

TO: ALL MEMBERS OF THE DERBY CITY COUNCIL

You are summoned to attend the Annual Meeting of the Derby City Council in the Great Hall, Assembly Rooms, Derby on Wednesday 25 May 2011 at 11.00 am.

A G E N D A

1. To elect the Mayor of the City for the next municipal year.
2. To appoint the Deputy Mayor of the City for the next municipal year.
3. To thank the retiring Mayor.

Motion - That the thanks of this Council be given to Mr Amar Nath for the zeal, impartiality and ability with which he has discharged the duties of the Office of Mayor of the City for the past year.

4. To receive apologies.
5. To appoint the Pinder and Tenter for the ensuing year.

Motion - That the Markets Officer be appointed Pinder and Tenter for the ensuing year.

6. Presentation of the Derby Civic Award for 2010/11 and recognition of Derby Community Champions.

7. To adjourn the Council meeting.

Motion - That the Council now adjourn until 6.00 pm today in the Darwin Suite, Assembly Rooms, Derby.

8. To receive apologies.
9. To receive Declarations of Interest.

10. To approve the minutes of the meeting of the Council held on 30 March 2011

DOCUMENT 10

Motion - That the minutes of the meeting of the Council held on 30 March 2011 be approved as a correct record, confirmed and signed by the Mayor

11. To receive any announcements from The Mayor.
12. To receive any Statements from Members of the Council Cabinet.

13. To receive any questions from the public to Members of the Council Cabinet, Chairs of Commissions or Chairs of Committees, and the answers to those questions.

- a) Simon Bacon - Promotion of Recycling
- b) Colin Underhill - Seeking grants to support new Conservation Areas
- c) Colin Underhill - 'Last Night of the Proms' on the big screen

(Note – unless the Council decides otherwise, the maximum period of time for questions by the public is thirty minutes. Any questions not answered at the end of thirty minutes will be answered in writing).

14. To receive any written questions about the business or functions of the Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited and the answers to those questions.

No questions have been received.

15. To receive any written questions from non-Council Cabinet Members to Members of the Council Cabinet and the answers to those questions.

16. a) To elect the Leader of the Council for the next municipal year.

(In accordance with Article 7.3 of the Constitution, the Leader will hold office for four years or until:

- a. s/he resigns from the office; or
- b. s/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or
- c. his/her term of office as a councillor expires; or
- d. s/he is no longer a councillor; or
- e. s/he is removed from office by the full Council.

- b) To receive an announcement by the Leader of the Council on the appointment of the Council Cabinet for the next municipal year.

(Note – In accordance with Article 7.2 of the Constitution, the Council Cabinet must consist of the Leader of the Council together with no fewer than two and no more than nine Councillors).

17. To consider a report of the Director of Legal and Democratic Services as Monitoring Officer on Proposed Amendments to the Constitution and any changes to the committee structure. **TO FOLLOW**

Motion –

18. To approve constitutional appointments for the next municipal year. **TO FOLLOW**

Motion – To approve the constitutional appointments for the next municipal year now submitted.

19. To appoint the following Chairs of Neighbourhoods Boards and Ward Committees for the next municipal year and to agree that the other two ward councillors act as Vice Chairs:

| Neighbourhood (Ward) | Chair |
|-----------------------------|--------------|
| Abbey | Councillor |
| Allestree | Councillor |
| Alvaston | Councillor |
| Arboretum | Councillor |
| Blagreaves | Councillor |
| Boulton | Councillor |
| Chaddesden | Councillor |
| Chellaston | Councillor |
| Darley | Councillor |
| Derwent | Councillor |
| Littleover | Councillor |
| Mackworth | Councillor |
| Mickleover | Councillor |
| Normanton | Councillor |
| Oakwood | Councillor |
| Sinfin | Councillor |
| Spondon | Councillor |

Motion – To approve the appointments and to agree that the other two ward Councillors act as Vice Chairs.

20. To approve the Schedule of Meetings. **TO FOLLOW**

Motion - To approve the Schedule of Meetings for May 2011 to July 2012 now submitted, and to note the schedule of meetings of neighbourhood boards and forums.

