

Time commenced - 6.00 pm  
Time adjourned - 8.58 pm

## **COUNCIL MEETING 26 JANUARY 2005**

Present: The Mayor (Councillor Skelton)  
Councillors Ahern, Allen, Baxter, Bayliss, E Berry, P Berry, Blanksby, Bolton, Brown, Burgess, Care, Carr, Chera, Dhamrait, Dhindsa, Gerrard, Graves, Gupta, Hickson, Higginbottom, Hird, Hussain, Jackman, Jackson, Jones, Khan, Latham, Leeming, Liversedge, Lowe, MacDonald, Marshall, Nath, Redfern, Rehman, Repton, Richards, Roberts, Samra, Smalley, Tittley, Travis, Troup, Turner, Webb, West, Williamson, Willitts, Winter, Wynn

### **Apologies for Absence**

There were no apologies for absence.

### **Declarations of Interest**

All members present at the meeting declared personal interests in the matters referred to Minute No. 63/04 Licensing Act 2003: Proposed Changes to Constitutional Arrangements and Members' Allowances – in respect of the matters in that Minute that relate to Members' Allowances.

Other interests were declared as follows:

<b>Councillor</b>	<b>Interest</b>
Jackson	Council Cabinet Minute No. 217/04 – personal interest as a Council representative on the Q Arts Management Committee
Gupta	Council Cabinet Minute No. 277/04 – personal and prejudicial interest as she is employed by Connexions Derbyshire Ltd and the project she is working on is funded through the Council's external funding unit
Blanksby	Council Cabinet Minute No. 217/04 – personal interest as a Council representative on the Metro Cinema Management Committee
Gerrard	Notice of Motion – Silverhill School Asbestos Incident – personal interest as a member of his family is connected with the school
Chera	Council Cabinet Minute No. 272/04 – personal interest as a member of his family is a Council tenant.

## Announcements from the Mayor

There were no announcements from the Mayor.

### 54/04 Minutes of the Previous Meeting

**Resolved that the minutes of the meeting of the Council held on 24 November 2004 be approved as a correct record, confirmed and signed by the Mayor.**

### 55/04 Statements by Members of the Council Cabinet

There were no Statements by Members of the Council Cabinet.

### 56/04 Public Questions

Questions from members of the public were asked and answered as follows:

1. By Mr A Dunn, concerning the disposal of public open space at the old police station in Full Street, answered by Councillor Hickson, Deputy Leader of the Council and Council Cabinet Member for Performance Management, Economic Development and Housing.
2. By Mr A Dunn, concerning the use of Connecting Derby money for a new bus station, answered by Councillor Care, Council Cabinet Member for Planning, Transportation and Environment.
3. By Mrs P Woolley, concerning the proposed siting of the Quad development on the Sir Peter Hilton Memorial Gardens, answered by Councillor West, Council Cabinet Member for Leisure and Cultural Services.
4. By Mrs P Woolley, concerning alternative sites for the Quad development, answered by Councillor West, Council Cabinet Member for Leisure and Cultural Services.
5. By Mr K Scott-Savage, concerning expenditure on and visitors to the Quad development, answered by Councillor West, Council Cabinet Member for Leisure and Cultural Services.

## 57/04 Written Questions about the Business or Functions of the 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.

## 58/04 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 and answered as follows:

1. By Councillor Graves, concerning questions posed as part of the Simalto Budget Consultation exercise, answered by Councillor Burgess, Leader of the Council and Council Cabinet Member for Corporate Policy.
2. By Councillor MacDonald, concerning the provision of library facilities in Chaddesden Ward, answered by Councillor West, Council Cabinet Member for Leisure and Culture Services.

## 59/04 Business Remaining from the Previous Meeting

The meeting of the Council on 24 November 2004 had been adjourned in accordance with Rule CP10. The following business had been held over to this meeting.

1. *Notice of Motion – Post Office Closures*

At the previous meeting, Councillor Smalley had moved the following motion:

“Council condemns the Government’s tacit support and approval of the programme of post office closures that have recently occurred in Derby and calls upon them to act to prevent further closures within the City.”

At the previous meeting, Councillor Roberts had moved the following amendment but the amendment had not been put to the meeting.

