

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend a meeting of the Derby City Council in the Council Chamber at the Council House, Derby on Wednesday 22 November 2006 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 13 September 2006. **DOCUMENT 3**

Motion - 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

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.
 1. Mr M Holmes to Councillor Wynn – Congestion problems
 2. Mr T Dunn to Councillor Williamson – Riverlights
 3. Mr T Dunn to Councillor Wynn – Bus shelters
 4. Mr M Sear to Councillor Wynn – Carbon Emissions
 5. Ms P Abreu to Councillor Wynn – Climate Change
 6. Ms P Abreu to Councillor Williamson – ‘Cabinet Style System’
7. To receive any written questions about the business or functions of the Derbyshire Police Authority or Derbyshire Fire Authority, and the answers to those questions.

No questions have been received.
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 minutes and recommendations of the Council Cabinet dated 3 and 31 October 2006 requiring the approval of the Council. **DOCUMENT 9
DOCUMENT 9C**

88/06 Environmental Crime – an Enforcement and Education Strategy

DOCUMENT 9A

1. To recommend Council to delegate authority to the

- Assistant Director – Local Environment
- Assistant Director – Regeneration
- Assistant Director – Environmental Health and Trading Standards
- Assistant Director – Highways and Transportation

to authorise competent and trained staff to take action on environmental crime and amend the Constitution to reflect the new powers.

93/06 Replacement of Sinfin Community School

DOCUMENT 9B

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.

107/06 Corporate Asset Management Plan

DOCUMENT 9D

To recommend Council to approve the Corporate Asset Management Plan.

108/06 Treasury Management Progress Report

DOCUMENT 9E

To recommend Council to adopt the updated Prudential Indicators as set out in Appendix 2 of the report.

Motion – To approve the minutes and recommendations of the Council Cabinet dated 3 and 31 October 2006.

10. To consider the minutes and recommendations of the Audit and Accounts Committee dated 28 September 2006 requiring the approval of the Council.

DOCUMENT 10

Review of the Terms of Reference

DOCUMENT 10A

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.

Motion – To approve the minutes and recommendations of the Audit and Accounts Committee dated 28 September 2006.

11. To consider the following Notices of Motion:

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

“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, to

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

(2) Councillor Hickson to move, Councillor Smalley to second:

“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 councillor 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.”

(3) Councillor Marshall to move, Councillor Smalley to second:

“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.”

- (4) Councillor Hickson to move, Councillor Smalley to second:

“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) Councillor Smalley to move, Councillor Hickson to second:

“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) Councillor Skelton to move, Councillor Troup to second:

“Council notes with concern the closure of the swimming pool at Gayton Community Junior School in July 2007.

This is a popular facility used by local schools and community groups.

There is very little, if any, spare capacity for more school swimming sessions at Moorways and Queens’ Leisure Centre pools.

Council therefore calls upon Cabinet to allocate £500,000 in the 2007/08 Capital Budget for the rebuilding of the swimming pool, changing rooms and community facilities at Gayton Community Junior School.”

- (7) Councillor Care to move, Councillor Allen to second:

“Council notes that the government’s aborted police merger plans cost Derbyshire Police £239,972 in ‘Opportunity’ costs and £58,469 in ‘Additional’ costs.

Council further notes that the government has stated that it will not repay the 'Opportunity' costs and will only repay £35,782 of the 'Additional' costs.

Council records its concern at the government's position regarding the repayment of costs to the Derbyshire Police. Council believes that the costs should be repaid in full by the government.

Council notes with concern the comments by the Chief Constable of Derbyshire Police, David Coleman, reported in the Derby Telegraph on the 30 October that Derbyshire Police are struggling financially due to a lack of proper funding from the government and that frontline police services could in future face cuts.

Council therefore agrees to write to the government to ask that they repay Derbyshire Police in full for both the 'Additional' and 'Opportunity' costs of the government's failed police merger."

12. To consider a Report of the Director of Corporate and Adult Social Services concerning Appointments to Outside Bodies and Charities and Urgent Non-Executive Decisions made by the Chief Executive

DOCUMENT 12

Motion:

1. **To note the Urgent Non-Executive Decisions made by the Chief Executive.**
2. **To approve the re-appointment of Independent Board Members Martin Latham and Tabani Ndlovu on the Derby Homes Board.**
3. **To approve the appointment of Councillor Roberts on the Local Government East Midlands – Regional Assembly for the remainder of the municipal year.**
4. **To approve the appointments to the charities detailed in the report.**

13. To consider a Report of the Director of Corporate and Adult Social Services and Monitoring Officer concerning Constitutional and Organisational Matters.

