

Time began	6.00pm
Time ended	7.45pm

## **COUNCIL CABINET**

**26 April 2005**

Present: Councillor Burgess – Chair  
Councillors Allen, E Berry, Care, Carr, Hickson, Samra  
and West

Also present: Councillor Williamson

This record of decisions was published on 28 April 2005. 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 a decision is called-in.

### **367/04 Apologies**

There were no apologies.

### **368/04 Late items to be introduced by the Chair**

The Chair reported that although not included on the agenda Item 30 "Housing PFI – Outline .Business Case" would be considered as a late item because it contained exempt information relating to Item 18.

### **369/04 Identification of Urgent Items to which Call-In will not Apply**

There were no urgent items.

### **370/04 Declarations of Interest**

Councillor Samra declared a personal prejudicial interest in Items 17 and 29, "Roundhouse Progress Report", as he was a Non-Executive Director of Derby College.

### **371/04 Minutes of the Previous Meeting**

The Part 1 minutes of the meetings held on 05 April 2005 were approved as a correct record and signed by the Chair.

## **Matters Referred to Council Cabinet**

### **372/04 Topic Review 2004/05 - Review of the way in which the Council promotes the part of the**

## Derwent Valley Mills World Heritage Site that lies within the City

The Council Cabinet considered a report from the Culture and Prosperity Commission regarding the Topic Review 2004/05 - review of the way in which the Council promotes the part of the Derwent Valley Mills World Heritage Site that lies within the city.

The review set out five recommendations to improve the way in which the Council promotes the World Heritage Site. Councillor Repton, the Chair of the Commission and Councillor Travis, Vice-Chair of the Commission addressed the Council Cabinet on the findings of the review.

### **Decision**

To ask the relevant officers to co-ordinate a report to Council Cabinet in July 2005 on the recommendations set out in the Executive Summary and Recommendations report as set out in Appendix 2.

## 373/04 Hartington Street Renewal Programme

The Council Cabinet considered a Minute Extract from Area Panel 3 regarding the Hartington Street Renewal Programme. Although the Council was in the process of applying for compulsory purchase orders – CPO for empty properties in the Hartington Street area, the Area Panel believed that departmental co-ordination was lacking as some properties in the area had been improved, while others were left to run-down. The Panel also suggested that no further approvals should be given for multi-occupancy dwellings in this area for the next few years.

### **Decision**

To ask the Director of Development and Cultural Services to investigate what long-term co-ordinated action could be taken by Council departments involved in regeneration in Hartington Street to stop the proliferation of houses in multiple-occupancy in Arboretum and report back to the Council Cabinet in July on the outcome of these investigations.

## 374/04 Area Panel Agendas

The Council Cabinet considered a minute extract from Area Panel 3 regarding Area Panel Agendas.

Councillor Samra reported that the Review of Area Panels to commence in June would be considering this issue.

### **Decision**

To advise Area Panel 3 that the Council Cabinet confirms its original decision

to monitor Area Panel attendance for two cycles and if attendance showed a significant reduction the decision would be reviewed.

### **375/04 Balustrade at Darley Abbey Park**

The Council Cabinet considered a minute extract from Area Panel 5 regarding Balustrade at Darley Abbey Park. The Area Panel asked the Council Cabinet to investigate how Section 106 money from the Children's Hospital development came to be spent on Bendall Green rather than being spent within Darley Ward and to ask that the money be returned to Darley Ward so it can be put towards the cost of replacing the balustrade.

The Chair made a statement on why the Section 106 funding had been spent in Bendall Green and identified what action had been taken to make sure that future Section 106 funding would be spent in the area that the development had taken place.

#### **Decision**

- 1 To identify £15,000 for appropriate use in Darley Ward when the 2004/05 budget outturn was known.
- 2 To ask Planning Control Committee to make sure full consultation takes place with ward members before final decisions are made about the allocation of funds received under Section 106 agreements for use in connection with environmental or community purposes.

### **376/04 Consultation on New School Funding System**

The Council Cabinet considered a report from the Education Commission regarding the Consultation on new School Funding System. The Commission did not support the three-year budgets and academic year based budgets contained in the DfES consultation paper but supported the simplification of funding streams.

