

Time commenced - 6.00 pm
Time finished - 8.45 pm

COUNCIL MEETING 8 SEPTEMBER 2010

Present: The Mayor (Councillor Nath) (in the Chair)
Councillors Allen, Ashburner, Atwal, Banwait, Barker, Batey, Bayliss, Berry, Bolton, Carr, Chera, Davis, Dhindsa, Graves, Grimadell, Harwood, Hickson, Higginbottom, Hird, Holmes, Hussain, Ingall, Jackson, Jennings, Jones, F Khan, S Khan, Leeming, Lowe, Marshall, Naitta, Poulter, Radford, Rawson, Repton, Roberts, Shanker, Skelton, Troup, Tuplin, Turner, Webb, Whitby, Williams, F Winter, L Winter, Wood.

Apologies for Absence

Apologies for absence were received from Councillors Redfern, Richards and Williamson.

Declarations of Interest

There were no declarations of interest.

Announcements by the Mayor

The Council stood in silence as a tribute to the memory of Canon Barrie Blowers, former Chair of the Standards Committee. Tributes to Canon Blowers were paid by Councillors Holmes, Jackson and Skelton.

The Mayor referred to the fact that 2010 was the 175th anniversary of the Municipal Corporations Act 1835.

The Mayor congratulated all involved in organising the successful Darley Park Concert on Sunday 5 September 2010.

The Mayor announced that this would be the last meeting of the Full Council attended by Don McLure, Strategic Director of Resources, before he left the Council to take a post in Durham. Tributes to Don McLure were paid by Councillors Bayliss, Jennings and Jones and the Council extended best wishes to him for his future career.

42/10 Minutes of the Previous Meetings

Resolved that the minutes of the meeting of the Council held on 7 July 2010 and the extraordinary meeting of the Council held on 28 July 2010 be approved as correct records, confirmed and signed by the Mayor.

43/10 Statements by Members of the Council Cabinet

Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment, made a statement concerning the intention to put on hold the start of the Park and Ride service from Manor Car Park so that the facility can be used to provide additional staff car parking for the Royal Derby Hospital. Councillors Allen and Dhindsa responded.

44/10 Public Questions

Questions from members of the public were asked as follows:

1. By Tom Fulep, concerning the Big Screen, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture
2. By Martin Sear, concerning the 10:10 Pledge, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.
3. By Peter Robinson, concerning the work of the Climate Change Commission, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.

In the absence of the questioners, the Mayor announced that written answers would be sent to questions submitted by Dorothy Skrytek, concerning the planning application in relation to Sinfin Waste Treatment Plant, and Patrick Molson in relation to the refurbishment of the Council House.

45/10 Written Questions about the Business or Functions of Derbyshire Police Authority, Derbyshire Fire Authority or Derby Homes Ltd

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

46/10 Written Questions from Non-Council Cabinet Members

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

1. By Councillor Tuplin, concerning the redevelopment of Arthur Neal House, answered by Councillor Webb, Council Cabinet Member for Adult Social Care and Health.
2. By Councillor Tuplin, concerning the sporting facilities on Prince Charles Avenue Campus, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture.
3. By Councillor Hussain, concerning service eligibility criteria, answered by Councillor Webb, Council Cabinet Member for Adult Social Care and Health.
4. By Councillor Bayliss, concerning Phase 3 of the Alvaston District Centre improvements, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
5. By Councillor Graves, concerning the condition of Brindley Court, Allenton, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.
6. By Councillor Whitby, concerning the removal of the Morledge bus stop, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
7. By Councillor Roberts, concerning the decline of pool usage following the withdrawal of Swim 4 Life, answered by Councillor Grimadell, Council Cabinet Member for Leisure and Culture.
8. By Councillor Troup, concerning the 10:10 campaign, answered by Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment.
9. By Councillor L Winter, concerning transport to faith schools, answered by Councillor Williams, Council Cabinet Member for Children and Young People.
10. By Councillor Naitta, concerning the tree strategy, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
11. By Councillor Skelton, concerning the future of Derby Homes, answered by Councillor Ingall, Council Cabinet Member for Housing and Advice.

A question relating to bus stops on the Morledge was withdrawn by Councillor Tuplin because it had been answered previously in response to a question by Councillor Whitby.

47/10 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 Jennings, to approve the minutes and recommendations of the Council Cabinet dated 27 July and 7 September 2010.

48/10 Minutes and Recommendations of the Taxi Licensing and Appeals Committee

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

Resolved, on the motion of Councillor Hird, to approve the minutes and recommendations of the Taxi Licensing Committee dated 14 July 2010.