21. To approve appointments to outside bodies and charities for the next municipal year. **TO FOLLOW**
- Motion - To approve appointments of representatives to serve on outside bodies and charities for the next municipal year, now submitted.**
22. To approve attendances at annual conferences for the next municipal year. **TO FOLLOW**
- Motion - To approve the list of representatives authorised to attend annual conferences for the next municipal year, now submitted.**
23. To consider the following minutes and recommendations of the Council Cabinet dated 12 April 2011 requiring the approval of the Council. **DOCUMENT 23**
- 244/10 Derby's Economic Strategy 2011-15** **TO FOLLOW**
- To approve the Economic Strategy and adopt the document as the basis for the Council's future regeneration projects and programmes.
- 246/10 Being Safe and Feeling Safe – Derby's Crime and Disorder Reduction Strategy 2011-14** **TO FOLLOW**
1. To recommend Council to approve the strategy and annual plan.
 2. To ensure that all Members and services have due regard to the Council's statutory duty to reduce crime and disorder.
- 248/10 Contract and Financial Procedure Matters Report** **TO FOLLOW**
1. To recommend Council:
 - a. To approve the changes detailed in Appendix 2 of the report and to amend the 2011/12 – 2013/14 capital programme.
 - b. To approve the use of the Devolved Formula Capital - DFC - allocations for 2011/12 for the relevant schools, amounting to £122,000, as detailed in paragraph 4.10 of the report.
 - c. To approve the temporary use of previous years unallocated Children and Young People capital grants to fund the remaining shortfall of £311,000.
 - d. To approve the capital scheme commencements detailed in Appendix 3 of the report.
 - e. To approve the original allocation of reserve funding be maintained until the Friar Gate Studios project is completed.
- Motion – To approve the above minutes and recommendations of the Council Cabinet dated 12 April 2011.**

24. To consider the following Notices of Motion:
- (1) Councillor Banwait to move, Councillor Campbell to second:

“Derby City Council believes that the Royal Mail is reneging on its commitment to the Derby Mail Centre on Midland Road by proposing to transfer sorting work from Derby to Nottingham which could affect up to 400 Derby jobs. Council strongly recommends that the Royal Mail, and the Coalition Government, honour its commitment to maintain Derby as a centre for sorting work and protect Derby jobs for future generations.”

A handwritten signature in black ink, appearing to read 'S. Leslie'.

Stuart Leslie
Director of Legal and Democratic Services

**COUNCIL MEETING
30 MARCH 2011**

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

Apologies for Absence

Apologies for absence was received from Councillors Harwood and S Khan.

Declarations of Interest

Councillor Williams declared a personal, but not prejudicial interest in Item 6 – Petition “Keep Children’s Centres Open.”

Announcements by the Mayor

The Mayor referred to the recent earthquake and tsunami that had hit Japan and told Council that he had sent a message of sympathy to The Mayor of our twin city, Toyota City.

The Mayor congratulated Councillors Holmes, Naitta and Whitby on their participation in a karaoke competition at Radio Derby in support of BBC Children in Need and told Council that he had made a donation of £100.

The Mayor referred to the fact that this would be the last meeting of the Council attended by Councillors Berry and Chera, who would not be standing for election at the forthcoming Council Elections. He also added that former Councillors Williamson and Batey had recently resigned. Tributes to these Councillors were paid by various members of the Council and the Council recorded its thanks to them for their service.

80/10 Minutes of the Previous Meeting

Resolved that the minutes of the meeting of the Council held on the 2 March 2011 be approved as a correct record, confirmed and signed by the Mayor.

81/10 Statements by Members of the Council Cabinet

The following statements were made by members of the Council Cabinet:

1. Councillor Jennings, Leader of the Council on Initiatives and Achievements. Councillors Bayliss and Allen responded.
2. Councillor Holmes, Deputy Leader of the Council and Council Cabinet Member for Planning and Environment, concerning the Local Transport Plan. Councillors Dhindsa and Carr responded.
3. Councillor Webb, Council Cabinet Member for Adult Social Care and Health, concerning the OFSTED inspection of the Adult Learning Service. Councillor Hussain and Skelton responded.
4. Councillor Webb, Council Cabinet Member for Adult Social Care and Health, concerning the start of works on the Mackworth Extra Care Scheme. Councillors Hussain and Skelton responded.

