

Time began 6.00pm  
Time ended 6.50pm

**COUNCIL CABINET  
19 DECEMBER 2006**

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

This record of decisions was published on 21 December 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.

In Attendance Councillor Jones

**136/06 Apologies**

Apologies for absence were received from Councillors Hickson and Nath

**137/06 Late Items Introduced by the Chair**

There were no late items.

**138/06 Identification of Urgent Items to which Call-In will not apply**

It was reported that the following item had to be implemented with immediate effect, the Chair of the Scrutiny Management Commission had agreed that it could be treated as an urgent item and therefore not subject to call-in for the reason outlined below:-

**147/06 Riverlights Bond**

Any delay in approving the bond arrangements could cause delays in work commencing on this major scheme.

**139/06 Declarations of Interest**

There were no declarations.

**140/06 Minutes of the meeting held on 28 November 2006**

The minutes of the meeting held on 28 November 2006 were confirmed as a correct record and signed by the Chair.

## Matters Referred to Council Cabinet

### 141/06      Gayton School Swimming Pool

Council Cabinet considered a motion from Council which asked Council Cabinet to carefully examine the situation relating to Gayton School Swimming Pool, recognising that the costs to replace the pool were estimated at over £3,000,000; it called on the Council Cabinet to set up an all party working group to identify funding sources that would either mean identifying cuts that would be necessary elsewhere, if £3,000,000 was to be used for a replacement pool, or an external funding stream.

A detailed report on the issue was circulated at the meeting.

#### **Decision**

To set up an all party working group comprising 2 members of the Labour group, 2 members of the Conservative group and 2 members of the Liberal Democrat group along with any community representatives.

### 142/06      Swallowdale Road

The Council Cabinet considered a report from the Scrutiny Management Commission which stated that the Commission at its meeting on 5 December 2006 had received a verbal report about the proposed key decision on the sale of the site at Swallowdale Road. Issues raised by members included the mixed siting of affordable housing units and the phasing of the building work.

It was felt that the proposal to have up to 10 affordable units grouped together was too many and it was better to have smaller sites and more of them. Further, that construction of the PFI and 'market' properties should happen in parallel. The Chair of the Commission referred to a day review conducted by the Commission on 30 November 2006 which had addressed these and other points. A full report was being prepared and would be finalised in the new year. In light of the relevance of that review the Commission sanctioned the making of an interim report which was attached to the report.

In the absence of Councillor Nath, Councillor Roberts responded to the comments, highlighting that the proposals has taken into account a number of the Council's comments although the site was outside of the City boundary

#### **Decision**

To note the report.

### 143/06      Service Charges in Sheltered Accommodation

The Council Cabinet considered a report from the Community Commission which asked the Council Cabinet to note that the Community Commission

- welcomed the outcome of the review which would result in significantly reduced charges for self funding service users
- was concerned about the possible impact on residents with incomes close to the eligibility threshold for means tested benefits
- was concerned that although the new service was planned to be sustainable, on the basis of known Supporting People allocations, it could be vulnerable in the event of future cutbacks.

The Commission requested that Council Cabinet and Derby Homes should act to ensure that appropriate members of their staff offer each service user a full benefits check at least once per year and that the relevant Cabinet Member should monitor the Supporting People budgets and ensure that in the event of future reductions in the allocation to Derby that these Supported Living schemes were suitably protected.

In the absence of Councillor Nath, Councillor Roberts responded to the comments

### **Decision**

1. To note the comments of the Community Commission
2. To ensure that appropriate officers at Derby Homes provide each service user a full benefit check at least once a year.
3. To note that the supporting people budgets should be monitored by the relevant cabinet member to ensure that, in the event of future reductions in the allocation to Derby, supported living schemes are protected.

