

Time began 6.00pm
Time ended 7.05pm

**COUNCIL CABINET
22 APRIL 2003**

Present: Councillor Williamson - Chair
Councillors Bayliss, Bolton, Gerrard, Kalia, Nath, Repton,
Roberts, Wilsoncroft and Wynn

Also present: Councillor Burgess

This record of decisions was published on 24 April 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless the decision is called in.

Apologies for Absence

An apology for absence was received from Councillor Hickson.

Late Items to be Introduced by the Chair

In accordance with Section 100(B)(4) of the Local Government Act 1972, the Chair agreed to admit the following reports on the grounds set out below.

Assembly Rooms Pantomime

The detailed contract arrangements had to be agreed as soon as possible to make an announcement and publicise the performance.

The Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park

The Council had to progress the development agreement with the developer as soon as possible ensure the development was not delayed.

Urgent Items to which Call In will not apply

It was reported that, as the following items had to be implemented with immediate effect, the Chair of the relevant Overview and Scrutiny Commission had agreed that they could be treated as urgent items and therefore not subject to call-in for the reasons outlined below:

Eagle Centre Compulsory Purchase Order

This item was urgent because any further delays in making the compulsory purchase order, would have an impact on the developers' time scales for delivering the scheme and reduce its attractiveness to them.

The Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park.

Any delay in progressing the agreement could prejudice the development.

Declarations of Interest

Councillors Burgess and Gerrard declared personal non-prejudicial interests in item 10, 'Admissions into Foundation Stage Education in the Maintained Sector', as they were Governors of nursery schools.

384/02 Minutes of the previous meeting

The Part 1 minutes of the meeting held on 1 April 2003, were approved as a correct record and signed by the Chair.

Matters Referred to Council Cabinet

385/02 Education Service Strategic Plan

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission, following consideration of the draft plan.

Decision

- 1 To note the report.
- 2 To recommend Council to approve the Education Service Strategic Plan as part of the budget and policy framework.

386/02 Adult Learning Plan

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission, which stated that the Commission had endorsed the draft Adult Learning Plan for submission to the Learning and Skills Council.

Decision

- 1 To note the report.
- 2 To recommend Council to approve the Adult Learning Plan as part of the budget and policy framework.

387/02 Consultation on the Viability of Allenpark Infant School

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission, which stated that the Commission had noted the consultation on the viability of Allenpark Infant School and accepted the report with regret.

Decision

To note the report.

388/02 Visual Arts and Media Centre

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission, which stated that the Commission had considered the development plan for the Visual Arts and Media Centre and had commented that staff, trade unions and members of the public should be consulted fully and as early as possible on the development plan.

Decision

To note the report

389/02 Visual Arts and Media Centre Development Plan – Outcome of Call-in

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission, setting out the views of the Commission following the call-in of the decision of the Council Cabinet at its meeting held on 1 April 2003.

The Commission had recommended that the Council Cabinet:

- arrange for the dissemination of all the relevant information on the Visual Arts and Media Centre to all councillors
- instruct Chief Officers to remind all officers of the guidance on responding to requests for information to councillors
- note the need for Council Cabinet Members to provide appropriate information in a responsive and timely way to Overview and Scrutiny Commissions.

Decision

- 1 To note the report.
- 2 To advise the Commission that:
 - all relevant information on the Visual Arts and Media Centre has been circulated and any Councillors requiring further information may request it.
 - it is already the custom and practice of officers to respond to requests for information in accordance with paragraphs 25 and 26 of the Protocol on Member/Officer Relations, as set out on page 265 of the Constitution.
 - Members of the Council Cabinet do and will respond to requests for information in a timely and appropriate way.

389/02 Council Tax Payments for Derby Homes Tenants

The Council Cabinet considered a report from the Director of Finance, prepared following comments made by the Scrutiny Management Committee at its meeting on 12 March 2003, when it received a report on Council Tax payments for Council tenants. In response to the Commission's comments, Councillor Gerrard, Cabinet Member for Housing and Social Inclusion, undertook to take a report to a meeting of Council Cabinet stating that any future decision to remove the option of weekly Council Tax payments, would need to be made by Council Cabinet.

Decision

- 1 To agree that Council tenants, along with other Council Tax payer tenure types, would be able to opt to pay their Council Tax payments on a weekly basis.
- 2 To agree that any future decision to remove weekly payments as being an option for Council tenants to pay their Council Tax, would need to be a Council Cabinet decision.

