

Time began: 6.00pm
Time ended: 6.35pm

**COUNCIL CABINET
13 MARCH 2012**

Present Councillor Hickson (Chair)
Councillors Carr, Ingall, Jones, Poulter, Skelton,
Williams

In attendance Councillor Bayliss

This record of decisions was published on 15 March 2012. 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.

172/11 Apologies

An apology for absence was received from Councillor Holmes.

173/11 Late Items Introduced by the Chair

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late items on the grounds that they should be considered as a matter of urgency on the basis that a decision was required before the next scheduled meeting:

- Voluntary, Community and Faith Sector Grants Aid Funding 2011-2015

**174/11 Identification of Urgent Items to which Call-In
will not apply**

There were no items.

175/11 Declarations of Interest

There were no declarations of interest.

**176/11 Minutes of the meeting held on
21 February 2012**

The minutes of the meeting held on 21 February 2012 were agreed as a correct record and signed by the Chair.

Matter Referred

177/11 Call-in - Voluntary, Community and Faith Sector Grant Aid Funding 2011-2015

The Council Cabinet considered a call-in from the Adults, Health and Housing Commission. The Commission had considered each of the five decision making principles that the signatories felt had been breached. The Commission had referred the decision back to Council Cabinet on the grounds that they felt that the decision making principle of proportionality had been breached in respect of minute no 150/11.

It was reported that the Council was facing a 27% reduction in funding and that the Community and Voluntary Sector were facing a 23.5% reduction in funding.

Decision

To re-affirm the decision made by Council Cabinet at its meeting on 21 February 2012.

Key Decisions

178/11 Chaddesden Park Schools Merger

The Council Cabinet considered a report on Chaddesden Park Schools Merger. At its meeting on 2 June 2009, Council Cabinet approved the policy of promoting infant and junior school mergers whenever possible and appropriate. The report confirmed the Council's preferred model for the delivery of primary education as an all-through (4-11) primary school, as opposed to separate infant and junior schools. This model offered significant advantages in terms of continuity for pupils, alongside flexibility and efficiency in respect of staffing resources. The current policy was to consider 'mergers', when an opportunity arose due to a headteacher vacancy occurring in either an infant or junior school.

An opportunity had arisen to consider a merger of Chaddesden Park Infant and Nursery and Chaddesden Park Junior Schools due to the retirement of the Headteacher of the Junior School at the end of the 2012 spring term. The Cabinet Member for Children and Young People, at a meeting on 10 January 2012, approved the commencement of formal consultation on the proposal to close the Junior School and simultaneously expand the size and age range of the Infant and Nursery School to create an all-through primary school from September 2012.

Consultation on the proposal took place over a six week period with consultation papers circulated to all key stakeholders and interested parties. A summary of responses received was set out in Appendix 2 of the report and

a copy of the consultation document was attached as Appendix 3 of the report.

Due to the majority of support shown in the consultation responses, and the Council's policy of promoting mergers wherever possible and appropriate, the report recommended that Council Cabinet gives approval to move to the next stage of the consultation process, which involved the publication of a statutory notice and a further six week representation period.

Options Considered

There was an option to retain existing Infant and Nursery and Junior Schools. This would result in a missed opportunity to improve standards and continuity for pupils in those schools where clear benefits were envisaged.

Decision

1. To approve the publication of a statutory notice on the proposal to 'merge' Chaddesden Park Infant and Nursery and Chaddesden Park Junior Schools to form an all-through primary school from September 2012.
2. To delegate authority to determine the proposal to the Strategic Director of Children and Young People, in consultation with the Cabinet Member for Children and Young people, if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.

Reasons

1. There were clear benefits to be gained in merging the schools to create an all-through primary as outlined in this report. Council Cabinet had previously approved a policy of promoting Infant and Junior School mergers wherever possible and appropriate.
2. From the consultation responses, there had been a majority of support for the proposal. Of a total of 84 respondents, 84 (100%) expressed support for the proposed merger. A breakdown of consultation responses was set out in Appendix 2 of the report.