“I move that the motion be amended by the deletion of all words after the word ‘Council’ and the insertion in their place of the words “wishes to retain the cross party support for the campaign to resist the programme of post office closures that have recently occurred in Derby and is grateful for the support of the city’s Labour MP’s. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of

closures. Council therefore calls on all the city's elected representatives to continue to press the Post Office to retain as many post offices as possible."

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

"Council wishes to retain the cross party support for the campaign to resist the programme of post office closures that have recently occurred in Derby and is grateful for the support of the city's Labour MP's. However whilst welcoming this support to save the local post offices, this Council condemns the action of the Post Office, in their relentless pursuit of closures. Council therefore calls on all the cities elected representatives to continue to press the Post Office to retain as many post offices as possible.")

The Council consented to a request by Councillor Roberts to withdraw the amendment.

The motion was put to the meeting and carried.

**Resolved that Council condemns the Government's tacit support and approval of the programme of post office closures that have recently occurred in Derby and calls upon them to act to prevent further closures within the City.**

2. *Review of Proposals to Close Post Offices in Derby*

The Council considered a report of the Director of Corporate Services concerning the review conducted by the Scrutiny Management Commission into proposals to close post offices in Derby.

**Resolved, on the motion of Councillor Troup, that the report be noted.**

3. *Other matters*

The Council noted that, because of the urgency of the matters referred to in Item 12 of the agenda for the Council meeting on 24 November 2004, decisions had been taken by the Chief Executive under his delegated powers and endorsed by all three political group leaders (Minute No. 70/04 refers).

60/04      **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 the Appendix A to these minutes.

It was moved by Councillor Burgess, and seconded, to approve the minutes and recommendations of the Council Cabinet dated 30 November, 21 December 2004 and 18 January 2005.

It was moved by Councillor Smalley, and seconded, that the motion be amended by the addition of the words "with the exception of paragraph 2 of the resolution in Minute No. 217/04 which be not approved because of the size of the capital and revenue contributions required."

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

The following members voted for the amendment:

Councillors E Berry, P Berry, Brown, Hickson, Leeming, Liversedge, Samra, Smalley, Willitts (9)

The following members voted against the amendment:

The Mayor (Councillor Skelton), Councillors Allen, Burgess, Care, Carr, Hird, Jackman, Jones, Latham, Lowe, Marshall, Richards, Travis, Troup, Webb, West, Winter (17)

The following members abstained:

Councillors Ahern, Baxter, Bayliss, Blanskby, Bolton, Chera, Dhamrait, Dhindsa, Gerrard, Graves, Gupta, Higginbottom, Hussain, Jackson, Khan, MacDonald, Nath, Redfern, Rehman, Repton, Roberts, Tittley, Turner, Williamson, Wynn (25)

The amendment was declared lost.

It was moved by Councillor West, and seconded, that the motion be amended by the addition of the words "with the exception of the resolution in Minute No. 217/04 which be amended by the deletion of all of paragraph 2. with the exception of the third bullet point, and the insertion of the words:

2. To note that the estimated financial contribution required from the Council is a cash contribution of between £1.013m and £2.331m, generating annual debt financing costs of between £93k and 213k, plus a contribution of land valued at £1.0m, plus a revenue contribution of £94k in 2006/7 rising to a full year annual cost of £186k from 2007/8.
3. To recommend Council to agree to amend the Capital Programme to incorporate a capital contribution at the £1.013m level together with the associated revenue financing costs, a contribution of land valued at £1.0m, and a revenue budget contribution of £94k and £186k respectively within the 2006/7 and 2007/8 forward budgets, subject to:
  - the success of the external funding applications, including a contribution of £3.1m from EMDA.

(The effect of the amendment, if approved, was that Minute No. 217/04 would read as follows:

- “1. To note the current position of the Quad project in relation to site, architecture, capital funding and revenue costs.
2. To note that the estimated financial contribution required from the Council is a cash contribution of between £1.013m and £2.331m, generating annual debt financing costs of between £93k and 213k, plus a contribution of land valued at £1.0m, plus a revenue contribution of £94k in 2006/7 rising to a full year annual cost of £186k from 2007/8.
3. To recommend Council to agree to amend the Capital Programme to incorporate a capital contribution at the £1.013m level together with the associated revenue financing costs, a contribution of land valued at £1.0m, and a revenue budget contribution of £94k and £186k respectively within the 2006/7 and 2007/8 forward budgets, subject to:
  - the success of the external funding applications, including a contribution of £3.1m from EMDA.
  - regular progress reports being made back to Council Cabinet on design and funding,
4. To commission the architect to proceed with detailed design through until the end of March 2005 when a further report will be brought to Cabinet reporting on decisions on capital funding applications prior to a decision on commissioning the construction of the building.”)

