

Time began 6.00 pm
Time ended 6.30 pm

**COUNCIL CABINET
25 APRIL 2006**

Present Councillor - Williamson Chair
Councillors Bayliss, Bolton, Dhindsa, Hussain, Nath,
Roberts and Wynn

In attendance: Councillors Hickson and Jones

This record of decisions was published on 27 April 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.

311/05 Apologies

An apology for absence was received from Councillor Repton.

312/05 Late Items Introduced by the Chair

There were no late items.

313/05 Identification of Urgent Items to which Call-In will not apply

There were no items.

314/05 Declarations of Interest

Councillor Nath declared a personal interest in Minute Numbers 328/05 and 337/05 as he was a Council appointed member of the Derby College Board.

315/05 Minutes of the meeting held on 14 March 2006

The minutes of the meeting held on 14 March 2006 were confirmed as a correct record and signed by the Chair.

Matters Referred

316/05 Tackling Health Inequalities

The Council Cabinet considered a report on Tackling Health Inequalities. The Social Care and Health Commission recommended that the Council Cabinet should:

- a) conduct a feasibility into establishing a post dedicated to tackling health inequalities in partnership with the local PCTs

- b) speed up the process for implementing smoking cessation in public places

Decision

To agree in principle the recommendations of the Social Care and Health Commission but to discuss with partners the funding of a post dedicated to tackling health inequalities and the possible speeding up of the process for implementing smoking cessation in public places.

317/05 Houses in Multiple Occupation Mandatory Licensing – Fee Setting

The Council Cabinet considered a report on Houses in Multiple Occupation Mandatory Licensing – Fee Setting. Council Cabinet take a cautionary approach and prior to taking the proposed decision should:

- i) make itself absolutely certain of the calculations used to derive the proposed fee of £790
- ii) where there is a variable, such as the number of properties is thought to be in the range from 375 to 425, take a pessimistic view of the cost consequences
- iii) set a higher figure should that be appropriate and justifiable.

A fee discount scheme, based on landlords participating in a quality assurance scheme, should be worked up as soon as practicable to encourage cooperation from landlords and to help promote high standards of property stewardship.

Decision

To note the recommendations of the Community Regeneration Commission.

Key Decision

318/05 Housing Act 2004: Houses in Multiple Occupation – HMO – Mandatory Licensing – Fee Setting

The Council Cabinet considered a report on the Housing Act 2004. The Housing Act 2004 introduced mandatory licensing for certain types of Houses in Multiple Occupation – HMO – with effect from 6 April 2006. It was estimated that there were approximately 400 HMOs in Derby, which would fall within the scope of mandatory licensing under the Act. A proposed fee of £790 for a five year license had been calculated using the Government's

financial toolkit designed for the purpose. A license fee would be payable by the HMO owner at the time of application.

Options Considered

There was the option to subsidise the cost of HMO licensing from other revenue resources and thereby reduce the licence fee. However, such resources had not been identified.

Decision

1. To set a fee of £790 for mandatory licensing of a House in Multiple Occupation.
2. To note the recommendations of the Community Regeneration Commission detailed in Minute Number 318/05 and
 - a) agree to periodic reviews of the fee structure in the light of experience gained from the implementation of HMO licensing in the city
 - b) agree to develop a fee discount structure for those landlords participating in appropriate quality assurance schemes.

Reasons

1. Rather than set a national fee structure the Government had instead given local authorities the opportunity to plan their own fee structures to reflect local circumstances. However, it had made clear that fees must cover only the costs that a local authority incurs in the setting up and delivery of HMO licensing, including dealing with the application and an assessment as to whether a landlord or property manager was a fit and proper person.
2. The Government had also pointed out that if authorities set licensing application fees at a level that did not cover the costs of delivering the licensing scheme, the shortfall in funding the scheme would need to come from another source, such as other general fund service budgets or from Council Tax, as there was no contribution toward costs from Government.