179/11 Springfield Primary – Enhanced Provision

The Council Cabinet considered a report on Springfield Primary – Enhanced Provision. Nationally, the number of children and young people with Autistic Spectrum Disorder (ASD) was increasing and provision within Derby was full. Council Cabinet, at its meeting on 10 September 2010, approved £1.3 million capital funding to provide additional accommodation and facilities for a primary phase enhanced resources unit for ASD pupils.

Following Cabinet Member approval, consultation had now taken place on a proposal to provide 12 enhanced resource places for pupils with Autistic Spectrum Disorder (ASD) at Springfield Primary School, Spondon. Consultation on the proposal took place over an eight week period from 12 December 2011 to 6 February 2012, with consultation papers circulated to key stakeholders and interested parties. A summary of responses received was set out in Appendix 2 of the report and a copy of the consultation document was attached as Appendix 3 of the report.

Due to the majority of support shown in the consultation responses, and given the need for additional enhanced resource provision for pupils with ASD, the report recommended that Council Cabinet gives approval to move to the next stage of the consultation process, which involved the publication of a statutory notice and a further six week representation period.

Options Considered

Expressions of interest were invited from all primary phase schools on the proposal to provide enhanced resource places for pupils with ASD. In considering the most appropriate location for the provision other schools were looked at, but due to site constraints and the availability of funding, Springfield Primary was considered to be the best option for the provision.

Decision

1. To approve the publication of a statutory notice on the proposal to add enhanced resource provision for pupils with Autistic Spectrum Disorder to Springfield Primary School from September 2013.
2. To delegate authority to determine the proposal to the Strategic Director of Children and Young People, in consultation with the Cabinet Member for Children and Young People, if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.
3. To approve commencement of the capital scheme to provide additional accommodation at the school, subject to the approval of the proposal.

Reasons

1. The proposal was part of a longer term strategy to increase ASD provision within Derby thus reducing the need to place children at independent schools. The provision was funded through enhanced resource school funding and could typically be delivered from £8,000 to £19,000 per annum per full time placement, this represented very good value for money.
2. From the consultation responses, there had been a majority of support for the proposal. Of a total of 8 respondents, 6 (75%) expressed

support for the proposed merger. A breakdown of consultation responses was set out in Appendix 2 of the report.

180/11 Surface Water Management Plan

The Council Cabinet considered a report on Surface Water Management Plan. The Flood and Water Management Act 2010 (FWMA) and The Flood Risk Regulations 2009 (FRR), placed new statutory responsibilities on Lead Local Flood Authorities (LLFA) to understand, coordinate and manage local flood risk in their respective areas.

As LLFA for this area, the authority must develop a 'Local Flood Risk Management Strategy' (LFRMS), which was consistent with the 'National Flood Risk Strategy'.

Defra made funding available for those 77 authorities identified as being at the greatest risk from flooding, to prepare a Surface Water Management Plan (SWMP) for their districts.

Derby was deemed to be the 22nd highest authority out of the list of 77 local authorities, which Defra considered to be at the greatest risk of experiencing a major flooding event.

In March 2010, the authority received confirmation that it was to receive a grant allocation from Defra to fund completion of the SWMP for this area.

The SWMP was now complete and would form the evidence base for future flood management plans required under the FWMA. The SWMP was available in the Members room and on the Council Meeting Information Systems CMIS.

Options Considered

No other options were considered. Production of the report was a requirement of the Defra funding allocation.

Decision

1. To approve the SWMP and delegate authority to the Strategic Director of Neighbourhoods to implement the measures outlined in it.
2. To ask officers to investigate further those areas identified as being at significant flood risk.
3. To ask officers to assess options to mitigate the risk in those areas identified in the SWMP as being most at risk of flooding as part of a flood risk strategy.

4. To give the Strategic Director of Neighbourhoods delegated authority to implement the proposals to alleviate future flooding identified in a flood risk strategy.

Reasons

1. The outputs of the SWMP would contribute toward the content of the authority's LLFRMS.
2. The SWMP outlined future works and studies as part of the overall flood risk mitigation proposals for the alleviation of flood risk in those areas identified at being at risk.
3. The SWMP would inform local communities in understanding the size and nature of the flood risk in their centres.