## **144/06 Housing Rent and Service Charges**

The Council Cabinet considered a report from the Community Commission which asked Council Cabinet to note that the Community Commission had concluded that

1. central government had been requiring councils to follow two incompatible policies, achieve convergence between council rents and those of RSL's by 2012 and cap the percentage rate of rent increases below the rises needed.
2. it was desirable to make the increases as equal as possible to avoid rent hikes.

The Commission requested Council Cabinet to make representations to central government

1. to clarify the government's intentions regarding rent capping in subsequent years and whether the policy shall remain the achievement of rent convergence.
2. if the national policy of rent convergence remains in place to seek an extension beyond the current 2012 deadline to enable convergence to be achieved through reasonable year-on-year percentage increases.

In the absence of Councillor Nath, Councillor Roberts responded to the comments. He confirmed that the Council had already made representations to the government on this issue.

### **Decision**

To note the report.

## **145/06 Draft Housing Renewal Policy**

The Council Cabinet considered a report from the Community Commission which asked Council Cabinet to note the Community Commission welcomed the proposals contained in the policy, the Council's commitment to the Disabled Facilities Grant – DFG as shown by the substantial financial support to that budget and the development of a landlord accreditation scheme as previously requested by the Commission. The Commission recommended that Council Cabinet approved the recommendations set out in the report.

In the absence of Councillor Nath, Councillor Roberts responded to the comments

### **Decision**

To note the report.

## **146/06 Housing Allocation Policy**

The Council Cabinet considered a report from the Community Commission which asked Council Cabinet to approve the proposed initial percentages to bands and give delegated authority to the relevant Council Cabinet Member to review and vary them.

The Commission asked the Council Cabinet to note

- i) whole heartedly welcome this response to the former Community Regeneration Commission's previous recommendations
- ii) consider the new 4 band system and percentage of allocations to each should offer much better chances for current social housing tenants seeking to move

- iii) intend to monitor performance to ensure that existing tenants actually do benefit from greater opportunities to move
- iv) hope that over the time the trend should be for the percentage allocated to the emergency band to diminish with the dividend that higher percentages can be awarded to the other bands
- v) may want to explore at a future point the process for verification of applicants' circumstances
- vi) thank the previous Commission for its work and Cllr Nath and his staff for their co-operation and
- vii) offer best wishes to all the staff who will operate the new system given the context that social housing is a scarce resource

In the absence of Councillor Nath, Councillor Roberts responded to the comments

### **Decision**

To note the report

## **Urgent Key Decisions**

147/06 Riverlights Bond

The Council Cabinet considered a report which stated that an offer from the Developer to deposit £2m in an escrow account in satisfaction of the condition in the Development Agreement for a bind to secure its obligation to build the new bus station and construct the new road layout associated with the Riverlights scheme.

### **Options Considered**

None.

### **Decision**

1. To accept the Developers offer to deposit £2m in an escrow account in satisfaction of the bond condition the Development Agreement subject to the condition that work on the scheme will not commence until the Developer's funding agreement with a suitable lending institution is in place.
2. To authorise the Corporate Director, Corporate and Adult Social Services to conclude any necessary variation to the Development Agreement.

### **Reasons**

To ensure the development continues without delay.

In accordance with Procedure Rule AI26, the Chair of the Scrutiny Management Commission had agreed that this item could be considered as an urgent item not subject to call-in.

## Key Decisions

### 148/06      Local Development Framework – Annual Monitoring Report

The Council Cabinet considered a report on the Local Development Framework – Annual Monitoring Report. The AMR set out important information on how planning policies were being implemented and the progress in implementing the Local Development Scheme.

#### **Options Considered**

The submission of the Annual Monitoring report to the Secretary of State by the end of the year was required by Regulation. No other options had therefore been considered.

#### **Decision**

To authorise the submission of the Annual Monitoring Report to the Secretary of State by the end of December 2006, subject to any minor drafting amendments.

#### **Reasons**

To satisfy the legal requirement to submit an AMR.