DOCUMENT 13

Motion - As the recommendation in the report

Director of Corporate and Adult Social Services
and Deputy Chief Executive

The Council House
Derby DE1 2FS
14 November 2006

COUNCIL MEETING 13 SEPTEMBER 2006

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

Apologies for Absence

Apologies for absence were received from Councillors Mitchell and Travis.

Declarations of Interest

The following councillors declared personal interests in Minute No. 75/06 of the Council Cabinet because they were governors of the following schools:

Councillor	School
Chera	Sinfin Community School
Redfern	Beaufort School
Dhamrait	Dale Primary School
Jackson	Boulton Primary School
Turner	Lord Street Community Nursery School
Wynn	Bemrose and Becket Schools
Rawson	De Vinci College
Banwait	Oakwood Primary School and Noel Baker Community School
Gerrard	Brackensdale Infant School
Higginbottom	Brackensdale Junior School
Troup	Bemrose School
Allen	St Clare's School
Roberts	Beaufort Street Primary School

Councillor Redfern also declared a personal interest in Minute No. 75/06 of the Council Cabinet as she was a member of the Board of Derby Homes.

Announcements from the Mayor

The Mayor reported that he had been present that week as a principal guest of the Royal Navy on the occasion of the decommissioning ceremony for HMS Sovereign at the Clyde Naval Base, Faslane. HMS Sovereign had been affiliated to Derby for 30 years.

The Mayor said that he had taken the salute at the last exercise of Freedom Rights by the Worcestershire and Sherwood Foresters Regiment on 2 August 2006 prior to the merging of the Staffordshire and Cheshire Regiments to form a new Mercian Regiment.

The Mayor reported that Derby had been successful in the recent East Midlands in Bloom Competition. The City had been named best city in its size and Spondon had been named best Urban Community. A presentation was made to representatives from Spondon.

36/06 Minutes of the Previous Meeting

Resolved that the minutes of the Meeting of the Council held on 19 July 2006 be approved as a correct record, confirmed and signed by the Mayor.

37/06 Statements by Members of the Council Cabinet

A Statement relating to A Level and GCSE results in the city was made by Councillor Bolton, Council Cabinet Member for Children and Young People.

38/06 Public Questions

There were no written questions from members of the public.

39/06 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.

40/06 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 Richards, concerning exclusivity rights for the St Helen's House Trust, answered by Councillor Smalley, Council Cabinet Member for Housing Management.
2. By Councillor Williams, concerning the allocation of the Youth Service Portfolio, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
3. By Councillor Harbon, concerning the consultation process in respect of Lancaster Sports Centre, answered by Councillor Graves, Council Cabinet Member for Leisure and Direct Services.
4. By Councillor Skelton, concerning underspends and vacancies within the Care Management and Learning Disability Day Services, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
5. By Councillor Skelton, concerning actions to deal with a projected overspend on the Home Support (Home Care and Direct Payment) Service, answered by Councillor Hussain, Council Cabinet Member for Adult Services.
6. By Councillor Care, concerning the 3 Cities New Growth Point Bid, answered by Councillor Wynn, Council Cabinet Member for Planning and Transportation.

41/06 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.

It was moved by Councillor Williamson, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 1 August and 5 September 2006.

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

"With the exception of the resolution in Minute No. 47/06 which be amended by the addition of the following words:

- '2. agree that the new, renamed Equality Forums continue to carry out the work programmes of the Advisory Committees, and to offer advice on reports

presented, until new protocols have been approved by the Council Cabinet, no later than January 2007.

3. appoint the following Champions to lead the new Equality Forums, chair meetings, participate in working groups to design the membership, process and work of the equality forums, and champion the relevant equality area:
 - Disabled People – Councillor Turner
 - Gender – Councillor MacDonald
 - Minority Ethnic Communities – Councillor Higginbottom
4. authorise the Director of Corporate and Adult Social Services, in consultation with the relevant Champion, to convene working groups of members of the former Advisory Committees and representatives of the extended membership to prepare the new protocols for the Equality Forums.”