82/10 Consideration of a Petition “Keep Children’s Centres’ Open”

The Council’s Petition Scheme states that a valid petition, containing at least 8,500, signatures can trigger a Full Council debate. As this was the first such occasion, the Mayor explained that the lead petitioner would be given five minutes to present the petition and that a maximum of 15 minutes to debate that petition would then be allowed. By prior agreement, five minutes was allocated to each political group spokesperson.

It was proposed by Councillor Bolton and seconded: ‘that the Council Cabinet be strongly recommended to accept the petition to continue to run and manage the entire existing Children’s Centres and not to close the six Children’s Centres at a cost of £500,000, that sum to be funded by a corresponding reduction in the Corporate Communications, Policy Research and Engagement, and Performance and Improvement (under the Chief Executive’s Office) budget heads of £2.158m.’

In accordance with Rule CP68, it was demanded by at least 10 Members that a recorded vote be taken on the motion.

The following Members voted for the motion:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Graves, Higginbottom, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, Whitby, L Winter (16)

The following Members voted against the motion:

Councillors Allen, Ashburner, Atwal, Barker, Berry, Carr, Chera, Davis, Grimadell, Hickson, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Nath, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, Williams, Wood (30)

Councillor F Winter abstained (1)

The motion was declared lost.

83/10 Public Questions

Questions from members of the public were asked as follows:

- 1) By Simon Bacon, concerning percentages of recyclable materials not recycled, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 2) By Peter Barker, concerning the status of Darley Abbey Mills and Stable Strategy, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.
- 3) By Steve Hassall, concerning integrity of postal voting, answered by Councillor Marshall, Council Cabinet Member for Resources.
- 4) By Simon Bacon, concerning finances for Raynesway HWRC site, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 5) By Peter Barker, concerning the Council's view on the Lower Derwent Flood Risk Management Strategy, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.

84/10 Written Questions about the Business or Functions of Derbyshire Police Authority, Derbyshire Fire and Rescue Authority or Derby Homes Limited

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

85/10 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 Troup, concerning recycling sites, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 2) By Councillor Troup, concerning bus lanes, answered by Councillor Holmes, Deputy Leader and Council Cabinet Member for Planning and Environment.
- 3) By Councillor Roberts, concerning CCTV cameras in Blagreaves, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.
- 4) By Councillor Turner, concerning levels of recycling, answered by Councillor Poulter, Council Cabinet Member for Neighbourhoods.

86/10 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 15 February 2011 and 15 March 2011.

87/10 Minutes and Recommendations of the Governance Committee

The Council considered the minutes and recommendations of the Governance Committee, concerning New Executive Arrangements from May 2011, including amendments to the Constitution, set out in Appendix B to these minutes.

It was moved by Councillor Jennings, and seconded, to approve the minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution.

It was moved by Councillor Wood, and seconded, that the motion be amended by the addition of the words 'subject to the deletion of the words "in the event of a change of political control of the Council' from sub paragraph e.

of the paragraph 7.3 of Article 7' and (2) to ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office, for consideration by a future meeting of the Council.”

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

- ‘(1) To approve the above minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution, subject to the deletion of the words 'in the event of a change in political control of the Council' from sub paragraph e. of paragraph 7.3 of Article 7, and
- (2) To ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office for consideration by a future meeting of the Council.’)

After a break for legal advice and to allow political groups to confer the amendment was carried.

Resolved...

- (1) To approve the minutes and recommendations of the Governance Committee dated 23 February 2011, including amendments to the Constitution, subject to the deletion of the words 'in the event of a change in political control of the Council' from sub paragraph e. of paragraph 7.3 of Article 7, and**
- (2) To ask the Governance Committee to draw up a protocol to cover situations where the Leader can be removed from office for consideration by a future meeting of the Council.**

88/10 Members' Allowances – Recommendations of the Independent Remuneration Panel for 2011/12.

The Council considered a report of the Director of Resources concerning Members' Allowances - Recommendations of the Independent Remuneration Panel for 2011/12.

Resolved, on the motion of Councillor Hickson...

- 1. That the recommendations of the Independent Remuneration panel be not approved**
- 2. That the existing Members' Allowances scheme for 2010/11 be continued for 2011/12, and that, in line with the salary position of Local Government employees, no increase in allowances be paid in 2011/12**

3. **That the Governance Committee be asked to consider any appropriate amendments to Members' Allowances during 2011/12**

89/10 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 since the previous meeting.