319/05 Public Art: A Decision Making Framework

The Council Cabinet considered a report on Public Art: A Decision Making Framework. Now that the city centre was going through a period of intense redevelopment, opportunities were arising to use public art to improve the urban environment. We had an existing Public Art Strategy which provided a sound basis for action. Public art was “the work of fine artists or craftspeople which is physically and/or visually accessible to the public, outside the traditional areas for art”. The current opportunities arose in open and enclosed public spaces. Decisions about installing pieces of public art could be fraught, as they involved questions of appropriateness, quality, taste,

impact and cost. The Angel of the North was a good example where a bold and imaginative installation had helped to define the identity of a city or a region and to raise its profile. Other benefits of public art included the encouragement of the creative industries; making Derby an attractive place to live, work, visit and invest; celebrating diversity and building on its cultural strengths.

Options Considered

The Public Art Co-ordination Group could report directly to Cabinet and provide Officer advice on the merits of competing schemes. This would not fulfil the objective of providing informal independent community-based input into the process. The Cabinet Member for Planning and Transportation could be added to the Steering Group, but this would create a group dominated by the City Council. The Arts Forum Infrastructure Group could play the part proposed for the Public Art Steering Group, but this would place overwhelming influence with the arts community when what is needed is a balanced view on artistic quality, public impact, value for money and the impact on investor confidence.

Decision

1. To endorse the recent creation of an Officer Working Group with Cityscape to implement the Public Art Strategy.
2. To create a small Steering Group, chaired by the Cabinet Member for Leisure and Culture, to provide advice to Cabinet on the commissioning of artworks and the signing off of designs with members of the Group being chosen on the basis of commitment to upgrading Derby's urban environment and knowledge of the creative process.

Reasons

The Council needed to grasp this opportunity to develop public art as a way of expressing Derby's identity and aspirations. Careful choice of members of the Steering Group would ensure independent, knowledgeable community-based input into challenging decisions.

320/05 Detailed Assessment of Air Quality in Derby - Benzene

The Council Cabinet considered a report on Detailed Assessment of Air Quality in Derby – Benzene on 15 June 2004, Council Cabinet considered a report entitled 'Updating and Screening Assessment of Air Quality', and recommended that detailed assessments be carried out for the 3 air pollutants of greatest significance in the City. These assessments represented a major undertaking for Environmental Health and Trading Standards. This was the first of two reports on the outcome and considers levels of benzene in the city.

The second report would consider nitrogen dioxide and PM₁₀ particulate (traffic) pollution.

Options Considered

Air Quality Management Areas need only be declared where pollution levels were unlikely to meet government objectives. Current evidence indicated that benzene pollution levels in Spondon would meet the objectives before the 2010 deadline. Therefore, declaration of an Air Quality Management Area was not appropriate at present. The situation would, however, need to be kept under regular review.

Decision

1. To note that benzene levels in the area of Spondon to the North and East of Acetate Products Ltd were currently elevated and above the 2010 Air Quality Objective level, although gradually reducing.
2. That an Air Quality Management Area need not be declared in Spondon at present. That Council Cabinet agree to the proposals in the report for public consultation on this matter.
3. To refer the report to Area Panel 1 for comments as part of the consultation exercise.

Reasons

1. Monitoring data showed a gradual reduction in benzene levels in Spondon. If the current trend continued, levels were likely to be within the government's objective for benzene before the 2010 target date. Air Quality Management Areas need only be declared where pollution levels were unlikely to meet government objectives.
2. DEFRA required all Local Authorities to consult with statutory consultees, stakeholders and the general public on the outcome of Detailed Assessment reports.

321/05 Depot Accommodation

The Council Cabinet considered a report on Depot Accommodation. The standard of accommodation at Stores Road depot was poor and had reached capacity. In order to improve the situation and to enable staff from the waste client operation to be integrated with contractual operations, new accommodation was needed at Stores Road depot.

Options Considered

There were no other options considered.

Decision

To erect a modular office building in Stores Road depot.

Reasons

To enable waste client staff to be accommodated and to provide accommodation for additional activities.

