of Corporate Services to:

1. Prepare robust and clear guidance on postal and proxy vote procedures.
2. Prepare a report to Council clearly laying out the procedures in the city so that Council can be as confident as it can that such abuses cannot occur in Derby,
3. Prepare a Good Practice Protocol that Council will require to be signed annually by all political parties and independents which will bind them to lawful, honest and best practices regarding postal and proxy votes.

It was moved by Councillor Care, and seconded, that the motion be amended by the deletion of the first, second and third paragraphs and all words in the fourth paragraph after the word 'by', and by the insertion of the words 'criminal activity by a tiny minority of individuals from all political parties' after the word 'by' and the words 'and to meet the requirements of the Electoral Administration Act 2006' at the end of the motion.

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

"In view of the damage caused to public confidence in the postal voting process by criminal activity by a tiny minority of individuals from all political parties. Council therefore asks the Director of Corporate and Adult Social Services to:

1. Prepare robust and clear guidance on postal and proxy vote procedures.
2. Prepare a report to Council clearly laying out the procedures in the city so that Council can be as confident as it can that such abuses cannot occur in Derby,
3. Prepare a Good Practice Protocol that Council will require to be signed annually by all political parties and independents which will bind them to lawful, honest and best practices regarding postal and proxy votes and to meet the requirements of the Electoral Administration Act 2006.")

The amendment was put to meeting and lost.

Resolved that the recent conviction of two Liberal Democrat councillors for vote rigging raises serious concerns about the integrity of the postal vote process.

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3. Prepare a Good Practice Protocol that Council will require to be signed annually by all political parties and independents which will bind them to lawful, honest and best practices regarding postal and proxy votes."

3. *Gayton School Swimming Pool*

It was moved by Councillor Marshall, and seconded, that Council notes with concern the threat of closure of the Gayton School swimming pool at Gayton School in Blagreaves Ward.

The loss of this facility so soon after the closure of the Lancaster Sports centre would be particularly disastrous for residents in Blagreaves especially when viewed against the Council's stated priority of building healthy and independent communities by delivering joined up services for children and young people that meet the needs of the local community.

Council therefore calls upon the Council Cabinet to provide the necessary funding to ensure the survival of the Swimming Pool at Gayton School in Blagreaves acknowledging that this is a vital local facility used by a large number of local school children.

It was moved by Councillor Roberts, and seconded, that the motion be amended by the deletion of the words 'threat of closure', 'so soon after the closure of the Lancaster Sports Centre would be particularly disastrous for residents in Blagreaves especially when viewed against the Council's stated priority of building healthy and independent communities by delivering joined up services for children and young people that meet the needs of the local community', 'provide the necessary funding to ensure the survival of the swimming pool at Gayton School in Blagreaves acknowledging that this is a vital local facility used by a large number of local school children', and the insertion of the words 'poor condition of', 'which has led to the decision to consider closing the facility', 'could cause concern amongst some residents in Blagreaves – particularly the swimming club members', 'carefully examine the situation, recognising that the costs to replace the pool are estimated at over £3,000,000 it further calls on the Cabinet to set up an all party working group to identify funding sources that will either mean identifying cuts that will be necessary elsewhere if £3,000,000 is to be used for a replacement pool or an external funding stream.'

The amendment was put to the meeting and carried.

Resolved that Council notes with concern the poor condition of the Gayton School swimming pool at Gayton School in Blagreaves Ward which has led to the decision to consider closing the facility.

The loss of this facility could cause concern amongst some residents in Blagreaves, particularly the swimming club members.

Council therefore calls upon the Council Cabinet to carefully examine the situation, recognising that the costs to replace the pool are estimated at over £3,000,000; it further calls on the Cabinet to set up an all party working group to identify funding sources that will either mean identifying cuts that will be necessary elsewhere, if £3,000,000 is to be used for a replacement pool, or an external funding stream.

4. Cycling in Pedestrianised Areas

Resolved, on the motion of Councillor Hickson, that Council notes with concern moves to weaken the pedestrianisation of the city centre by allowing cycling.