### 149/06      Derbyshire Safety Camera Partnership Funding Allocation 2007/08

The Council Cabinet considered a report on Derbyshire Safety Camera Partnership Funding Allocation 2007/08. The government had made significant changes to the way Safety Camera Partnership would be funded from April 2007. These changes aimed to ensure that partnerships focused on casualty reduction. £440,000 had been identified as likely to be allocated to the Council, as part of its Local Transport Plan annual settlement, to continue to reduce road casualties in 2007/08. This allocation was based on the expected operating costs of the Safety Camera Partnership. Government were encouraging local authorities to develop broader strategies aimed at reducing road casualties. The current Derbyshire Safety Camera Partnership had been very successful in reducing casualties and the continued operation of safety cameras, in appropriate locations, must be included in any future strategy.

## **Options Considered**

To cut funding to the Safety Camera Partnership, without an alternative casualty reduction strategy, would not be appropriate. Consequently no other options have been considered at this stage.

## **Decision**

1. To support the continued funding of the Derbyshire Safety Camera Partnership in order to achieve reductions in road casualties.
2. To support the development of a wider casualty reduction partnership to maximise achievements and encourage partner agencies to contribute including financially.
3. That the funding allocation for Casualty reduction, awarded to the Council as part of its 2007/08 Local Transport Plan, be pass-ported to the Derbyshire Safety Camera Partnership.

## **Reasons**

It was important that we recognised the achievements of the Safety Camera Partnership in reducing accidents. Continuing funding to the partnership in 2007/08 would ensure the achievements were maintained and would allow time to develop a wider Community Reduction Strategy.

## **150/06      Housing Allocation Policy Agreement of Percentages to Bands**

The Council Cabinet considered a report on Housing Allocation Policy Agreement of Percentages of Bands. The new Housing Allocation Policy was agreed by Council Cabinet on 1 August 2006. The policy was based on a percentage of properties being allocated to each band. This was known as a 'quota of allocations'. The new policy contained four bands of housing need and a percentage of properties would be advertised and allocated to each of these bands. The members of the Community Commission had been consulted on the findings of this report, along with the Derby Homefinder Landlords.

It was noted that the Community Commission were satisfied with the proposals to delegate decision making to the individual cabinet member as proposed in the report.

## **Options Considered**

1. Another percentage of allocations was considered during the data conversion exercise of an applicant's band to the new Housing Allocation Policy.

2. This second proposed percentage of properties to be advertised to each band was:
  - 35% to Emergency band
  - 25% to band A
  - 35% to band B
  - 5% to band C
3. This approach was rejected because:
  - the higher percentage to the Emergency band would still encourage people to 'band chase'
  - the higher percentage would not help achieve the Housing Allocation Policy's aim of preventing homelessness.

### **Decision**

1. To agree the proposed percentage of quotas contained in the report.
2. To agree that the Cabinet Member with responsibility for Housing policy be given delegated authority to review and amend the quotas to a parameter of +/- 10% of the total allocations.

### **Reasons**

1. The percentage of properties allocated to the Emergency band, which contained statutory homeless households would ensure the transition from the current policy to the proposed policy still enabled the Council to meet its statutory obligations. Once the backlog of cases was reduced, the proposed Housing Allocations Policy contained the ability to review and amend the percentage or properties allocated to each band.
2. The delegation of authority was required to ensure that the percentage of allocations to each band could be amended in line with changing housing need. The conversion of each housing application was a complex process and once complete would require a quick turn around to ensure the new IT system and Housing Allocation Policy could be implemented.

## **151/06      Housing Renewal Policy**

The Council Cabinet considered a report on Housing Renewal Policy. A review of the Council's Housing Renewal Policy had been necessary to take account of shifts in national housing policy, new legislation and the development of regional housing strategies. The proposed revised Housing Renewal Policy at Appendix 2 to the report reflected these changes and set



out the types of assistance which would be available to qualifying homeowners in the city.

Councillor Roberts agreed to respond to Councillor Smalley on the issues he had raised at the meeting.

### **Options Considered**

There were no options considered.