The Council Cabinet also considered a report from the Directors of Finance and Education responding to the issues raised by the Education Commission.

Following a request from the Commission that they receive full paper copies of relevant consultation documents, it was agreed that the Overview and Scrutiny Co-ordination Officer would provide copies to the Commission.

#### **Decision**

1. To note the report of the Education Commission.
2. To note that the Directors of Education and Finance had co-ordinated the Council's response to the DfES consultation on new school funding

arrangements in consultation with the leader of the Council and the lead Cabinet member for Education and notified the Education Commission accordingly.

## **378/04      Supporting People**

The Council Cabinet considered a report from the Social Care and Health Commission regarding Supporting People. The Commission recommended that the Council Cabinet should:

- review the charging policy for people living in warden complexes and consider removing the charge for people who do not require warden services.
- require providers contracted to deliver Supporting People services to develop care plans outlining specific needs for each resident which detailed how they are going to be met.
- ask each provider to demonstrate that care plans were systematically reviewed to ensure their effectiveness.

The Council Cabinet also considered a report from the Director of Policy regarding Supporting People responding to issues raised in the Commissions report.

### **Decision**

To inform the Social Care and Health Commission that:

- a review of warden services was under way and the Director of Policy had been asked to keep the Social Care and Health Commission informed about progress.
- Supporting People providers are already required to develop care plans and to review them regularly.

## **379/04      Crime and Disorder and Young People Action Plan**

The Council Cabinet considered a report from the Director of Policy setting out an action plan for Crime and Disorder and Young People. The action plan had been produced following consideration of the topic review report on Crime and Disorder and Young People produced by the Regeneration Commission.

### **Decision**

1. To accept in principle the proposals set out in the Action Plan in response to the Community Regeneration Commission's

recommendations.

2. To refer the Action Plan to the Community Regeneration Commission.

## **380/04 Changes to Education Transport Policy and Procedures**

The Council Cabinet considered a report from the Education Commission regarding Changes to Education Transport Policy and Procedures. The Commission recommended that if the revised policy and procedures proposed by the Director of Education were adopted:

1. cases which were deemed to exhibit circumstances not adequately covered by the policy should be investigated by an Assistant Director in liaison with the Cabinet member.
2. the working of the revised policy and procedure should be reviewed after three full school terms.

### **Decision**

To note that the comments of the Commission had been included in the proposals to be considered by the Council Cabinet in the following item.

## **Key Decisions**

## **381/04 Changes to Education Transport Policy and Procedures**

The Council Cabinet considered a report from the Director of Education setting out proposed changes to Education Transport Policy and Procedures. The proposed revised policy was set out in Appendix 2 of the report.

### **Options Considered**

1. To retain the current system of all refused applications being given the right of appeal to the Taxi Licensing and Appeals Committee. This option would result in the Taxi Transport and Appeals Committee increasing their workload with the onset of the new licensing arrangements. Parents would continue to have a delay in the hearing of their appeal as meetings only take place one morning a fortnight.
2. To withdraw the right of appeal for all refused applicants.
3. A blanket refusal on all appeals would result in some applications with exceptional circumstances being denied transport.

## **Decision**

To agree the revised transport policy and appeals process set out in appendix 2 of the report.

## **Reasons**

1. Members and officers have raised concerns about the current process, particularly the potential inequality for parents because of the need to argue a case against uncertain assessment criteria, the increasingly high cost of decisions to provide home to school transport beyond the strict policy, and the large amount of time spent by officers and members who serve on appeals and reviews. The last point is made more pressing by new licensing arrangements, which will place additional meeting demands on members who serve on the appeal panel. In light of these issues, a working party was formed, incorporating existing cross-party members of the Members Appeals Committee. This working party reviewed the current appeal procedures and formulated a new proposed policy.
2. An appeal is a formal hearing before a panel of 'judges', which can be off-putting and daunting for most parents. A review is a reassessment of an application after the submission of additional information from parents, and therefore parents need not appear before a panel.

## **382/04 Grants for New Child Care Places**

The Council Cabinet considered a report from the Director of Education setting out requests received for early years and childcare places funding grants by Pride Park Day Nursery and Sinfin Community Childcare Limited. The creation of these new childcare places falls within the SureStart Early Years Development and Childcare Strategic Development Plan 2004-2006 previously reported to Cabinet on 18 May 2004.