The amendment was put to the meeting and carried.

**Resolved, on the motion of Councillor Burgess, to approve the minutes and recommendations of the Council Cabinet dated the 30 November 2004 (as amended), 21 December 2004 and 18 January 2005.**

## 61/04 Minutes and Recommendations of the Licensing and Appeals Committee

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

It was moved by Councillor Jones, and seconded, to approve the minutes and recommendations of the Licensing and Appeals Committee dated 13 October and 8 December 2004.

It was moved by Councillor Jones, with the consent of the Council, that the motion be altered by the addition of the words "with the exception of Minute No. 35/04 which be referred back for further consideration."

The altered motion was put to the meeting and lost.

**Resolved to approve the minutes and recommendations of the Licensing and Appeals Committee dated 13 October and 8 December 2004.**

## 62/04 Notice of Motion – Report into Asbestos Incident at Silverhill School

It was moved by Councillor Wynn, and seconded, that Council notes with regret that the August 2004 report into the asbestos incident at Silverhill School last year has not yet been published.

Council therefore instructs the Director of Corporate Services to make available the full Internal Audit report on the release of asbestos at Silverhill Primary School to three members of each of the Conservative, Liberal Democrat and Labour Groups, as nominated by their respective Group Leaders, subject to satisfactory provisions for confidentiality.

The Council consented to Councillor Wynn altering the motion to read as follows:

"Council notes that with regret that the August 2004 report into the asbestos incident at Silverhill School last year has not yet been published.

Council therefore instructs the Director of Corporate Services to provide the full Internal Audit report on the release of asbestos at Silverhill Primary School to all City Councillors on demand, subject to satisfactory provisions for confidentiality."

The altered motion was put to the meeting and lost.

## 63/04 Licensing Act 2003 – Proposed Changes to Constitutional Arrangements and Members' Allowances

The Council considered a report of the Director of Corporate Services concerning Proposed Changes to Constitutional Arrangements and Members' Allowances as a result of the implementation of the Licensing Act 2003.

It was moved by Councillor Burgess, and seconded:

1. To approve the proposed constitutional arrangements to enable the Council to implement its new duties and powers under the Licensing Act 2003.

2. To dissolve the Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.
3. To establish a General Licensing Committee and General Licensing Sub Committee with the following terms of reference and delegated powers:

### **General Licensing Committee**

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions
- Make proposals to Council about policy matters relating to these functions
- Approve arrangements for meetings of the General Licensing Sub Committee

### **General Licensing Sub Committee**

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

1. Determine applications for a personal licence if there is a police objection
2. Determine applications for a personal licence from persons with an unspent conviction
3. Determine applications for premises licence/club premises certificate if a relevant representation is made
4. Determine applications for a provisional statement if a relevant representation is made
5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made
6. Determine applications to vary a designated personal licence holder if there is a police objection



7. Determine applications for a transfer of premises licence if there is a police objection
  8. Determine applications for interim authorities if there is a police objection
  9. Determine applications to review premises licence/club premises certificate
  10. Decide whether to object when the local authority is a consultee and not the lead authority
  11. Determine a police representation to a temporary event notice.
4. To establish a Taxi Licensing and Appeals Committee and Taxi Licensing Sub Committee with the following terms of reference and delegated powers:

**Taxi Licensing and Appeals Committee**

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Make proposals to Council about policy matters relating to these functions
3. Approve arrangements for meetings of sub committees and panels

**Taxi Licensing Sub Committee**

Will, within Council policies and in relation to hackney carriages and private hire vehicles:

1. Determine individual applications where there is a proposal to refuse a licence, unless within Council policies it is an automatic ground of refusal
  2. Suspend or revoke licences or issue written warnings
  3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Assistant Director – Environmental Health and Trading Standards.
5. To agree that the following sub committees and panels become sub committees and panels of the Taxi Licensing and Appeals Committee:

Housing Appeals Sub Committee  
 Education Awards and Transport Sub Committee  
 Employee Appeals Sub Committee