181/11 Compulsory Purchase of Long Term Empty Properties

The Council Cabinet considered a report on Compulsory Purchase of Long Term Empty Properties. The report sought Council Cabinet approval to initiate compulsory purchase proceedings in relation to 6 long term vacant houses.

The houses had stood vacant and neglected for some years and had been the source of nuisance to, and complaint from local residents.

The aim of the Council's Empty Homes Strategy was to encourage and persuade owners of such properties to take action to enable the satisfactory renovation of empty houses, to facilitate re-occupation, and thereby make a contribution towards both meeting the housing need in the City, and removing the increasing environmental nuisance that neglected properties could present.

In the absence of an acceptable response, and where appropriate, it was considered that there was a compelling case in the public interest for enforcement action by the Council, to ensure that this aim was achieved.

Over recent years, the use by the Council of compulsory purchase powers had been productive in ensuring the return of problem houses to the useful housing stock.

Options Considered

1. Do nothing. This was not considered an appropriate option. The properties, in their present condition, would remain a waste of potentially good housing accommodation, and in the continued absence of maintenance and proper management would become an increasing environmental blight on their respective neighbourhoods.

2. Enforced sale. The Law of Property Act 1925 empowers a local authority to enforce the sale of a property where it holds a Local Land Charge against it. The Council was in the throes of initiating such action at other properties but those debts to the Council at the report properties were considered inadequate to substantiate the use of enforced sale procedures.
3. Empty Dwelling Management Orders. Local Authorities could consider making Empty Dwelling Management Orders under the Housing Act 2004 to address the improvement and future use of empty dwellings. However, such action was not considered appropriate in the particular circumstances of the report properties.
4. Other enforcement powers. Various legal powers were available to a local authority to improve the condition of a neglected building, for example, to deal with structural danger, nuisance or other environmental problems. However these alone would not address the suitability of the accommodation for occupation, the ongoing upkeep of the building, nor the future management of the property. These measures could only be viewed as piecemeal, reactive and relatively expensive short term approaches and did not provide the long term solution presented by the report proposals.

Decision

1. To authorise the Council to make Compulsory Purchase Orders under section 17 and Part XVII of the Housing Act 1985, and the Acquisition of Land Act 1981 for the acquisition of the houses identified in Appendix 2 of the report, together with the land associated with them, and as shown edged in bold on the plans attached at Appendix 3 of the report, for the purposes of their renovation and reoccupation as housing accommodation.
2. To authorise the Strategic Director of Adults Health and Housing, in consultation with the Director of Legal and Democratic Services and the Head of Estates to:
 - take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders including the publication and service of all notices and the presentation of the Council's case at any public inquiries.
 - to acquire interests in the properties within the Compulsory Purchase Orders either by agreements or compulsorily; in consultation with the Head of Estates.
 - suspend the compulsory purchase order proceedings in relation to any particular property, or withdraw an Order, on being satisfied that the subject house will be satisfactorily renovated

and re-occupied without the need to continue the purchase proceedings in relation to that property.

- take all necessary action to acquire and obtain possession of the properties included in the Compulsory Purchase Orders, either compulsorily or by agreement, and to deal with all matters relating to the payment of compensation and statutory interest including the instituting or defending of proceedings as necessary.
- dispose of the properties in accordance with the proposals set out in this report.
- take all other necessary action to give effect to these recommendations.

Reasons

The properties concerned had been vacant for a number of years and all avenues open to the Council to encourage the respective owners to bring them back into use by voluntary means have proved unproductive.

182/11 City Centre Regeneration Fund Action Plan Update

The Council Cabinet considered a report on City Centre Regeneration Fund Action Plan Update. The purpose of the report was to update Council Cabinet on progress in delivering the City Centre Regeneration Framework (CCRF) Action Plan, and to seek approval for scheme commencement on projects from the Action Plan as outlined in the report.

The report identified the projects deliverable over the next three years and made recommendations for the use of allocated sum from the Capital Programme for 2012-13.

The capital funding to deliver the CCRF Action Plan was approved by Council Cabinet in December 2011 and the Framework itself and the Action Plan were approved by Council Cabinet and Council in January 2012.