(The effect of the amendment, if approved, was that the resolution in Minute No. 47/06 would read as follows:

“To recommend Council to:

1. approve the transformation of Advisory Committees to Equality Forums
2. agree that the new, renamed Equality Forums continue to carry out the work programmes of the Advisory Committees, and to offer advice on reports presented, until new protocols have been approved by the Council Cabinet, no later than January 2007.
3. appoint the following Champions to lead the new Equality Forums, chair meetings, participate in working groups to design the membership, process and work of the equality forums, and champion the relevant equality area:
 - Disabled People – Councillor Turner
 - Gender – Councillor MacDonald
 - Minority Ethnic Communities – Councillor Higginbottom
4. authorise the Director of Corporate and Adult Social Services, in consultation with the relevant Champion, to convene working groups of members of the former Advisory Committees and representatives of the extended membership to prepare the new protocols for the Equality Forums.”)

The amendment was put to the meeting and carried.

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

“with the exception of paragraph 3. of the resolution in Minute No. 50/06 which be amended by the addition of the words “subject to the amendment of the Corporate Priorities and Key Outcomes set out in Appendix 2 of the report as follows:

Priorities	Key outcomes
1. To improve the quality of life in Derby's neighbourhoods	<ul style="list-style-type: none"> • To reduce crime and anti-social behaviour • <u>To tackle persistent poverty, city-wide</u> • To reduce inequalities between neighbourhoods • To reinvigorate the city centre and river areas • To make Derby cleaner and greener • To provide greater opportunities for people to participate in decisions about <u>decision-making</u> for the area they live in • <u>To increase home energy efficiency and the amount of renewable energy in the city</u>
2. To encourage lifelong learning and achievement	<ul style="list-style-type: none"> • To provide early and effective support for under performing all schools to reduce the number of 'causing concern' schools especially those which are under-achieving • To improve educational attainment at <u>each</u> Key Stage and <u>at</u> GCSE levels • To raise skill levels to <u>help</u> improve the chances of securing employment <u>quality of life for all</u> • <u>To ensure adequate provision for under 5's across the city</u>
3. To build healthy and independent communities	<ul style="list-style-type: none"> • To promote healthy communities <u>living</u> • To improve the standard of social care for vulnerable adults and older people, <u>ensuring a seamless transfer for people if services are altered</u> • To deliver joined up services for children and young people that meet the needs of the local community
4. To deliver excellent services, performance and value for money	<ul style="list-style-type: none"> • To reduce inefficiency by improving business processes and ability to perform • To minimise Council Tax levels <u>improve Council services</u> and increase value for money • <u>To invest in energy efficiency and renewable energy across the Council</u>

(The effect of the amendment, if approved, was that paragraph 3. of the resolution in Minute No.50/06 would read as follows:

- “3. To confirm the Council’s four corporate priorities for 2007/8 and the process of integration of those priorities and the Corporate Plan to budget planning, subject to the amendment of the Corporate Priorities and Key Outcomes, set out in Appendix 2 of the report, as follows:

Priorities	Key outcomes
1. To improve the quality of life in Derby's neighbourhoods	<ul style="list-style-type: none"> • To reduce crime and anti-social behaviour • To tackle persistent poverty, city-wide • To reinvigorate the city centre and river areas • To make Derby cleaner and greener • To provide greater opportunities for people to participate in decision-making for the area they live in • To increase home energy efficiency and the amount of renewable energy in the city
2. To encourage lifelong learning and achievement	<ul style="list-style-type: none"> • To support all schools especially those which are under-achieving • To improve educational attainment at each Key Stage and at GCSE • To raise skill levels to help improve the quality of life for all • To ensure adequate provision for under 5's across the city
3. To build healthy and independent communities	<ul style="list-style-type: none"> • To promote healthy living • To improve the standard of social care for vulnerable adults and older people, ensuring a seamless transfer for people if services are altered • To deliver joined up services for children and young people that meet the needs of the local community
4. To deliver excellent services, performance and value for money	<ul style="list-style-type: none"> • To reduce inefficiency by improving business processes and ability to perform • To improve Council services and increase value for money • To invest in energy efficiency and renewable energy across the Council)

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:

Councillors Allen, Care, Carr, Ginns, Harbon, Hird, Jones, R Khan, Leeming, Lowe, Richards, Skelton, Troup, Winter (14).

The following Members voted against the amendment:

The Mayor (Councillor Ahern), Councillors Afzal, Banwait, Baxter, Bolton, Chera, Dhamrait, Dhindsa, Gerrard, Graves, Higginbottom, Hussain, Ingall, Jackson, S Khan, MacDonald, Nath, Rawson, Redfern, Roberts, Tittley, Turner, Williamson, Wynn (24).

Councillors Berry, Hickson, Latham, Liversedge, Marshall, Poulter, Samra, Smalley, Webb, West and Williams abstained.