Disciplinary Sub Committee  
 Disputes Resolution Sub Committee  
 Social Services Secure Accommodation Panel  
 Discretionary Housing Payments Appeals Sub Committee

6.
  - 1) To agree that General Licensing Committee shall comprise fifteen Members (Labour 7, Liberal Democrat 4, Conservative 3, Independent 1).
  - 2) To agree that the Taxi Licensing and Appeals Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).
  - 3) To agree that the Planning Control Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).
7.
  - 1) To approve the following recommendations of the Independent Remuneration Panel.
    - a) To discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee
    - b) To provide for the following new special responsibility allowances to apply from 1 February 2005 to 31 March 2006 or until the Scheme is amended further:

<b>Committee</b>	<b>Position</b>	<b>Pro-rata Percentage</b>	<b>Number</b>	<b>Yearly Allowance £</b>
General Licensing Committee – 15 members	Vice Chair	17.5%	4	4646.54
	Member	12.5%	10	3318.96
Taxi Licensing & Appeals Committee 10 members	Vice Chair	12.5%	2	3318.96
	Member	4%	7	1062.07

Note – the Chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.

- c) To provide that, except for the chairs and vice chairs, members of the General Licensing Committee and Taxi Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.
  - 2) To approve the revised Members' Allowances Scheme at Appendix 3 and to amend the existing Scheme.

8. To approve the amendments to the Constitution set out in Appendix 4.
9. To approve the revised appointments to certain committees, set out in Appendix 5, for the remainder of the current municipal year.

It was moved by Councillor Hickson, and seconded, that the motion be amended by the alteration of paragraphs 7. 1) b) and 7. 2) to provide for a Vice Chair of the General Licensing Committee to receive a Special Responsibility Allowance of 20%, equivalent to £5310.35 a year instead of 17.5% (£4646.54), and the deletion from paragraph 7. c) of the words “except for the Chairs and Vice Chairs.”

(The effect of the amendment, if approved, was that paragraph 7. 1) of the motion would read as follows:

- “7. 1) To approve the following recommendations of the Independent Remuneration Panel.
- a) To discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee
  - b) To provide for the following new special responsibility allowances to apply from 1 February 2005 to 31 March 2006 or until the Scheme is amended further:

<b>Committee</b>	<b>Position</b>	<b>Pro-rata Percentage</b>	<b>Number</b>	<b>Yearly Allowance £</b>
General Licensing Committee – 15 members	Vice Chair	20%	4	5310.35
	Member	12.5%	10	3318.96
Taxi Licensing & Appeals Committee 10 members	Vice Chair	12.5%	2	3318.96
	Member	4%	7	1062.07

Note – the Chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.

- c) To provide that members of the General Licensing Committee and Taxi Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.”)

The amendment was put to the meeting and lost.

**Resolved:**

- 1. To approve the proposed constitutional arrangements to enable the Council to implement its new duties and powers under the Licensing Act 2003.**
- 2. To dissolve the Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.**
- 3. To establish a General Licensing Committee and General Licensing Sub Committee with the following terms of reference and delegated powers:**

**General Licensing Committee**

**Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.**

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions**
- Make proposals to Council about policy matters relating to these functions**
- Approve arrangements for meetings of the General Licensing Sub Committee**

**General Licensing Sub Committee**

**Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.**

- 1. Determine applications for a personal licence if there is a police objection**
- 2. Determine applications for a personal licence from persons with an unspent conviction**

3. Determine applications for premises licence/club premises certificate if a relevant representation is made
  4. Determine applications for a provisional statement if a relevant representation is made
  5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made
  6. Determine applications to vary a designated personal licence holder if there is a police objection
  7. Determine applications for a transfer of premises licence if there is a police objection
  8. Determine applications for interim authorities if there is a police objection
  9. Determine applications to review premises licence/club premises certificate
  10. Decide whether to object when the local authority is a consultee and not the lead authority
  11. Determine a police representation to a temporary event notice.
4. To establish a Taxi Licensing and Appeals Committee and Taxi Licensing Sub Committee with the following terms of reference and delegated powers:

**Taxi Licensing and Appeals Committee**

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Make proposals to Council about policy matters relating to these functions
3. Approve arrangements for meetings of sub committees and panels

**Taxi Licensing Sub Committee**

Will, within Council policies and in relation to hackney carriages and private hire vehicles:

- 1. Determine individual applications where there is a proposal to refuse a licence, unless within Council policies it is an automatic ground of refusal**
- 2. Suspend or revoke licences or issue written warnings**
- 3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Assistant Director – Environmental Health and Trading Standards.**
- 5. To agree that the following sub committees and panels become sub committees and panels of the Taxi Licensing and Appeals Committee:**

**Housing Appeals Sub Committee  
Education Awards and Transport Sub Committee  
Employee Appeals Sub Committee  
Disciplinary Sub Committee  
Disputes Resolution Sub Committee  
Social Services Secure Accommodation Panel  
Discretionary Housing Payments Appeals Sub Committee**

- 6. 1) To agree that General Licensing Committee shall comprise fifteen Members (Labour 7, Liberal Democrat 4, Conservative 3, Independent 1).**
- 2) To agree that the Taxi Licensing and Appeals Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).**
- 3) To agree that the Planning Control Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).**
- 7. 1) To approve the following recommendations of the Independent Remuneration Panel.**
  - a) To discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee**
  - b) To provide for the following new special responsibility allowances to apply from 1 February 2005 to 31 March 2006 or until the Scheme is amended further:**

<b>Committee</b>	<b>Position</b>	<b>Pro-rata Percentage</b>	<b>Number</b>	<b>Yearly Allowance £</b>
<b>General Licensing Committee – 15 members</b>	<b>Vice Chair</b>	<b>17.5%</b>	<b>4</b>	<b>4646.54</b>
	<b>Member</b>	<b>12.5%</b>	<b>10</b>	<b>3318.96</b>
<b>Taxi Licensing &amp; Appeals Committee 10 members</b>	<b>Vice Chair</b>	<b>12.5%</b>	<b>2</b>	<b>3318.96</b>
	<b>Member</b>	<b>4%</b>	<b>7</b>	<b>1062.07</b>

**Note – the Chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.**

- c) **To provide that, except for the chairs and vice chairs, members of the General Licensing Committee and Taxi Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.**
- 2) **To approve the revised Members' Allowances Scheme at Appendix 3 and to amend the existing Scheme.**
- 8. **To approve the amendments to the Constitution set out in Appendix 4.**
- 9. **To approve the revised appointments to certain committees, set out in Appendix 5, for the remainder of the current municipal year.**

**64/04 Co-option to the Culture and Prosperity Overview and Scrutiny Commission**

The Council considered a report of the Director of Corporate Services concerning Co-option to the Culture and Prosperity Overview and Scrutiny Commission.

**Resolved, on the motion of Councillor Burgess, to approve the co-option of Roy Hartle to the Culture and Prosperity Overview and Scrutiny Commission for the duration of its Topic Review of the World Heritage Site which lies within the City boundary.**

**65/04 Byelaws for Opening and Closing of Arboretum Park**

The Council considered a report of the Director of Commercial Services concerning Byelaws for the Opening and Closing of Arboretum Park.

**Resolved, on the motion of Councillor Burgess, to approve the Byelaws set out in Appendix 2 to the report, to authorise the Director of Corporate Services and Deputy Chief Executive to fix the Council's seal to the Byelaws, to carry out all necessary procedures and, subject to no duly made objections to the Byelaws being received by him, to apply for confirmation of the Byelaws to the Office of the Deputy Prime Minister, or such other Secretary of State as may at the time have responsibility for such.**

#### 66/04 Appointment of Co-opted Member on the Education Commission

The Council considered a report of the Director of Corporate Services concerning the Appointment of a Co-opted Member on the Education Commission.

**Resolved, on the motion of Councillor Burgess, to appoint Tony Walsh, Chief Executive of Derby Racial Equality Council as the representative of other faiths/denominations on the Education Commission.**

#### 67/04 Minority Ethnic Communities Advisory Committee – Representation of Minority Ethnic Communities

The Council considered a report of the Director of Corporate Services concerning the Representation of Minority Ethnic Communities on the Minority Ethnic Communities Advisory Committee.

**Resolved, on the motion of Councillor Burgess, to approve the allocation of the remaining unallocated seat on the Minority Ethnic Communities Advisory Committee to the Iraqi/Kurdish Community.**

#### 68/04 Council Tax Base for 2005/06

The Council considered a report of the Director of Finance concerning the Council Tax Base for 2005/06.