Such a move would detrimentally affect the safety of the city centre both for pedestrians and particularly disabled and visually impaired citizens who would be put at considerable risk by such a move.

Council therefore calls on the Leader of the Council Cabinet to make a clear and unambiguous public statement that no such alterations to any pedestrianised areas will be allowed and that the public will continue to enjoy the safety and benefits of city centre pedestrianisation.

5. Home Care Charges – Self Assessment Process

Resolved, on the motion of Councillor Smalley, that in view of the public confusion surrounding the self assessment process for Home Care Services Council requests that the relevant Overview and Scrutiny Commission examine the self assessment process as a matter of urgency and send an urgent report to Cabinet with recommendations for making the process easier to understand and to complete.

6. Gayton School Swimming Pool

The Mayor ruled that the motion on the Council Agenda, to be moved by Councillor Skelton and seconded by Councillor Troup, would not be debated as the issue had already been dealt with under Motion 3.

In accordance with Rule CP10, the meeting finished at 10pm and the remaining business was to be considered at a time and date to fixed by the Mayor or, if he did not fix a date, at the next ordinary meeting of the Council.

MAYOR

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL
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COUNCIL CABINET 3 OCTOBER 2006

Present: Councillor Williamson (Chair)
Councillors Bolton, Graves, Hickson, Hussain, Nath,
and Wynn

In Attendance Councillors Care

This record of decisions was published on 5 October 2006. 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.

Key Decision

88/06 Environmental Crime – an Enforcement and Education Strategy

The Council Cabinet considered a report on Environmental Crime – an Enforcement and Education Strategy which stated that Derby was not the worst city for environmental crime. However, there were areas of the city with significant problems. Tackling environmental crime was an important factor in improving the quality of life for communities. If left unchecked, these crimes could blight areas and lead to conditions where other crime and disorder happens. Local environmental crime included littering, fly tipping, abandoned vehicles, fly posters, graffiti and other nuisance behaviour that affected the local environment. The Council needed an enforcement and educational strategy to tackle these problems. In particular, council officers needed to be fully trained in all aspects of enforcement and then authorised to carry out the various enforcement actions needed. Enforcement action which was carried out must be proportionate to the offence committed. All enforcement staff would be accountable to the Council and the Public for any action they took.

Options considered

No other options were considered.

Decision

1. To approve the Environmental Crime Enforcement and Education Strategy set out in Appendix 2 of the report.
2. To recommend Council to delegate authority to the
 - a. • Assistant Director – Local Environment
 - b. • Assistant Director – Regeneration
 - c. • Assistant Director – Environmental Health and Trading Standards
 - d. • Assistant Director – Highways and Transportation
 - e. to authorise competent and trained staff to take action on environmental crime and amend the Constitution to reflect the new powers.
3. To allow officers to consult with other city agencies and the public in order to agree a Derby City Partnership Environment Crime Strategy. In particular, to seek commitments to multiple agency joint action to tackle environmental crime. The final strategy would be brought back to Council Cabinet for approval.
4. To recommend Council to adopt the power to issue fixed penalty notices by appropriately authorised staff. The use of fixed penalties would be in accordance with current guidance and advice.
5. To recommend Council to delegate authority to the Assistant Director - Environmental Health and Trading Standards, the Assistant Director – Regeneration, the Assistant Director – Local Environment and the Assistant Director – Highways and Transportation to make decisions on whether persons should face legal prosecution for non payment of Fixed Penalty fines. To approve that the proposed fixed penalty amounts shown in table one of the report be implemented. To approve that the opportunity for discount for early payment within 10 days be adopted and the fixed penalty amounts be set at the default rates in cases where the amount was not fixed.
6. To approve that a study be undertaken to establish the feasibility of non-Council employees issuing Fixed Penalty notices.
7. To delegate the agreement of any emerging details relating to this strategy to the Director of Environmental Services and Director of Community and Regeneration in consultation with the appropriate Cabinet Member.