322/05 Targeted Capital New Build – Normanton Primary

The Council Cabinet considered a report on Targeted Capital New Build – Normanton Primary. Council Cabinet approved submission of two Targeted Capital Bids to the DfES at its meeting on 17 May 2005. In October 2005 the Council were pleased to hear that both these bids were successful. Council Cabinet were informed of the capital implications of the two bids at its meeting on 21 February 2006. Consultation with parents, pupils, staff, governors and other stakeholders on proposals had now taken place along with feasibility work. These have both supported the option of building a new school on the site of the former Village School site off Village Street.

Options Considered

Targeted Capital Funding cannot be used for any other purpose other than that outlined in the bid as approved by Council Cabinet on 17 May 2005.

Decision

1. To approve the publication of statutory notices, in May 2006, to close Normanton Village Infant School, Sunnyhill Infant School and Normanton Junior School on 31 August 2008 and to open a new all through 525-place primary school on the site of the former Village Community Secondary School on 1 September 2008.
2. To approve delegation of authority for approval of closure of Normanton Village Infant School, Sunnyhill Infant School and Normanton Junior School and the opening of a new primary school after the statutory consultation, subject to no objections, to the Corporate Director for Children and Young People.

Reasons

1. Consultation and feasibility work supported the proposal to build a replacement primary school on the site of the former Village Secondary School
2. The Targeted Capital funding detailed in Appendix 3 of the report was awarded on the condition the schools covered by the schemes were open in September 2008.

323/05 Determination of Admission Arrangements for Community and Voluntary Controlled Schools

The Council Cabinet considered a report on Determination of Admission Arrangements for Community and Voluntary Controlled Schools. It was reported that the Council had consulted as required on the proposed admission arrangements and relevant area for 2007-2008. Following consultation, it was proposed that the current admission arrangements, set out on page 9 of the Secondary 'Admissions Handbook 2006-2007 and page 7 of the Primary 'Admissions Handbook 2006-2007', should be adopted as the arrangements for 2007-2008.

Options Considered

There were no other options considered.

Decision

To amend the admission arrangements for 2007 / 2008 by agreeing:

1. To accept the additional tiebreaker within categories 2 to 6 of giving first priority outside the normal admissions to pupils who have not been on a city school roll during the academic year of application.
2. Minor date changes for Primary and Secondary transfer.
3. No change to Published Admission Numbers but with a proviso regarding Children Centres that may lead to some changes.

Reasons

To accept the additional tiebreaker would result in those families moving into Derby having priority over a family already on a waiting list whose child currently attends a school in the city. This would allow some parents the possibility of gaining access to their normal area school, although this outcome is not guaranteed and may affect only a small number of pupils.

324/05 Waste Strategy – Funding and Affordability

The Council Cabinet considered a report on Waste Strategy – Funding and Affordability. This report was a follow on from previous reports submitted in September 2005 and December 2005 outlining the proposed procurement strategy and funding strategy for dealing with household waste arising in the City

Options Considered

Advice was received that the council could be subject to a challenge under EU law if the contract was not advertised in accordance with EU law. No other alternatives were available for the disposal of household waste.

Decision

1. To approve in principle the proposed scope of the contract for future waste treatment facilities, including treatment of waste, transport of residues, disposal of recyclable fractions extracted from the residual waste and the management of the Household Waste Recycling Centre - HWRC at Raynesway.
2. To approve the Outline Business Case and in particular the affordability analysis and take into account the demands of the waste service when setting future budgets.
3. To approve the placing of an advertisement in OJEU to start the formal procurement process.
4. To waive existing Contract Procedure Rules, and agree to extend existing waste disposal contracts if this should prove to be desirable and subject to the joint agreement of the Cabinet Member for Environment and the Corporate Director, Environmental Services.
5. To agree to the development of an agreement with the County Council for the procurement process and the long term joint management of the contract.
6. To agree to set aside £250,000 from the modernisation fund as an initial fund for the Council's contribution to the costs of procurement of a new contract in partnership with the County Council.

Reasons

To enable the Council to put in place suitable arrangements to deal with residual waste in the City, meet its Landfill Allowance targets and minimise the future costs of waste management.

