

Time commenced - 6.00 pm
Time finished - 8.07 pm

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 <u>especially those which are under-achieving</u> 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

<p>MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL</p>
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**COUNCIL CABINET
1 AUGUST 2006**

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

In attendance: Councillor Jones

This record of decisions was published on 3 August 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 Decisions

47/06 Proposals to Change the three Equality Advisory Committees

The Council Cabinet considered a report on Proposals to Change the three Equality Advisory Committees.

Options considered

There were no options considered.

Decision

To recommend Council to approve the transformation of Advisory Committees into Equality Forums.

Reasons

1. To draw the Committees in line with consultation better practice, considering the methods currently used by both the Young People's Forum – YPF – and the Senior's Forum. They were both successful in engaging with their respective communities.
2. To engage in better consultation with people from the respective equality target groups and not only Advisory Committee members
3. To learn from and respond to the concerns raised during the review process

Budget and Policy Framework

49/06 Treasury Management – Annual Report 2005/06

The Council Cabinet considered a report on Treasury Management – Annual Report 2005/06. The report detailed the outturn position for 2005/06 for the prudential indicators and reports on treasury management activity during 2005/06. The results of treasury management borrowing and investment activity in 2005/06 showed that:

- new borrowing in 2005/06 was taken at an average rate of only 4.22%
- returns on investments averaged 4.81% well above the average Bank of England base rate of 4.59%, even after allowing for the slight difference in the methodology used to calculate these two figures.

Decision

To recommend Council:

1. To note the prudential indicators in respect of the 2005/06 outturn as outlined in Appendix 2 and summarised at Appendix 3 to this report.
2. To approve the updated prudential indicators for 2006/07 and 2007/08 as listed at Appendix 3 to this report, noting that the changes are as a result of the reported 2005/06 outturn position.
3. To approve the Annual Report in respect of Treasury Management activity for 2005/06 as outlined in Appendix 4 to this report.

50/06 Budget Strategy 2007/08 to 2009/10 and Priorities

The Council Cabinet considered a report on Budget Strategy 2007/08 to 2009/10 and Priorities. The report sought approval for the approach that the Council would follow in preparing its 2007/8 budget and indicative planning budgets for 2008/9 and 2009/10, with a particular emphasis on the process for delivery of necessary budget savings. It set out the financial situation facing the Council, the savings process needed to address that situation, and how the budget choices are to be linked with the process of wider corporate planning and priority setting.

Decision

To recommend Council:

1. To note the financial situation facing the Council from 2007/8 onwards.

2. To approve the strategy to be followed during the initial stages of preparing budgets for 2007/8 and the indicative planning budgets for 2008/9 and 2009/10, as set out in the report.
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.

Councillors Hickson, Latham and Smalley requested that their votes against the above decision be recorded.

53/06 Local Area Agreement 2005/06 Review and Outturn

The Council Cabinet considered a report on Local Area Agreement 2005/06 Review and Outturn. The report set out annual performance and financial outturn information for the Local Area Agreement - LAA - in 2005/06. The LAA included all targets from our Local Public Service Agreement - LPSA2, which runs from April 2005 to March 2008. The report also provided an update on future performance monitoring of the LAA and presents 2006/07 funding streams included in the agreement. Of the 70 LAA indicators for which the Council was responsible and where year end data and targets were available, 59% of indicators have met or exceeded target, with 29% of indicators showing a year-end performance of more than 5% adverse to target.

Decision

To recommend Council:

1. To note the performance of the Council against the targets included in its 2005/06 Local Area Agreement, including the Local Public Service Agreement targets.
2. To give particular attention to those areas where the year-end actual performance is below target and the action being taken to address this.
3. To note the outturn expenditure on LAA pooled and aligned budgets in 2005/06.
4. To note the decision of the Cabinet Member for Corporate Policy to agree to proposals from the Executive of the Children and Young Persons Partnership for the reallocation of LAA pooled budget underspending into 2006/07 budgets, under provisions for urgent action.
5. To approve the carry forward of underspent LPSA2 budgets as set out in the report.
6. To note the funding streams included in the LAA in 2006-07.

COUNCIL CABINET 5 SEPTEMBER 2006

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

In attendance: Councillor Jones

This record of decisions was published on 7 September 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.

Contract and Financial Procedure Matters

75/06 Capital Programme Update 2006/7

The Council Cabinet considered a report detailing proposed changes to the Capital Programme for 2006/7 – 2008/9.

Decision

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.
2. To note the results of monitoring progress in delivery of this capital programme.
3. To approve the full commencement of the capital schemes listed in Appendix 6 of the report.
4. To note debt restructuring activity undertaken during 2006/7 to date and the ongoing revenue budget savings generated.
5. To recommend Council to approve a revised set of prudential indicators as listed in appendix 7 of the report, including revisions to the affordability indicators, the capital financing requirement, the operational boundary and the authorised limit on borrowing, and the limits on non-specified investments above one year's duration.