### **Decision**

1. To approve and adopt the revised Housing Renewal Policy detailed in Appendix 2 to the report.
2. To authorise the Corporate Director – Resources and Housing, in consultation with the Corporate Director – Corporate and Adult Services, to make the necessary arrangements to give public notice of the adoption of the policy in accordance with the requirements of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

### **Reasons**

The proposed revised Housing Renewal Policy would help ensure that:

- assistance was better targeted at those in greatest need
- the Council could meet Government targets relating to private sector housing Improvements
- government funding for housing renewal work in the city would continue to be forthcoming.

## **152/06      Lancaster Sports Centre**

The Council Cabinet considered a report on Lancaster Sports Centre. Lancaster Sports Centre closed on 29 October 2006. Expressions of interest were invited to take on the operation of the Centre and it was decided at Council Cabinet on 3 October 2006 that Derby City Gymnastics Club Ltd would be granted a period of exclusivity up to 30 November to work up their proposals for the future operation of Lancaster Sports Centre. Officers had met with Derby City Gymnastics Club Ltd and, subject to the agreement of detail on the refurbishment programme and Heads of Terms Lease, would be recommending that Derby City Gymnastics Club Ltd be granted a lease for 17 years to be rent free.

### **Options Considered**

None

## **Decision**

To authorise the Cabinet Members for Leisure and Direct Services and for Personnel, Performance Management and Economic Development to approve arrangements for a lease to be granted to Derby City Gymnastics Club Ltd to operate Lancaster Sports Centre subject to them agreeing a refurbishment and maintenance programme and appropriate Heads of Terms of the Lease.

## **Reasons**

To allow the Lancaster Sports Centre to reopen.

### **153/06 Land at Swallowdale Road, Sinfen**

The Council Cabinet considered a report on Land at Swallowdale Road, Sinfen. At its meeting on 26 April 2005, Council Cabinet approved the sale of 1.76 hectares of land off Swallowdale Road on the open market. The site had now been marketed through Salloways property consultants and details of the top offers received were included in the confidential part of the report. The land (0.328 ha) needed for the rented element of the affordable housing requirement would be retained by the Council and included in the Housing PFI scheme.

## **Options Considered**

See confidential part of the report.

## **Decision**

To authorise proceeding as recommended in the confidential part of the report.

## **Reasons**

1. To achieve a capital receipt for this site.
2. To allow the proceeds to be used in accordance with the Capital Strategy.
3. To allow part of the site to be developed under the Housing PFI, to provide the rented affordable housing element in accordance with planning policy.

### **154/06 Derby Play Strategy**

The Council Cabinet considered a report on Derby Play Strategy. In March 2006, the Big Lottery Fund launched a new Children's Play initiative based on the recommendations of the Government's 2004 Play Review 'Getting Serious

About Play'. Over the next three years £155 million was available to all Local Authorities across England to create and improve play opportunities for children. Each Local Authority had been allocated an amount of money based on the child population of the area and weighted by the level of deprivation. Derby City had been allocated £613,710 over a three-year period. In order to draw down the funding, each local authority had to develop a multi agency Play Strategy that was owned and shared by all stakeholders. Following the adoption of the strategy, a portfolio of projects could be developed that would form the basis of the application to draw down the funding. The application must show clear evidence on how it fitted and contributed to the priorities outlined in the Play Strategy. The development of a Play Strategy had been managed jointly between Environmental Services and Children and Young People Services. The Play Strategy had been developed following extensive consultation over the past six months with partners and would form the basis by which we developed the City's application to the Big Lottery on the 12 March 2007.

### **Options Considered**

None

### **Decision**

1. To adopt the Play Strategy subject to there being no adverse comments from the relevant Scrutiny Commission.
2. To submit Derby's application in conjunction with the External Funding Unit to The Big Lottery grants by the 12 March 2007 deadline.
3. To nominate Councillor Graves as a Play Champion to assist the delivery of the Play Strategy and Play Partnership.