325/05 Revised Nature Conservation Strategy and Accompanying Sustainability Appraisal – Consideration of Representatives and Adoption of Plan

The Council Cabinet considered a report on Revised Nature Conservation Strategy and Accompanying Sustainability Appraisal. In July 2005 a draft revision of the City Council's Nature Conservation Strategy was produced for consultation. The document would act as supplementary planning guidance to the recently adopted Revised City of Derby Local Plan, but would also guide other work of the City Council in protecting and enhancing the natural history heritage of the City. A consultation exercise was undertaken on the draft document and its supporting appraisal and following this the Revised Strategy was amended. The report contained the results of this consultation exercise and a proposed Revised Nature Conservation Strategy.

Options Considered

None other than not revising the Strategy.

Decision

To approve the Consultation Statement and to resolve to adopt the revised Nature Conservation Strategy and to authorise the Corporate Director, Regeneration and Community to make the necessary arrangements to advertise the adoption of the Supplementary Planning Document.

Reasons

To allow the adoption of the revised strategy in line with the Council's Local Development Scheme.

326/05 Sale of Land at St Benedict School

The Council Cabinet considered a report on Sale of Land at St Benedict School. The previous proposed purchaser withdrew and new bids were received after the land was remarketed.

Options Considered

As set out in previous Reports.

Decision

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

Reasons

1. To achieve a suitable receipt from this sale.
2. To allow the proceeds to be used in the manner authorised previously.

327/05 Disposal of The Mount, Albany Road – Abbey Ward

The Council Cabinet considered a report on the Disposal of The Mount, Albany Road – Abbey Ward. The report detailed proposed terms for the sale of The Mount at Albany Road, a former Social Services building. The proposed terms were set out in the confidential Report.

Options Considered

All property vacated by a service is reported to Asset Management Group and all departments have the opportunity to submit a proposal to re-use the accommodation.

Decision

To authorise acceptance of the highest offer as set out in the confidential report. Should the highest bidder fail to complete a sale within a reasonable time limit, to accept an offer from the next highest bidders subject to a minimum value of £525,000 and failing that to remarket.

Reasons

To dispose of a surplus property and achieve an appropriate receipt, part of which would be used to cover the setting up of the replacement Integrated Learning Disability Service at Stores Road.

328/05 The Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park

The Council Cabinet considered a report on The Roundhouse and Associated Buildings with Adjoining Land, Pride Park. As landowners, the Council needed to consider the way forward on the final element needed to complete the development of Pride Park.

Options Considered

As set out in previous Reports:

- reverting to previous selected developers
- furthering discussions with previous under-bidders
- considering interest from other developers who have shown intermittent interest over the last few years
- routes potentially available through the URC, through its own operations or via *emda* or EP funding partners
- re-advertising to seek any additional interested parties
- if approved by our funding partners, separating out the land for new-build development, selling these areas without packaging them with any obligations to deal with the Listed Buildings but ring-fencing those receipts into a special fund which would only be used for the purposes of refurbishing the Listed Buildings.

Decision

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

Reasons

1. To achieve a suitable reuse for these listed buildings.
2. To complete the successful Pride Park development project.

Contract and Financial Procedure Matters

329/05 Contract and Financial Procedure Matters

The Council Cabinet considered a report and an addendum to the 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 as follows:

- Temporary extension for one year of the existing agreement between the Council and Derby Community Transport – DCT – for the provision of community transport services. This will allow officers to undertake work to establish what types of services should be provided under any future agreement to fulfil the accessibility proposals in the new Local Transport Plan - LTP.
- The non-Council housing element of the Housing capital programme following confirmation of government funding 2006/7 to revise the programme.
- The commencement of planned capital expenditure schemes within Environmental Services, financed through unsupported borrowing

Decision

1. To approve the extension of the current agreement with DCT, within the existing terms and conditions and budget for the provision of community transport services in the city for a year to September 2007.
2. To note the actual allocation as notified by the Government Office for the East Midlands – GOEM – for the housing capital programme for 2006/7. The notification letter is attached at Appendix 2 of the report.
3. To agree that the housing capital programme will be subject to further revisions to confirm the reallocation of the balance of the programme and that the necessary capital scheme commencement approval will be sought at that point.