Resolved, on the motion of Councillor Jennings, to note the decisions of the Chief Executive in consultation with political group leaders to:

1. **Update the Scheme of Delegations to include**
 - **Taking enforcement action against unsatisfactory housing conditions**
 - **Promoting standards within the private rented sector.**
2. **Give the Director of Environment and Regulatory Services (in addition to the Director of Housing and Advice Services) responsibility for appointing any members of staff to act as authorised or proper officers under the following Acts, insofar as the appointment relates to the functions listed in point 1:**

**Housing Act 1985
Housing Act 2004
Building Act 1984
Public Health Act 1936
Public Health Act 1961
Environment Protection Act 1980
Local Government, Miscellaneous Provisions Act 1976
Local Government, Miscellaneous Provisions Act 1982
Prevention of damage by Pests Act 1949**

90/10 Notices of Motion

1. *Fly Tipping*

It was moved by Councillor F Khan, and seconded, that Council is concerned about the continued problems with bins on streets, fly tipping, fly posting and other environmental crimes and notes the increased concerns of residents in Arboretum, Abbey and Normanton Wards amongst others.

In order to address these long standing matters of environmental and street scene disorder, Council requests Council Cabinet to look into ways of utilizing existing enforcement staff or officers to develop an enforcement team and

policy on these environmental concerns, which would have the power to impose swift penalties on those causing environmental degradation in our city.

In accordance with Rule CP68, it was demanded by at least 10 members that a recorded vote be taken on the motion.

The following Members voted for the motion:

Councillors Allen, Ashburner, Atwal, Barker, Berry, Carr, Chera, Davis, Hickson, Hird, Holmes, Ingall, Jennings, Jones, F Khan, Leeming, Lowe, Marshall, Naitta, Nath, Poulter, Radford, Richards, Skelton, Troup, Tuplin, Webb, F Winter, Wood (29)

The following Members abstained:

Councillors Banwait, Bayliss, Bolton, Dhindsa, Hussain, Jackson, Rawson, Redfern, Repton, Roberts, Shanker, Turner, L Winter (13)

The following Members were absent from the room when the vote was taken
Councillors Graves, Grimadell, Harwood, Higginbottom, Whitby, Williams (6)

The motion was declared carried.

Resolved that Council is concerned about the continued problems with bins on streets, fly tipping, fly posting and other environmental crimes and notes the increased concerns of residents in Arboretum, Abbey and Normanton Wards amongst others.

In order to address these long standing matters of environmental and street scene disorder, Council requests Council Cabinet to look into ways of utilizing existing enforcement staff or officers to develop an enforcement team and policy on these environmental concerns, which would have the power to impose swift penalties on those causing environmental degradation in our city.

2. Gated Communities

Resolved, on the motion of Councillor Carr, that Council acknowledges the trend towards increased numbers of gated communities within the city necessitating entry codes to enter and leave. Council recognises the practical difficulties this creates for delivery of mail and other communications. Council therefore requests that consideration be given to having a standard planning condition for such developments, such that, unless the design makes it impossible, post boxes accessible from the exterior of the property will automatically be installed.

3. *Derby's Multicultural Heritage*

It was moved by Councillor Hussain, and seconded, that Derby is proud of its multicultural heritage and values the immense contribution to the city's cultural diversity that has been bequeathed by the many different ethnic communities that have made Derby their home over the past century. We need to remind ourselves that one fifth of Derby's residents have ancestral connections to other countries.

The philosophy underpinning multiculturalism has served us well. It has taught us to show tolerance and respect for other peoples traditions, beliefs systems and cultures. It has helped us improve ourselves and our society by making us think not only about our own needs and requirements but also about the differing needs that other people may have.

This council is therefore greatly dismayed at the effects on multiculturalism made by politicians both in Europe and at home and wishes to reaffirm its support for policies that promote multiculturalism. It condemns any effort to undermine the harmonious relationships that the City Council has developed over many years.