Best Value

390/02 Best Value Review Programme 2003/2006

The Council Cabinet considered a report from the Director of Finance, which set out the Council's revised Best Value Review Programme, amended to reflect the findings and recommendations, from the Comprehensive Performance Assessment process. The revised programme for 2003/06 was outlined in Appendix 2 to the report.

Decision

- 1 To approve the Best Value Review Programme for 2003/06.
- 2 To start the reviews of Educational and Social Inclusion and Sport and Leisure for the Community, in May 2003.
- 3 To end the Service Access Best Value Review in October 2004.

Urgent Key Decisions

391/02 Eagle Centre Compulsory Purchase Order

The Council Cabinet considered a report from the Director of Corporate Services, which gave details of further areas of land, which needed to be included in the Compulsory Purchase Order to enable the comprehensive re-development to take place.

In addition to acquiring land, it would be necessary to obtain certain rights such as oversailing and scaffolding rights in order to execute the developments works.

The plans sent out with the report were withdrawn. Revised Plans were made available at the meeting.

Options considered

None

Decision

- 1 To approve the inclusion of the additional land shown on the amended plans 1 and 3 attached to the report in the Compulsory Purchase Order approved on 19 November 2002 for the purposes of carrying out development, re-development and improvement pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990.
- 2 To approve pursuant to Section 226(3) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 the acquisition of rights shown on plan 6 attached to the report, which was required for the purposes of executing works for facilitating the approved development.
- 3 To authorise any amendments to the Deed of Indemnity between the Council and Developer arising from the approval of the above decisions.

Reasons

To make sure that all the land and rights necessary to implement proposals to carry out development for the extension of the Eagle Centre Shopping Centre are included in the Compulsory Purchase Order.

392/02 The Roundhouse and associated Listed Buildings with adjoining Land, Pride Park

The Council Cabinet considered a report from the Director of Corporate Services, setting out proposals to enter into a Development Agreement with Urban Catalyst Limited. The Director of Corporate Services added orally that Heads of Terms had recently been agreed with Urban Catalyst, one of which required the parties to enter into the Joint Venture/Development Agreement within an eight-week period.

Options considered

Urban Catalyst were selected from a shortlist of three by a panel including the Leader, Deputy Leader, the Council's Marketing Agent and the Assistant Regional Director of English Heritage, along with appropriate Council Officers.

Decision

To approve the Heads of Terms and to authorise the entering into a Development Agreement with the developer previously selected.

Reasons

Cabinet on 17 December 2002 previously authorised terms for the selection of a developer, which resulted in a selection panel on 7 January 2003. Further authority is now required to implement the terms negotiated during the subsequent three-month exclusivity period.

Key Decisions

393/02 Admissions into Foundation Stage Education in the Maintained Sector

The Council Cabinet considered a report from the Director of Education, which set out proposals to introduce a unified single entry admissions policy for Foundation Stage Education.

Options considered

- 1 Consideration was given to retaining the present arrangements where governing bodies set their own admissions policy and admit children at one, two or three points of entry. This was discounted because primary and nursery headteachers had stated that they wanted a clear statement by the local authority, about children's entitlement to pre-statutory education.
- 2 Three point entry, whereby every child was offered a place in the maintained sector as soon as they were eligible was discounted because this would be detrimental to the private, voluntary and independent sectors. Legislation required that parents should have a choice of providers for funded FS education and the LEA must not take action, which would impact on the viability of existing PVI sector provision.
- 3 Consideration was given to two-point entry because this was the current most constantly applied policy. However, it was based on historic patterns of nursery education provision and did not fit with conditions of eligibility, under the new legislation. It potentially disadvantaged summer born children and would provide confusion to the parents of spring born children, some of whom would start school in Autumn and others in Spring despite their eligibility being the same.

Decision

- 1 To ask the Director of Education to carry out a review of the recommendations to make sure the points recently raised by concerned individuals have been fully considered.
- 2 To consider a report at the meeting of Council Cabinet to be held on 13 May 2003.

Reasons

- 1 Parents were unclear about when their child would start school. Currently, schools in the same geographical area operated a variety of admissions policy. The statement of entitlement would make it clear to parents when their child could access a place in the maintained sector and whether the place was part or full time.
- 2 The adoption of the admissions policy based on one point of entry would ensure that Summer born children were not disadvantaged by receiving less FS education in the maintained sector and their peers.
- 3 The policy will help schools plan the intake on a geographical basis ensuring that all children have access to a place
- 4 The policy would bring stability to the planning of funded FS education and enable more efficient budgetary control.

394/02 Townscape Heritage Initiative Scheme - Historic Buildings Repair Grant - St Werburgh's Church Tower, Derby

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out an application for a townscape heritage initiative grant for St Werburgh's Church Tower, Derby.