The amendment was declared lost.

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

“With the exception of paragraph 1. of the resolution in Minute No. 75/06 which be amended by the addition of the words ‘subject to the addition in 2006/07 and 2007/08 of £1,172,000 for an expansion to Springwood Leisure Centre to accommodate a larger gym and library facility as detailed in the supporting document now submitted.’”

The Council considered an additional Appendix to the Council Cabinet report on the Capital Programme Update 2006/07 entitled “Extension to Springwood Leisure Centre, Oakwood including Creation of an Integrated Library Facility”.

(The effect of the amendment, if approved, was that paragraph 1. of the resolution in Minute No. 75/06 would read as follows:

“1. To recommend Council to approve a revised capital programme for 2006/76 to 2008/9 as set out in the report, with the 2007/8 and 2008/9 programme having indicative status consistent with previous Cabinet decisions, other than where full scheme commencement approval has been given, subject to the addition in 2006/07 and 2007/08 of £1,172,000 for an expansion to Springwood Leisure Centre, to accommodate a larger gym and library facility, as detailed in the supporting document now submitted.”)

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 1 August and 5 September 2006, as amended.

42/06 Notices of Motion

1. *Appointments to Committees*

It was moved by Councillor Williamson, and seconded, to appoint Councillor Jackson in place of Councillor Roberts as a member of the General Licensing Committee and Taxi Licensing and Appeals Committee for the remainder of the current municipal year.

It was moved by Councillor Hickson, and seconded, that the motion be amended by the insertion of the words “and Councillor Smalley in place of Councillor Samra on the Conservation Area Advisory Committee” between the words “committee” and “for”. The amendment was put to the meeting and carried.

Resolved to appoint Councillor Jackson in place of Councillor Roberts as a member of the General Licensing Committee and Taxi Licensing and Appeals Committee, and Councillor Smalley in place of Councillor Samra on the Conservation Area Advisory Committee, for the remainder of the current municipal year.

2. *Garden Spaces*

It was moved by Councillor Samra, and seconded, that this Council notes with concern:

- Derby's gardens are under increasing threat of unwanted development and infill due to insufficient protection for green spaces in planning regulations passed by John Prescott.
- The Government's density targets in PPG3 and draft PPS3, combined with regional building targets, are resulting in new homes being the wrong size and shape compared to public demand for new family homes with gardens and sufficient parking.

The forthcoming council tax revaluation in England may target homes with gardens and home improvements with higher bills, without any improvement in public services.

Therefore, this Council resolves to write to Ruth Kelly, Secretary of State for Communities and Local Government, calling for the new version of PPS3 to:

- give local planning authorities greater discretion to protect communities from inappropriate over-development and maintain the character of local neighbourhoods
- re-designate gardens from being classified as brownfield land for planning purposes
- give councils greater freedom to set their own parking and density standards in new residential developments
- acknowledge that local councillors are committed to giving local people a greater say on planning decisions and for more affordable homes to be built with gardens and sufficient garden space.

It was moved by Councillor Wynn, and seconded, that the motion be amended by:

The deletion of the words "threat of unwanted", "regulations", "being the wrong size and shape compared to public demand for new family homes with gardens and sufficient parking", "the forthcoming Council Tax revaluation in England may target homes with gardens and home improvements with higher bills, without any improvement in public services", "re-designate gardens from being classified as brownfield land for planning purposes", and "to".

The insertion of the words "pressure for over", "guidance", "the over development of", "that are out of character with the local area", "whilst Council recognises that draft PPS3 gives only very limited discretion to local planning authorities to protect local

communities from over-development and in setting of parking standards, this Council believes that local planning authorities should be granted greater freedom to control redevelopment of gardens currently categorised as brownfield land”, “to”, and “where appropriate”.

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

“This Council notes with concern:

- Derby’s gardens are under increasing pressure for over development and infill due to insufficient protection for green spaces in planning guidance passed by John Prescott.
- The Government’s density targets in PPG3 and draft PPS3, combined with regional building targets, are resulting in the over development of new homes that are out of character with the local area.

Whilst Council recognises that draft PPS3 gives only very limited discretion to local planning authorities to protect local communities from over-development and in setting of parking standards, this council believes that local planning authorities should be granted greater freedom to control redevelopment of gardens currently categorised as brownfield land.