**Resolved, on the motion of Councillor Burgess, that pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 (S1 12003/3012), the Council agrees the council tax base for the year 2005/06 as 68,589.4 band D**



**equivalent properties be approved in accordance with the calculations and estimates shown at appendix 3 to the report.**

#### **69/04 School Admissions Forum – New Representatives**

The Council considered a report of the Director of Corporate Services concerning the Appointment of New Representatives to the School Admissions Forum.

**Resolved, on the motion of Councillor Burgess:**

- 1. To approve the nomination from the Church of England Diocese to appoint Alison Jones to the School Admissions Forum until 31 March 2007.**
- 2. To appoint Dr Keerthi Devendra and Nasreen Iqbal to the School Admissions Forum in their capacity as Parent Governor Representatives on the Education Commission until 31 March 2007.**

#### **70/04 Urgent Non-Executive Decisions made by the Chief Executive**

The Council considered a report of the Director of Corporate Services concerning Urgent Non-Executive Decisions taken by Chief Executive since the previous meeting.

**Resolved, on the motion of Councillor Burgess, to note the report.**

MAYOR



### **COUNCIL CABINET 30 NOVEMBER 2004**

Present: Councillor Burgess – Chair  
Councillors Allen, E Berry, Care, Carr, Hickson, Samra and West

Also present: Councillor Roberts

This record of decisions was published on 2 December. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

## Key Decisions

### 217/04 Quad Options: Appraisal and Financial Update

The Council Cabinet considered a report from the Director of Development and Cultural Services regarding Quad Options and providing an Appraisal and Financial Update. Quad was planned to offer the people of Derby a visual arts and media centre comprising visual arts exhibition space, workshops, digital studios and learning areas, a cinema designed to offer a mix of arts films and more commercial products, access to film archive material relating to Derby and the region and a relaxed meeting place in the city centre. It was estimated that Quad would attract 100,000 visits a year. Earlier in 2004, it became clear that the original ambition for a building at £13.4 million was not affordable, and the Project Team decided to re-scope the project, starting with a site and buildings options appraisal. The four sites considered were:

- Corporation Street
- Amen Alley
- St Helen's House
- Princes Supermarket

Following evaluation of the four sites, the Corporation Street site was the only viable option for development of Quad within the timescale and other parameters controlling the project's development.

### **Options Considered**

The four alternative sites identified in the report and the cancellation of the Quad project.

## **Decision**

1. To note the current position of the Quad project in relation to site, architecture, capital funding and revenue costs.
2. To agree to make a capital and revenue contribution to the project in order to secure external funding streams, and subject to:
  - the success of those funding applications
  - endorsement by Council as necessary
  - regular progress reports being made back to Council Cabinet on design and funding, to commission the architect to proceed with detailed design through until the end of March 2005 when a further report would be brought to Cabinet reporting on decisions on capital funding applications prior to a decision on commissioning the construction of the building.

## **Reasons**

Information given in the report showed the Corporation Street site to be the only viable option, but extra funding would still be needed.

## **COUNCIL CABINET 21 DECEMBER 2004**

Present: Councillor Burgess – Chair  
Councillors Allen, Care, Carr, Hickson, Samra, and West

Also present: Councillor Williamson

This record of decisions was published on 23 December 2004. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

### **Key Decisions**

#### **240/04 Peak District and Derbyshire Destination Management Partnership**

The Council Cabinet considered a report from Director of Development and Cultural Services on the Peak District and Derbyshire Destination Management Partnership – PD&D DMP. The PD&D DMP would cover the whole of Derbyshire and the wider Peak District, including parts of Staffordshire Moorlands, and small parts of the North-West Region and South Yorkshire region. It would be a primary forum for tourism strategy for the Peak District and Derbyshire, and the main conduit for discussions with emda and East Midlands Tourism – EMT, regarding strategy, funding and regionally driven activities.

#### **Options Considered**

The proposal originated with emda, using a pre-determined model that they would be applying across the region. The only option would have been not to participate at all.

#### **Decision**

1. To agree to the initial establishment of the Peak District and Derbyshire Destination Management Partnership.
2. To recommend Council to nominate a representative to the DMP Board.
3. To receive a further report when the DMP has determined its business plan for 2005/06 and the legal and financial implications for the Council are clarified.

#### **Reasons**

The exercise involved all local authorities, national park authorities and strategic sub regional partnerships across the East Midlands, and the Council's participation in this way was imperative.