49/10 Minutes and Recommendations of the Governance Committee

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

Resolved, on the motion of Councillor Jennings, to approve the minutes and recommendations of the Governance Committee dated 28 July 2010.

50/10 Proposed Amendments to the Constitution

The Council considered a report of the Director of Legal and Democratic Services, as Monitoring Officer, concerning proposed amendments to the Constitution.

It was moved by Councillor Jennings, and seconded, to approve the amendments to the Constitution set out in Appendix 2 of the report.

It was moved by Councillor Bayliss, and seconded, that the motion be amended by the addition of the words “except Section 2 which be referred back to the next meeting of the Corporate Joint Committee before being agreed by the Council.”

The amendment was put to the meeting and lost.

Resolved to approve the amendments to the Constitution set out in Appendix 2 of the report.

51/10 Urgent Non-Executive Decisions made by the Chief Executive

The Council considered a report of the Strategic Director of Resources concerning Urgent Non-Executive Decisions made by the Chief Executive.

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

52/10 Notice of Motion – Building Schools for the Future Programme

It was moved by Councillor Bolton, and seconded that this Council agrees to write to the Secretary of State urging him to visit Lees Brook Community Sports College in the near future in order to acquaint himself with the condition of the buildings. When he is aware of the state of the premises, Council strongly urges him to reverse his decision to stop the Building Schools for the Future programme for the Lees Brook Community Sports College.

This Council firmly opposes the coalition government’s actions in stopping the programme thereby putting at risk the renewal of school buildings already identified as being well beyond their useful life.

It was moved by Councillor Allen, and seconded, that the motion be amended by the deletion of the words “Lees Brook Community Sports College” from lines 2 and 6; the insertion of the words “Derby” between the words “visit” and “in” in line 2; the insertion of the word “school” between the words “the” and “buildings” in line 3; the insertion of the word “Derby” after the word “for” at the end of the first paragraph; and the insertion of the words “recognises the need for reducing government expenditure inherited from the previous Labour government but” between the words “Council” and “firmly” in the first line of the second paragraph.

The amendment was put to the meeting and carried.

Resolved that this Council agrees to write to the Secretary of State urging him to visit Derby in the near future in order to acquaint himself

with the condition of the school buildings. When he is aware of the state of the premises, Council strongly urges him to reverse his decision to stop the Building Schools for the Future programme for Derby.

This Council recognises the need for reducing government expenditure inherited from the previous Labour government but firmly opposes the coalition government's actions in stopping the programme thereby putting at risk the renewal of school buildings already identified as being well beyond their useful life.

Mayor

<p>MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL</p>

**COUNCIL CABINET
27 JULY 2010**

Present: Councillor Jennings (Chair)
Councillors Holmes, Marshall, Poulter Webb and
Williams

In attendance Councillor Bayliss, Carr and Jones

This record of decisions was published on 29 July 2010. 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

44/10 Capital Outturn Report

The Council Cabinet considered the Capital Outturn Report. The report dealt with the following capital programme matters that required reporting to and approval by Council Cabinet ...

- Details of the capital outturn 2009/10 totalling £71.1m for work completed by 31 March 2010, and the associated capital financing. The programme had delivered new and improved facilities and infrastructure for Derby including ...
 - Major investments in school facilities including school modernisation projects, classroom extensions, improved disabled access and physical education and sports schemes. Also the opening a new autistic centre (Shine) and development of three more children's centres at Chellaston, Oakwood and Chaddesden.
 - Continuation of programmes of replacing kitchens and bathrooms and installing new windows and heating systems
 - continuing with the Estates Pride estate improvement programme to make estates safer and greener
 - Completion of 6 group repair schemes as part of the Block Improvement Programme within the Rose Hill Market Renewal Area.

- Grant aid given to vulnerable homeowners to bring their properties up to the decent homes standard
- Completion of Castleward Boulevard Phase 1 – total refurbishment of Midland Place, Wellington Street and the creation of a new public space at Midland Green. This was the first phase in the construction of a new pedestrian and cycle link Boulevard between the Railway Station and City Centre at Traffic Street.
- Grant aid given to shop owners within the Friar Gate conservation and Cathedral Quarter area along with an area south of the City Centre, including Green Lane and Macklin Street to aid authentic restoration and high quality repair of historic buildings.
- The commencement of the ASPECT development, a day services facility specifically for autistic adults in Derby
- Improvements to a number of playgrounds, parks and play areas including three "Adi-Zones" games areas. Work commenced on the refurbishment of Gayton pool.
- Completion of major unplanned resurfacing of A52 carriageway
- Completion of the link between Burton Road and Osmaston Road for the Connecting Derby scheme.
- Details of the variance of £15m against the final approved capital programme. The variance was made up of different elements these include:
 - £16.8m Slippage to be completed in 2010/11 *add*
 - £1.2m Net cost under spends *less*
 - £1.3m Spend Brought Forward from 2010/11 *less*
 - £1.7m Additional Spend Backed by Funding to be added to the programme.
- The inclusion of additional expenditure and funding for schemes listed in paragraph 3.7, 3.8 and 3.21 of the main body of the report.
- The revised indicative 2010/11 capital programme shown in Appendix 4 of the report.
- Details of the capital determination were shown at Appendix 7 of the report.