Options considered

None.

Decision

To award a maximum grant of £64,512 towards the cost of repairs and reinstatement works at St Werburgh's Church Tower, Derby subject to:

- a approval of all documentation by the Heritage Lottery Fund and its advisors
- b signing a contract for third party grants, including conditions required by the Heritage Lottery Fund
- c precise details of the means of repair reinstatement work to be agreed with City Council Officers, prior to commencing the work
- d submission of relevant statutory consent notifications.

395/02 Report Outcome of Treasury Project Review Group on Outline Business Case - Group Schools PFI

The Council Cabinet considered a report from the Director of Finance, which stated that the government's Project Review Group had approved the Council's Outline Business Case for the Grouped 'Schools PFI project, subject to the minister's decision on the Council's request for additional PFI credits as £7.83 million and some comparatively minor clarification of the projected annual contributions from schools for facilities management services.

Options considered

None.

Decision

- 1 To approve forecast future development and delivery costs for the project of £460,000 and to release an additional £90,000 from the Council's modernisation fund.

- 2 To authorise the Director of Corporate Services to issue, where necessary, additional letters and terms of appointment to the Council's external project advisors

Reason

Approval of the Outline Business Case by the Project Review Group and the associated agreement with the Council's request for additional PFI credit meant that the Council now had formal approval to proceed to the next stages of delivering an affordable project.

Performance Monitoring

396/02 Internal Audit Plan 2003/04

The Council Cabinet considered a report from the Director of Finance, which stated that, under the Council's constitution the Council Cabinet was responsible for monitoring performance. Internal audit was an activity reviewing the performance of systems and governance arrangements, and it was therefore appropriate for reports summarising the results of internal audit's review work to be considered by Council Cabinet on a periodic basis. The internal audit plan set out the initial planned programme of audit reviews during 2003/04, the results of which would subsequently be reported back to Council Cabinet.

Decision

- 1 To adopt the Internal Audit Plan for 2003/04.
- 2 To note the intention to bring further reports on internal audit activities to Council Cabinet in 2003/04 under the performance monitoring framework.
- 3 To refer the report to the Scrutiny Management Commission for consideration.

397/02 Derby Pointer Panel - January 2003 Questionnaire Results

The Council Cabinet considered a report from the Director of Finance, setting out the key results from the January Derby Pointer Questionnaire, which included the service improvement plan prepared to address the issues raised.

Decision

- 1 To note January's Derby Pointer Questionnaire results and the service manager's improvement plan.

- 2 To report the results and proposed service improvements to Panel Members in the next 'Panel News' newsletter, which would be sent with the next questionnaire, in May 2003.

Finance and Contract Procedures

398/02 Financial and Contract Procedure Matters

The Council Cabinet considered a report from the Director of Finance, setting out the following financial and contract matters:

- bids for supplementary credit approval - air quality management
- technical adjustments to the revenue budget 2003/04.

Decision

- 1 To endorse the submission of three bids totally £80,267 for supplementary credit approval 2003/04 for air quality management capital schemes.
- 2 To approve the technical adjustments set out in Appendix 2 to the 2003/04 Revenue Budget approved by Council on 3 March 2003.

399/02 Exclusion of the Press and Public

Decision

To exclude the press and public from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

400/02 Assembly Rooms Pantomime

The Council Cabinet Considered a report from the Director of Development and Cultural Services setting out proposals to finalise negotiations with Paul Holman Associates as the preferred producer of the Derby pantomime at the assembly rooms

Decision

- 1 To authorise the Director Of Development and Cultural Services to finalise negotiations with Paul Holman Associates as the preferred producer of the Derby

pantomime at the Assembly Rooms at a basic guaranteed fee of £146,000 for the production plus any additional sum for specific cast names

- 2 To authorise the Director of Corporate Services to enter into a formal contract with Paul Holman Associates, subject to the finalisation of all contract details.

401/02 Mental Health Act 1983

The Council Cabinet considered a joint report from the Directors of Corporate Services and Social Services, which stated that, in July 2002, the House of Lords' decided that residential care required by former hospital patients, who were compulsorily detained under the Mental Health Act 1983, was classified as an after care service under section 117 of the act.

Options considered

Defending the claim.

Decision

- 1 To accept liability for the claim from Mrs W in principle subject to a satisfactory conclusion to negotiations over the extent of the liability.
- 2 To ask the Director of Social Services, in conjunction with the Director of Corporate Services, to report back on the implications of the House of Lords' decision.

Reason

Counsel had advised that the Council did not have a sufficiently strong case to defend the claim successfully.

MINUTES END