## **Options Considered**

Parents requiring childcare from the providers concerned could have been signposted to other providers across the city. This would lead to children having to travel and the care would not necessarily be in the area most convenient for the parents. Other childcare providers may not have the capacity to deal with the increased demand.

## **Decision**

To approve the applications for childcare start up grant aid to:

1. Pride Park Day Nursery, 2 Royal Scot's Way, Pride Park, Derby: three year revenue grant of £12,000 and one off capital grant of £5,000.

2. Sinfin Community Childcare Ltd, Sinfin Community Enterprise Centre, Sheridan Street, Sinfin, Derby: three year revenue grant of £15,000 and one off capital grant of £7,900.

### **Reason**

1. The criteria for awarding childcare start up grants had been previously agreed by Cabinet on 18 May 2004.
2. All applications met the agreed criteria and had been endorsed by the Early Years and Childcare Service Funding appraisal panel. This had representation from a range of organisations within the private, voluntary and statutory sectors.

## **383/04 Disposal of Land at Swallowdale Road Sinfin/ Stenson Fields**

The Council Cabinet considered a report from the Director of Corporate Services setting out proposals to dispose of Land at Swallowdale Road Sinfin/Stenson Fields. Swallowdale Road, Stenson Fields/Sinfin was a site of 1.69 hectares (4.176 acres) within South Derbyshire District Council's area, allocated for residential development. To maximise the capital receipt it was proposed to offer the site for sale on the open market.

### **Options Considered**

The site was considered as a possible candidate for the Housing PFI scheme. However, the valuation of the site is such that this did not prove the most economically efficient solution.

### **Decision**

1. To authorise offering this site for sale on the open market.
2. To earmark any proceeds from the sale for the purposes of affordable housing and/or regeneration projects. The proceeds to be added to the 'capital allowance' for the purposes of regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

### **Reasons**

To ensure that the disposal achieved the best financial return, allowing the maximum receipt achievable to be used to support regeneration/housing objectives.

## 384/04 Roundhouse – Progress Report

The Council Cabinet considered a report from the Director of Corporate Services setting out progress made on the redevelopment of the Roundhouse. Progress made by the College on their interest was considered with the press and public excluded because the report contained exempt information.

Having declared a personal prejudicial interest, Councillor Samra left the meeting during consideration of this matter

### **Options Considered**

All as listed in previous reports.

### **Decision**

To note the present position following the Cabinet resolution of 21 December 2004.

### **Reasons**

The College had made progress upon their potential interest as reported in the exempt part of the report.

## 385/04 Housing Private Finance Initiative - PFI – Outline Business Case

The Council Cabinet considered a report from the Director of Policy on behalf of the Project Board. The report set out the outline business case for the Housing PFI for Council Cabinet approval before being sent to the Office of the Deputy Prime Minister.

The Project would provide:

- a minimum of 175 affordable rented homes built/refurbished to Decent Homes standards across the city
- management and maintenance of the homes for twenty five years by a Registered Social Landlord – RSL
- Council-nominated tenancies
- financial penalties for poor performance by the Preferred Bidder
- a form of safeguard for tenants at the end of the 25 years
- homes in the ownership of the RSL at the end of 25 years.

### **Options Considered**

The options considered were set out in section 5 of Appendix 2 to the report.



## **Decision**

- 1 To submit the Outline Business Case – OBC – for the Council’s Housing Private Finance Initiative – PFI – Project, to the Office of the Deputy Prime Minister – ODPM.
- 2 To consider a report on the outcomes of that submission at a future meeting of Council Cabinet.
- 3 To authorise officers to proceed with the development of the Project during the period between submission and the final response from ODPM.
- 4 To confirm that the Council’s expected total contribution to this scheme is expected to be around £935,000, funded from the existing housing capital programme.

## **Reasons**

- 1 The Project Board approved the OBC for the Housing PFI Project – the Project – at its meeting on 20 April 2005.
- 2 The ODPM has made it clear that the OBC must be submitted by the end of April 2005 if the Project is to be considered for approval in the current bidding round.
- 3 Approval of the OBC will trigger the next stages of the Project, involving the need for renewed commitment on the part of the Council to agree the resources necessary to implement those stages.
- 4 In order to keep the Project Plan and Timetable on track, development work must continue in order to make sure that the next stages can be implemented as soon as ODPM approval is given.