4. To approve the commencement of Environmental Services Capital Schemes as planned within the capital programme, using unsupported borrowing to finance the continued renewals of the refuse collection vehicle fleet, grounds maintenance plant and equipment and street cleansing plan and equipment schemes, at a total cost of £1.466m in 2006/7

330/05 Connectivity for Schools

The Council Cabinet considered a report on connectivity for schools. The East Midlands Broadband Consortium (EMBC) of 9 Local Authorities was established to provide broadband connections to schools. The Consortium and contract with suppliers would end on 31 March 2007. Schools had concerns with EMBC, especially with regard to the cost of connections and services. Individual schools might continue to subscribe to services offered by the successor organisation to EMBC, from April 2007, but it proposed that the Council did not continue full membership of such a body. It was recommended that alternative infrastructure be provided to ensure Derby schools had a cost effective option for connectivity and services. The proposed rollout would achieve government targets by December 2006 and ensure that the new infrastructure was available prior to April 2007.

Decision

1. To agree that Derby does not continue membership of a regional broadband consortium from April 2007 when EMBC ends.
2. To agree that alternative infrastructure is planned and provided to give schools in Derby a cost-effective option.
3. To agree that the contract for circuits for the requirements of the 36 primary schools (Tender Reference: TD0116) for 2mb (or above) be awarded to BT (Contract 1). These are schools currently using ADSL and an upgrade is required to meet government targets.
4. To agree that the contract for circuits for the requirements of the 13 secondary schools (Tender Reference: TD0114) for 8mb (or above) be awarded to BT (Contract 2). These schools are currently using 2mb broadband from EMBC and an upgrade is required to meet government targets.
5. To agree that the 2006/7 school capital programme be increased by £761,994, to be fully funded by contributions to be agreed by schools.
6. To agree that the level of planned prudential borrowing in 2006/7 in support of the capital programme be increased by £471,302, to be funded by schools over a two year period, including the cost of financing the borrowing.

331/05 Football Foundation Bid Success – Derby Moor and Lees Brook Community Sports College

The Council Cabinet considered a report on football foundation bid success – Derby Moor and Lees Brook Community Sports College. Cabinet previously approved submission of a bid to the Football Foundation for artificial turf pitches, ATPs and changing rooms at Derby Moor Community Sports College and Lees Brook Community Sports College. The Football Foundation had recently announced the success of the bid.

Decision

1. To approve scheme commencement reports for the scheme.
2. To approve the commencement of the detailed design and tendering process and start of the project.
3. To approve an increase in the approved capital programme by £1,350,720 in total, 80% of this net increase in planned spending to be incurred in 2006/7 and 20% in 2007/8, the increase to be fully funded by the earmarked grant from the Football Foundation and the schools concerned.
4. To approve the acceptance of the grant offer from the Football Foundation.

332/05 Exclusion of the Press and Public

Decision

To exclude the press and public 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 Section 100 (A) of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Key Decisions

333/05 Waste Strategy – Funding and Affordability

The Council Cabinet considered a report setting out exempt information relating to the Waste Strategy – Funding and Affordability.

Decision

To note the report.

334/05 Sale of Land at St Benedict School

The Council Cabinet considered a report setting out exempt information relating to the sale of Land at St Benedict School

Decision

1. To authorise the sale of land on the terms set out in the report.
2. To authorise a change to the previously authorised approach to specifically allow the drainage attenuation works which are the responsibility of the school to be undertaken by the purchaser, with the agreed cost being deducted from the balance of the purchase price.

336/05 Disposal of The Mount, Albany Road – Abbey Ward

The Council Cabinet considered a report setting out exempt information relating to disposal of the Mount, Albany Road – Abbey Ward.

Decision

To accept the highest bid as detailed in the report.

337/05 The Roundhouse and Associated Listed Buildings and Adjoining Land, Pride Park

The Council Cabinet considered a report setting out exempt information relating to the roundhouse and Associated Listen building and adjoining land, Pride Park.

Decision

To authorise the entering into a 'Lockout Agreement' for Derby College for the full Roundhouse site for a period up to 29 September 2006.

MINUTES END