### **Reasons**

To draw down the £613,710 Big Lottery play funding and commence the delivery of the Play Strategy for Derby.

## **Budget and Policy Framework**

155/06      Capital Strategy 2007/08 to 2009/10

The Council Cabinet considered a report on Budget and Policy Framework. The report set out a strategy for the development of the Council's capital programme over the next 3 years. The major issues it sought to develop were:

- Some changes to the principles to make sure the use of capital resources was considered corporately.

- A prioritisation process for the corporate capital programme, which allowed existing commitments to be delivered, and any new proposals to take account of the maintenance backlog in the asset management plan and the need to continue to invest in ICT infrastructure.
- Recognition that in order to fund the significant change programme needed for the city, additional prudential borrowing would be needed, subject to affordability within the revenue budgets. In particular this related to:
  - further investment in council owned properties to address the repairs backlog
  - investment to modernise the council's city centre office accommodation including the Council House
  - the delivery of the Public Realm strategy for the City Centre.
- Sustainable service capital programmes aimed principally at Children and Young Peoples Services, Housing and Adult Social Services, and Highways and Transportation.
- Wherever possible it was proposed to take advantage of external funding opportunities particularly in the Cultural and Leisure Service areas consistent with the Council's corporate priorities and asset management plan. Approval needed to be sought now to commence the design phase of the East Street Refurbishment scheme in 2006/7, with a view to letting a contract early in 2007.

An addendum to the report was circulated at the meeting

## **Decision**

To recommend to Council

1. An updated and amended set of principles to guide the allocation of funding to support the capital programme from 2007/8 onwards, as set out in Appendix 2.
2. To agree the planned allocation of resources to the corporate capital programme, as set out in Sections 3.1 and 3.2 and Table 2.
3. To approve in principle the addition to the capital programme of the East Street refurbishment scheme to the 2006/7 and 2007/8 capital programme at a total estimated cost for the two years of £1.6m, subject to Cabinet approval following the receipt of tender prices.
4. To approve, at this stage, the commencement of spending on the East Street refurbishment scheme design fees only, at a total estimated cost of £100k funded from corporate capital reserves.

5. To confirm the process and timetable for taking decisions on the detailed content of the capital programme for 2007/8 to 2009/10, set out in Appendix 3.

## Contract and Financial Procedure Matters

### 156/06 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on Contract and Financial Procedure Matters. This report dealt with the following items that required reporting to and approval by Council Cabinet under contract and financial procedure rules:

- The approval of a new Environmental Services capital programme scheme at St Augustine's Community Centre for £282k, mainly funded from new external funding, and capital scheme commencement.
- Proposed revised use of Corporate and Adult Social Services – CASS – non Adult Social Services reserve of £225k from 2004/05 service carry forward balances.
- An opportunity to bid for £100k external funding and proposed £100k matched funding from corporate reserves, to generate a £200k recyclable spend to save fund to invest in energy efficiency initiatives.
- The offer of a one-off £100,000 Communities for Health grant by the Department for Health which required confirmation of the Council's continued participation in the Communities for Health programme. The grant had to be spent by 31 March 2008. Proposals would be drawn up and reported back to Council Cabinet at a later stage on the use of the grant which has to be spent by 31 March 2008.

### Decision

1. To approve the addition of a £282k capital scheme at St Augustine's Community Centre to the Environmental Services capital programme, and approve capital scheme commencement.
2. To approve the change in use for CASS service reserves as detailed in paragraph 2 of the supporting information.
3. To approve the submission of a £100k external funding bid to Salix Finance Ltd for energy efficiency projects and £100k matched funding from corporate reserves.
4. To approve the acceptance of a one-off £100,000 Communities for Health grant by the Department for Health

## Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following items:

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

## Key Decision

157/06      Land at Swallowdale Road, Sinfin

To consider exempt information in relation to land at Swallowdale Road.

MINUTES END