## **386/04 Landau Forte College Academy Status**

The Council Cabinet considered a report from the Director of Education setting out details of an application by Landau Forte College to convert from City College status to an academy.

## **Options Considered**

The report focused on the request by Landau Forte College for support for its application to convert from City Technology College to Academy status. Other than determining this issue, the only options related to the agreements that might be sought by the Council in relation to support for the application.

## **Decision**

To support the application by Landau Forte College to convert from City

Technology College status to an Academy, subject to satisfactory agreements on the issues set out in the report.

### **Reasons**

1. The establishment of Academies is by no means a straightforward matter, given the widely differing views of the various interested parties. However, the conversion of Landau Forte to academy status should be viewed as a different matter from the establishment of a new academy to replace an existing maintained school.
2. The legal basis of City Technology Colleges – CTCs - means that they are all exempt from the DfES Codes of Practice on Admissions and Special Educational Needs - SEN - and are not funded through the same formula as local schools. If a CTC converts to an academy it will be required to comply with the Codes of Practice in these areas and will be funded broadly to match the LEA formula. Subject to addressing the points set out in this report, this represents greater equality and potentially the beginnings of a stronger relationship with the college than is currently the case.

## **387/04 Funding Code – Derby City Compact**

The Council Cabinet considered a report from the Director of Policy setting out a Funding Code for the Derby City Compact. The Code set out responsibilities of both the Council and the Voluntary and Community sector to improve current practice and a timetabled action plan.

### **Options Considered**

None.

### **Decision**

To approve the Funding Code of the Derby Compact Forum.

### **Reasons**

The Compact Forum's Funding Code has completed its planned consultation process within the Council and with the Voluntary and Community Sector. Revisions to the Code have been made by the Forum to address the issues that arose from the consultation process.

## **388/04 Grants to Sports and Community Groups**

The Council Cabinet considered a report from the Director of Education regarding requests for grant assistance from eight Sports and Community Groups.

## **Options Considered**

The Regeneration Co-ordinator in the External Funding Unit of Derby City Partnership has been consulted on the grant applications. It was considered that the projects did not meet the necessary funding criteria for the National Lottery 'Awards for All Scheme' and that no other source of funding was currently available.

## **Decision**

1. To approve the application for grant aid to two voluntary sports organisations as identified below and as detailed in Appendices 2 and 3 of the report:
  - Derby Athletic Club £5,528
  - Derby Phoenix Swimming Club £1,500
2. To approve the application for grant aid to six Voluntary and Special Needs Playschemes as identified below and as detailed in Appendices 4 and 5 of the report:
  - Jigsaw Playscheme £2,005
  - Lord Street Community Nursery School £2,000
  - PATCH Barnardos Playscheme £2,000
  - Derby West Indian C.A. Playscheme £2,010
  - Peartree Playscheme £3,100
  - Boulton St Mary's Church £1,000

## **Reasons**

The organisations applying for grant aid met the Council's conditions, rules and financial regulations for grant funding schemes, as detailed in Section 3 of the Grants to Voluntary and Community Groups information pack.

## **389/04 Determination of Admission Arrangements for Community and Voluntary Controlled Schools 2006-07**

The Council Cabinet considered a report from the Director of Education setting out the proposed admission arrangements for Community and Voluntary Controlled Schools in the 2006/2007 academic year.

## **Options Considered**

None.

## **Decision**

To agree the proposed admission arrangements for 2006/2007, with changes from 2005/2006 as set out in paragraphs 3.4 to 3.7 in the report.

## **Reasons**

1. To comply with the recommendations contained within the DfES School Admissions Code of Practice that Primary Admissions from September 2006 are to be coordinated by the Council.
2. To allow Littleover Community School and Derby Moor Community Sports College to operate 9 classes of 28.
3. To change the measurement from 'shortest available walking route' to 'straight line' makes administration quicker and easier and the process is more transparent for parents.