Therefore, this Council resolves to write to Ruth Kelly, Secretary of State for Communities and Local Government, calling for the new version of PPS3 to:

- give local planning authorities greater discretion to protect communities from inappropriate over-development and maintain the character of local neighbourhoods
- give councils greater freedom to set their own parking and density standards in new residential developments
- acknowledge that local councillors are committed to giving local people a greater say on planning decisions and to encouraging more affordable homes to be built with gardens and sufficient garden space where appropriate.”)

The amendment was put to the meeting and carried.

It was moved by Councillor Care, and seconded, that the motion be further amended as follows:

By the deletion of all words between “are resulting...” and the end of the motion.

By the insertion of the words “as can be Derby’s parks, public gardens, recreation spaces and open spaces supporting wildlife and biodiversity at the end of the first bullet point, “were designed to achieve higher intensity development to reduce the need to build on open space and green belt. However by designating gardens as brownfield sites developers have targeted windfall developments rather than true brownfield sites.” At the end of the second bullet point and “therefore this Council resolves to:

1. write to Ruth Kelly, Secretary of State for Communities and Local Government, calling on the government to change the status of gardens in planning guidance to Greenfield sites as outlined in the Local Government and Planning (Parkland and Windfall Development) Bill introduced by Liberal Democrat MP Lorely Burt in July 2005.
2. write to our local MPs asking them to support this Bill which has its second reading on 20 October 2006, as it not only protects gardens but also parks, public gardens and open spaces.
3. include in the Council's response to the imminent consultation on the new Regional Plan:
 - a) concern about the affect that blanket targets on the use of brownfield land for housing can have on areas like Derby
 - b) the need for sufficient green open space to be included in urban areas in particular to meet the needs of families near where they live."

(The effect of the amendment was that the motion will read as follows:

"This Council notes with concern:

- Derby's gardens are under increasing threat of unwanted development and infill due to insufficient protection for green spaces in planning regulations passed by John Prescott as can be Derby's parks, public gardens, recreation spaces and open spaces supporting wildlife and biodiversity.
- The Government's density targets in PPG3 and draft PPS3, combined with regional building targets, were designed to achieve higher intensity development to reduce the need to build on open space and green belt. However by designating gardens as brownfield sites developers have targeted windfall developments rather than true brownfield sites.

Therefore, this Council resolves to:

1. write to Ruth Kelly, Secretary of State for Communities and Local Government, calling on the government to change the status of gardens in planning guidance to Greenfield sites as outlined in the Local Government and Planning (Parkland and Windfall Development) Bill introduced by Liberal Democrat MP Lorely Burt in July 2005.
2. write to our local MPs asking them to support this Bill which has its second reading on 20 October 2006, as it not only protects gardens but also parks, public gardens and open spaces.
3. include in the Council's response to the imminent consultation on the new Regional Plan:

- a) concern about the affect that blanket targets on the use of brownfield land for housing can have on areas like Derby
- b) the need for sufficient green open space to be included in urban areas in particular to meet the needs of families near where they live.”)

The amendment was put to the meeting and lost.

Resolved that this Council notes with concern:

- **Derby’s gardens are under increasing pressure for over development and infill due to insufficient protection for green spaces in planning guidance passed by John Prescott.**
- **The Government’s density targets in PPG3 and draft PPS3, combined with regional building targets, are resulting in the over development of new homes that are out of character with the local area.**

Whilst Council recognises that draft PPS3 gives only very limited discretion to local planning authorities to protect local communities from over-development and in setting of parking standards, this council believes that local planning authorities should be granted greater freedom to control redevelopment of gardens currently categorised as brownfield land.

Therefore, this Council resolves to write to Ruth Kelly, Secretary of State for Communities and Local Government, calling for the new version of PPS3 to:

- **give local planning authorities greater discretion to protect communities from inappropriate over-development and maintain the character of local neighbourhoods**
- **give councils greater freedom to set their own parking and density standards in new residential developments**
- **acknowledge that local councillors are committed to giving local people a greater say on planning decisions and to encouraging more affordable homes to be built with gardens and sufficient garden space where appropriate.**

43/06 Appointment of Co-optees to the Adult Services and Health Commission

The Council considered a report of the Director of Corporate and Adult Social Services concerning the Appointment of Co-optees to the Adult Services and Health Overview and Scrutiny Commission.

Resolved, on the motion of Councillor Williamson, to approve the co-option of Pat Hill, Philip Johnson and Elaine Jackson to the Adult Services and Health Commission for the 2006/07 municipal year.

MAYOR

MINUTES OF COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL

**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 COUNCIL CABINET REQUIRING THE
APPROVAL OF COUNCIL

**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.

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.