# Budget and Policy Framework

## 244/04 Capital Strategy 2005/6 to 2007/8

The Council Cabinet considered a report of the Director of Finance on the Capital Strategy 2005/6 to 2007/8. The Council's existing capital programme covered the period 2004/5 to 2006/7 and was last updated at Cabinet in November 2004. The programme for 2005/6 and 2007/8 was under development and would be consulted on in the new year as part of the budget process. Cabinet also approved a limited updating of the capital programme on 9 November 2004, incorporating the impact of various decisions taken during 2004.

### **Decision**

1. To recommend to Council an updated set of principles to guide the allocation of funding to support the capital programme from 2005/6, as set out in Appendix 2 of the report.
2. To note the evaluation criteria to be used by officers when prioritising schemes for recommendation for inclusion in the corporate capital programme for 2005/6 and 2006/7, prior to a decision by Cabinet, as set out in Appendix 3 of the report.
3. To confirm the process and timetable for taking decisions on the detailed content of the capital programme for 2005/6 to 2007/8.

## **COUNCIL CABINET 18 JANUARY 2005**

Present: Councillor Burgess – Chair  
Councillors Allen, E Berry, Care, Carr, Hickson, and West

Also present: Councillor Williamson

This record of decisions was published on 20 January 2005. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

## **Budget and Policy Framework**

### **272/04 Housing Rents**

The Council Cabinet considered a joint report from the Directors of Finance and Policy on Housing Rents. The Government had set a policy to restructure social housing rents on a more consistent basis. Rent restructuring was the process by which the actual rent for each property would move from its current rent to a target level over a ten-year period, which started in April 2002. A report on rent restructuring was presented to Cabinet on 25 June 2002. This meant that the rent levels had to 'converge' by 2011/12 to a similar rate to other social housing. If the Council did not increase rents in line with expectations, it would face financial pressure on the HRA.

#### **Decision**

1. To refer the report to the Community Regeneration Commission on 25 January for consideration.
2. To recommend Council to approve the revision of rent and service charges from 4 April 2005 on the basis set out in the report, including:
  - an average weekly rental increase of £1.34 or 2.9% calculated over 52 weeks
  - an average increase of 2.9% on service charges and garage rents.
3. To request a further report to determine the proposed increase in ground rents at Shelton Lock Mobile Homes Park, following further consultation with residents.

### **276/04 Supporting People Programme – Audit Commission Inspection**

The Council Cabinet considered a report from the Director of Policy on Supporting People Programme – Audit Commission Inspection. The Audit Commission spent the week commencing 20 September 2004 inspecting Derby's Supporting People

Programme. The inspection included: interviews with key staff – both the Council and its partners; focus groups of Supporting People providers, front line staff and carers; mystery shopping; and a review of all relevant documentation. The inspection team also attended a Supporting People Commissioning Board, a Supporting People Inclusive Forum and a Supporting People Core Strategy Group.

The Audit Commission made specific recommendations that offered practical pointers for improvement. These recommendations were:

#### **Within one month**

- Issue all Supporting People team members with the notes of their achievement and development meetings in order to ensure that individual targets are drawn to their attention and to provide a benchmark for their next appraisal.
- Devise and implement an induction programme for new starters in the Supporting People team.
- Invite representatives(s) of the voluntary sector to complement the membership of the Core Strategy Group.

#### **Within two months**

- Bring to a close the causes of dissatisfaction within the Supporting People team and ensure that every possible managerial step is taken that will bring about a stable and mutually supportive team.
- Involve stakeholders and users, develop a formalised consultation strategy and replace the inclusive forum with a new framework designed to meet the individual needs of service users from each client group. Ensure that carers, advocates and voluntary organisations are included.
- Complete the outstanding actions associated with the risk and contingency register, where these need to be in place.

#### **Within six months**

- Enhance and clarify access to Supporting People services by improving the quality, clarity, range and accessibility of leaflets and information for service users, stakeholders and referral agencies.
- Introduce further external moderation to enhance the review process and augment the capacity of the Supporting People team as far as possible by drawing in expertise from other departments and agencies to assist with reviews.
- Implement a systematic method to gauge the satisfaction of providers with the review process and use the feedback to improve the service.
- Develop and publish a formal appeals procedure for providers affected by annual cost savings measures, that clearly sets out the criteria by which judgements will be made.
- Help and encourage the health community to raise the profile of Supporting People by enhancing practitioners understanding of the potential impact the programme can have on health issues.
- Ensure that the office procedures are enhanced by the inclusion of task response times and target dates, which can then be monitored to ensure that quality standards are met.