Reason

At present limited action was taken to tackle environmental crime. For instance, the Anti Social Behaviour Team and the Police target those responsible for graffiti. Environmental Health has a good record of dealing with abandoned vehicles. However, the majority of environmental crime is only cleared up and no action is taken against the culprits. This is very costly to the City Council and has a major impact on the cleanliness of the city.

93/06 Replacement of Sinfin Community School

The Council Cabinet considered a report on the Replacement of Sinfin Community School which stated that following a major fire, on 22 March 2006, emergency remedial works and the installation of temporary accommodation had been undertaken to enable the school to re-open. It was noted that Rolls Royce employees had spent some time at the school helping to refurbish the remaining older blocks. The school was to be incorporated into the Building Schools for the Future (BSF) programme for re-building to provide 21st century facilities. BSF in Derby was likely to begin in 2009/10. Discussions with the DfES regarding provision of funding earlier than this had resulted in them giving an approval to £19m (less the insurance settlement) for rebuilding the facility early under the BSF pathfinder scheme. Consultation with all stakeholders including staff, governors, pupils and planners on proposals for the new facility was currently taking place along with feasibility work. The project was currently being advertised in the Official Journal of the European Union (OJEU) in accordance with procurement rules.

Options considered

This funding cannot be used for any other purpose other than that outlined in the conditions issued by the DfES.

Decision

1. To note the waiver of contract procedure rule C15 under C6 relating to appointment of design consultants to progress the scheme in order to meet delivery deadlines.
2. To recommend Council to approve the phasing of the project as detailed in appendix 1 and add the scheme to the Council's Capital Programme.
3. To approve the design and tendering process and start of the project.
4. To thank Rolls Royce for their help with works at the school.

Reasons

1. The school was currently operating from buildings that remained following the fire and temporary accommodation, which was less than ideal. The latter was currently being funded through an insurance settlement for a fixed period.
2. The availability of BSF funding at this time enabled the opportunity to provide a much improved 21st century facility rather than purely reinstating what was lost.
3. The funding detailed in Appendix 1 had been awarded on the condition that the new school was open in September 2008.

MINUTES OF AUDIT AND ACCOUNTS COMMITTEE REQUIRING THE APPROVAL OF COUNCIL
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Audit and Accounts Committee
28 September 2006

Review of the Terms of Reference

The Committee received a report from the Corporate Director Resources and Housing.

The Committee noted that CIPFA had produced some guidance on what should be included in Audit and Account Committee's Terms of Reference, and that the proposals would ensure compliance with this guidance.

Resolved to recommend Council to approve the proposed amendments to the Terms of reference of the Audit and Accounts Committee which were detailed in appendix 2 of the report.

MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL
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COUNCIL CABINET 31 OCTOBER 2006

Present: Councillor Williamson (Chair)
Councillors Bolton, Graves, Hickson, Latham, Nath, Roberts, Smalley and Wynn

In Attendance Councillor Jones

This record of decisions was published on 2 November 2006. 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

107/06 Corporate Asset Management Plan

The Council Cabinet considered a report on Corporate Asset Management Plan. The Corporate Asset Management Plan (AMP), produced annually, detailed arrangements for property asset management, gave an overview of key property issues facing the Council and strategies for resolving these, progress on last year's AMP and performance information.

The comments of the Scrutiny Management Committee were circulated at the meeting and noted.

Decision

To recommend Council to approve the Corporate Asset Management Plan.

108/06 Treasury Management Progress Report

The Council Cabinet considered a report on Treasury Management Progress Report. Treasury Management activity during the year had resulted in further savings for the Council, as a result of increasing interest rates for investment and lower borrowing rates, as well as a restructuring of existing debts. The prudential indicators needed further updating commensurate with the latest changes to the capital programme. A minor

update to the Treasury Strategy was required to make the formal documentation more consistent.

Decision

1. To note the progress report on Treasury Management during 2006/07.
2. To clarify that the Treasury Management Strategy allows all top twenty building societies to have a counterparty limit for investments of at least £6m.
3. To recommend Council to adopt the updated Prudential Indicators as set out in Appendix 2 of the report.