It was moved by Councillor Allen, and seconded, that the motion be amended by the deletion of the words 'the past century' in paragraph 1 and the insertion of the words 'many centuries' and the deletion of paragraph 3 and its replacement with 'This Council wishes to reaffirm its support for policies that promote multiculturalism.'

The amendment was put to the meeting and carried.

Resolved that Derby is proud of its multi-cultural heritage and values the immense contribution to the City's cultural diversity that has been bequeathed by the many different ethnic communities that have made Derby their home over many centuries. We need to remind ourselves that one fifth of Derby residents have ancestral connections to other countries.

The philosophy underpinning multiculturalism has served us well. It has taught us to show tolerance and respect for other people's traditions, belief systems and cultures. It has helped us to improve ourselves and our society by making us think not only about our own needs and requirements but also about the differing needs that other people may have.

This Council wishes to reaffirm its support for policies that promote multiculturalism.

Mayor

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|---|
| MINUTES OF COUNCIL CABINET REQUIRING THE APPROVAL OF COUNCIL |
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COUNCIL CABINET 12 APRIL 2011

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

In attendance Councillors Allen, Bayliss and Jones

This record of decisions was published on 14 April 2011. 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

244/10 Derby's Economic Strategy 2011-15

The Council Cabinet considered a report on Derby's Economic Strategy 2011-15. The new Derby Plan, to be published imminently, was the overarching strategy for the city and contains a desired outcome of "realising a thriving sustainable economy". The draft Economic Strategy (Appendix 2 of the report) was, in effect, the economic chapter of the Derby Plan. It was designed to realise this Derby Plan outcome statement and would be owned and overseen by the Derby Renaissance Board (DRB). The strategy outlined the rationale for a series of suggested interventions. Specific actions for partners to undertake were included in three associated Delivery Plans – one for each sub-board of the DRB (Appendix 3-5 of the report). Progress against the Delivery Plans would be monitored by the DRB and periodically reported to Members. This report accompanied the draft Economic Strategy and associated Delivery Plans and sought approval from Members.

Decision

To approve the Economic Strategy and adopt the document as the basis for the Council's future regeneration projects and programmes.

246/10 Being Safe and Feeling Safe – Derby's Crime and Disorder Reduction Strategy 2011-14

The Council Cabinet considered a report on Being Safe and Feeling Safe – Derby's Crime and Disorder Reduction Strategy 2011-2014. Under current legislation, there was a duty for each crime and disorder reduction partnership to formulate and implement a three year strategy to reduce crime and disorder and combat substance misuse; with an annual strategic assessment of risk and need which should be reviewed every six months. This three year strategy covered the period 2011-2014, and explained the priorities for community safety for Derby city during this period. The action plan outlined key delivery areas over the next 12 months. The priorities identified in the strategy had been developed alongside the 'being safe and feeling safe' priority outcome in the Derby Plan to ensure that these strategies were harmonised. It had also been developed alongside the Council's Corporate Plan. There was also a statutory duty for the local authority to exercise all of its function with due regard to the likely effect on crime and disorder in the area and to take direct action to reduce crime and disorder. This included consideration of the potential impact of policies, budgets, commissioned services and direct service delivery on crime and disorder. The strategy and annual plan had to be approved through the Council's decision making process and remained a statutory plan to be approved by Council.

Decision

1. To recommend Council to approve the strategy and annual plan.
2. To ensure that all Members and services have due regard to the Council's statutory duty to reduce crime and disorder.

Contract and Financial Procedure Matters

248/10 Contract and Financial Procedure Matters Report

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

- changes to the capital programme
- revised schools devolved formula deficit for Children and Young People capital Programme 2010/11
- capital Scheme Commencements
- use of reserves.

Decision

1. To recommend Council:
 - f. To approve the changes detailed in Appendix 2 of the report and to amend the 2011/12 – 2013/14 capital programme.
 - g. To approve the use of the Devolved Formula Capital - DFC - allocations for 2011/12 for the relevant schools, amounting to £122,000, as detailed in paragraph 4.10 of the report.
 - h. To approve the temporary use of previous years unallocated Children and Young People capital grants to fund the remaining shortfall of £311,000.
 - i. To approve the capital scheme commencements detailed in Appendix 3 of the report.
 - j. To approve the original allocation of reserve funding be maintained until the Friar Gate Studios project is completed.
2. ...