## **Decision**

1. To thank all the people involved in the Supporting People programme for their hard work.
2. To note the findings and recommendation of the Audit Commission Inspection of the Council's Supporting People Programme.
3. To recommend Council to approve the Action Plan for implementing the Inspection recommendations.

## **277/04 14-19 Area Inspection Action Plan**

The Council Cabinet considered a report from the Director of Education on the 14-19 Area Inspection Action Plan. The post inspection action plan for Derby had a strategic vision for the 14-19 phase of education. It provided a clear indication of the steps and timescales required for achieving this vision, together with how and who would be responsible for implementing them. Arrangements for monitoring, review and evaluation were made through the Director of Education, the Deputy Chief Executive of DLSC and the Chief Executive of Connexions-Derbyshire. This group would be called the 14-19 Executive Group and would report on progress to the Cabinet, LSC Board and Connexions Partnership.

The key areas for improvement were:

- Further development of the 14-19 strategy with effective systems for co-ordination and implementation.
- Ensure that the provision in Derby for 14-19 year olds meets their needs.
- Reduce the level of exclusions and improve the facilities and provision made by the Pupil Referral Unit.
- Reduce the number of young people not in education, training or employment.
- Improve accommodation in two special schools.
- Ensure that careers guidance, citizenship and personal, social and health education are available at Key Stage 4.

The post-inspection action plan would focus on three high level objectives, which would address the key areas for improvement. These were:

- Strategy, co-ordination and monitoring
- Attainment
- Advice and guidance.

## **Decision**

To recommend Council to approve the post-inspection plan relating to the Ofsted 14-19 Area Inspection of Derby.



**LICENSING AND APPEALS COMMITTEE  
13 OCTOBER 2004**

Present: Councillor Jones (in the Chair)  
Councillors Berry, Brown, Bolton, Hird, Hussain, Jackman, Jackson,  
MacDonald, Redfern, Rehman and Richards

24/04                    **Licensing of Sex Establishments –  
Procedure and Policy**

The Committee considered a report from the Director of Corporate Services that set out proposals for a procedure and policy that the Council could adopt when dealing with sex establishment applications.

Michael Kay reported that following the recent decision of Licensing Sub Committee B to approve the granting of a sex establishment license, Officers were asked to devise a policy to control the number of sex establishments within the City of Derby.

**Resolved**

- 1. to adopt the procedure for considering applications**
- 2. to adopt the policy for determining applications**
- 3. to refer the policy to full Council for approval.**



**LICENSING AND APPEALS COMMITTEE  
8 DECEMBER 2004**

Present: Councillor Jones (in the Chair)  
Councillors Berry, Bolton, Dhamrait, Hird, Hussain, Jackman,  
Jackson, Liversedge, MacDonald, Redfern, Rehman and Richards

35/04 Private Hire Vehicle Meter Testing

The Committee considered a report from the Director of Corporate Services which set out options for carrying out meter tests on private hire vehicles and addressed legal and enforcement issues.

It was reported that in February 2004 the Licensing and Appeals Committee considered the comments from private hire vehicle proprietors who raised concerns that they were being treated differently to Hackney Carriages when the meters were tested. The Committee deferred a decision on the matter to allow officers to investigate the options available.

It was reported that since the meeting of the Committee in February 2004 two further requests for a review of private hire meter tests had been received.

It was made clear that there was a distinction between private hire and hackney carriage operators. Hackney Carriages are obligated to have a taximeter installed and calibrated in accordance with the fare table approved by the Council, however private hire operators are under no such obligation. Where meters are installed they must be tested and approved by the Council or on their behalf.

The Principal Solicitor explained the meaning of ultra vires and the implications of it.

**Resolved to recommend the Council to authorise the Assistant Director – Environmental Health and Trading Standards to appoint and authorise one or more recognised taxi meter companies or their agents to undertake testing of hackney carriage and private hire vehicle meters on the Council's behalf, in accordance with requirements approved by the Assistant Director – Environmental Health and Trading Standards.**

Councillors Hird, Jackman and Jones requested that their vote against the decision be recorded.