## **390/04 Energy Policy for Buildings**

The Council Cabinet considered a report from the Director of Corporate Services setting out an Energy Policy for Buildings. The Energy Policy, attached to Appendix 2 of the report, had been written to reflect the Government's and European Union's targets for reducing energy consumption and good practice. It set out policies for energy purchase, the design, maintenance and use of buildings and described how these would be implemented, energy use monitored, and the policy reviewed and performance reported.

The Director of Corporate Services reported on the views of the Scrutiny Management Commission expressed at their meeting on 19 April 2005. The Commission recommended that the following additional wording should be added at the beginning of paragraph 1.5:

"The Council will actively seek to identify and implement as a priority low cost energy saving measures that have a quick return on investment."

## **Decision**

1. To approve the Energy Policy for Buildings subject to paragraph 1.5 being amended as suggested by the Scrutiny Management Commission.
2. To agree to amend the capital programme to provide for £120,000 of capital spending on energy saving measures in 2005/6 financed from

unsupported prudential borrowing, the financing costs of which were to be met from departmental budget virements.

## Performance Monitoring

### 391/04 The Victoria Climbié Inquiry – Performance Report

The Council Cabinet considered an update from the Director of Social Services setting out progress made on the action plan produced following the Victoria Climbié Inquiry.

#### **Decision**

To note the progress made following the previous report on the Victoria Climbié Inquiry, presented to Council Cabinet on 28 September 2004.

### 392/04 The Review of the Council's Overview and Scrutiny Function – Proposals for a Revised Structure

The Council Cabinet considered a report from the Leader and Deputy Leader of the Council seeking a Council Cabinet view on the review of the Council's Overview and Scrutiny Function – carried out by the Scrutiny Management Commission.

#### **Decision**

1. To commend the Scrutiny Management Commission for its work in reviewing the current overview and scrutiny function, including options for reform.
2. To recommend Council to adopt the scrutiny structure set out in Option 3b of the Commissions report

## Contract and Financial Procedure Matters

### 393/04 Education Service Capital Projects 2005/06 – Phase 2

The Council Cabinet considered a report from the Director of Education setting out details of Phase 2 of the Education Service Capital Projects 2005/06.

#### **Decision**

1. To approve projects in Voluntary Aided schools as shown in Appendix 2 of the report.
2. To approve a variation to the Education Service Capital Programme outlined in Appendix 3 of the report.
3. To approve the design and tendering process for capital programme projects as shown in Appendix 4 of the report.

## **394/04 Contract and Financial Procedures Matters Report**

The Council Cabinet considered a report from the Directors of Finance and Corporate Services regarding five contract and financial procedure matters.

### **Decision**

1. To note the additional costs of foreseen site condition works at various PFI schools, and to approve the proposed funding arrangements.
2. To approve the technical adjustments to the 2005/06 revenue budget approved by Council on 2 March 2005, as set out in Appendix 2 of the report, and to note their impact on the indicative budgets for 2006/07 and 2007/08.
3. To approve the funding of a Change Management team for the Council for an initial period of two years, at a total estimated maximum cost of £386,350, to be met from within the Building for Excellence budget.
4. To adopt a system of internal budget virements to meet the cost to the Treasury Management budget of additional departmental self-financing unsupported borrowing.
5. To waive Contract Procedure Rule 15 and award Moss Drainage Services a three-year plus two-year option contract for land drainage and flood defence services, with an option to extend this further based on performance indicators.

## **395/04 Exclusion of Press and Public**

To exclude the press and public from the meeting during discussion of the following items, on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 9 of part 1 of schedule 12A of Section 100(A) of the Local Government Act 1972.

## Key Decisions

### 396/04 Roundhouse – Progress Report

The Council Cabinet considered a report from the Director of Corporate Services setting out exempt information relating to the item considered earlier in the meeting regarding progress made on the development of the Roundhouse.

Having declared a personal prejudicial interest Councillor Samra left the meeting during consideration of this matter

#### **Decision**

1. To note the present position.
2. To consider a further report when any significant milestone is reached which would require Cabinet authorisation to progress.

### 397/04 Housing Private Finance Initiative Project – Outline Business Case

The Council Cabinet considered a report from the Director of Policy, on behalf of the Project Board, setting out exempt information relating to the item considered earlier in the meeting regarding progress made on the Housing Private Finance Initiative Project – Outline Business Case.

#### **Decision**

To note the report.

MINUTES END