Decision

1. ...
2. ...

3. ...
4. ...
5. ...
6. To recommend Council to approve £74k additional service financed unsupported borrowing to finance the 2009/10 Capital Outturn.

Contract and Financial Procedure Matters

48/10 Contract and Financial Procedure Matters Report

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

- approval to proposed changes to the capital programme
- to approve in year S106 allocations
- to enter into a revised funding agreement for the East Midlands Development Agency - EMDA - following a revised European Regional Development Fund - ERDF - application.
- to approve a waiver of Contract Procedure Rules, Competition Requirements, for the supply of audio books and large print books to libraries
- to approve licensed deficits for schools
- to approve a contract extension for the Community Meals Service.

Decision

1. To recommend Council to approve the changes detailed in Appendix 2 and 2a of the report and to amend the 2010/11 – 2012/13 Capital Programme.
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...

COUNCIL CABINET 7 SEPTEMBER 2010

Present: Councillor Jennings (Chair)
Councillors Grimadell, Holmes, Ingall, Marshall,
Poulter, Webb and Williams

In attendance Councillor Bayliss and Jones

This record of decisions was published on 9 September 2010. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

Contract and Financial Procedure Matters

64/10 Contract and Financial Procedure Matters Report

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

- To approve proposed changes to the capital programme and new capital scheme commencements
- To approve in year Section 106 allocations
- To note a potential funding agreement with East Midlands Development Agency
- To approve a revenue/capital funding switch
- To approve the use of a Homes and Communities Agency's Delivery Partner Panel Framework Agreement
- To approve a budget transfer between Directorates
- To approve use of the budget risk reserve to fund the costs on the former Hippodrome Theatre site.

Decision

1. To recommend Council to approve the changes to the 2010/11 – 2012/13 capital programme as set out in appendix 2 of the report.
2. ...
3. To approve scheme commencements for the schemes detailed in Appendix 3 of the report and recommend to Council the additional borrowing of £1.3m for the new Primary phase enhanced resources unit for autistic spectrum disorder pupils.
4. ...

5. ...

6. ...

7. ...

8. ...

9. ...

MINUTES OF TAXI LICENSING AND APPEALS COMMITTEE REQUIRING THE APPROVAL OF THE COUNCIL

**TAXI LICENSING AND APPEALS COMMITTEE
14 JULY 2010**

Present: Councillor Hird (Chair)
Councillors Atwal, Barker, Chera, Harwood, Jackson,
Leeming and F Winter

48/09 Clarification on the Licensing of Rickshaws

The Committee considered a report on the Licensing of Rickshaws. It was reported that following the agreement of Committee on 22 July 2009 where Members were provided with legal information and advice that set out why it was not legally possible to licence Rickshaws as Private Hire Vehicles, in order for this matter to be dealt with properly, it would be necessary for this decision to be amended and approved by Council.

Resolved

1. ...
2. **To recommend to Council that the decision to allow Rickshaws to be licensed as private hire vehicles be rescinded.**

MINUTES OF GOVERNANCE COMMITTEE REQUIRING THE APPROVAL OF COUNCIL
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**GOVERNANCE COMMITTEE
28 JULY 2010**

Present: Councillor Jennings (Chair)
Councillors Bayliss and Jones

04/10 New Executive Arrangements Consultation

At its meeting on 7 July 2010, Council resolved that, in principle, it wished to adopt a leader and cabinet model of executive arrangements and authorised appropriate consultation with the public and stakeholders. It was also resolved that the Governance Committee be established to agree consultation arrangements and that a final on future executive arrangements would be taken at a special meeting of the Council on 15 December 2010.

A report of the Strategic Director of Resources was considered. The report detailed proposed consultation in relation to the adoption of a new model of executive arrangements. It was explained that a letter had been received from the Minister for Housing and Local Government advising that low-level consultation should be undertaken. Representations were made by Councillor Bayliss that the level of consultation should be more extensive.

Resolved to:

- 1) ...
- 2) **Recommend that Council consider the results of the consultation and take a final decision at the scheduled Council meeting on 17 November 2010 rather than a special meeting on 15 December;**
- 3) ...