Options Considered

1. Do nothing approach. This approach was not considered to be appropriate as the CCRF Action Plan was already adopted by the Council and it needed to be delivered within the agreed timescales (2012-2016).
2. Design everything now and deliver later approach. This approach was considered because of its ability to give accurate cost estimates for the implementation stages and reduce the risk of cost overrun. But this

was not considered appropriate as it would not mean efficient distribution of resources over the programme timescales.

3. It was considered best to have the projects with shorter design time to be on ground as soon as possible to maintain the momentum of public expectation and to reduce the risk of causing disturbance to residents and businesses due to all projects being on site at the same time.

Decision

1. To note the progress on CCRF Action Plan set out in appendix 2 of the report.
2. To approve in principle the initial provisional programme of projects to be funded from the approved Capital Expenditure for the next three years as set out in appendix 3 of the report.
3. To delegate to the Chief Executive, in consultation with the Leader, authority to agree the final programme and to approve scheme commencement of proposed projects.
4. To note that a further report to update and confirm the Regeneration Capital Programme and the governance arrangements will be presented to Council Cabinet in April.

Reasons

1. Members had requested progress report on the implementation of the CCRF Action Plan.
2. For the Action Plan to be delivered within approved timescales (2011-16), projects needed to be planned, designed, consulted upon and implemented in appropriate stages. Funding from the approved capital plan needed to be allocated to support this.
3. The proposed programme of projects had the potential to act as catalysts for regeneration, engage residents as well as business communities and improve the built environment to attract inward investment.

183/11 Regional Growth Fund

The Council Cabinet considered a report on Regional Growth Fund. The report described the draft programme that had been devised to invest up to £40m allocated to Derby from the Government's Regional Growth Fund (RGF).

Options Considered

A variety of different projects had been considered in the formulation of the proposed programme. The methods to govern the programme and to procure the best delivery partners had also been given thorough consideration. The proposals contained in the Programme Summary were considered to offer the optimum impact.

Decision

1. To delegate decision-making responsibilities about component projects to the Leader and Chief Executive, in consultation with the RGF Programme Board, including approval of the detailed business case for each project.
2. To approve in principle the allocation of up to £3.25m from the Council's approved Capital Programme (2012-13 to 2014-15) towards the Global Technology Cluster including the Innovation Campus facility.
3. To approve the use of officer time on the projects listed in Appendix 2 of the report in order to:
 - develop a business case
 - prepare tender specifications
 - procure a delivery partner
 - manage the delivery and monitor and report on progress.

Reasons

To provide Members with an up to date account of the proposed programme for the RGF funding.

184/11 Admission Arrangements for Schools 2013/14

The Council Cabinet considered a report on Admission Arrangements for Schools 2013/14. The Council, as an education authority, must each year consult on and then determine its school admission arrangements for community and voluntary controlled schools. These were then used to decide the allocation of school places.

For the school year 2013 – 2014, the necessary consultation must have taken place by 1 March 2012 and a decision must be taken on the proposed arrangements by 15 April 2012.

The report detailed the consultation that had taken place, and recommended the admission arrangements set out in Appendix 2 and Appendix 3 of the report.

The report also dealt with...

- The issue of whether to retain an Admissions Forum for Derby to advise on admission arrangements (paragraphs 4.4 to 4.7 of the report)
- Revised and more robust residency arrangements for school catchment areas (paragraphs 4.8 & 4.9 of the report).
- The proposal to withdraw the Council's protocol on infant class sizes and looked after children (paragraphs 4.10 of the report).

A revised paragraph 4.5 was circulated at the meeting.

Options Considered

None arising from the report.

Decision

1. To approve the admission arrangements for infants and juniors and primary schools for 2013 – 2014 set out in Appendix 2 of the report.
2. To approve the admission arrangements for secondary schools for 2013 – 14 set out in Appendix 3 of the report.
3. To agree to retain the Admissions Forum.
4. To agree the revised arrangements to determine residency within a schools catchment area set out in Appendix 4 of the report.
5. To approve the withdrawal of the Council's protocol relating to infant class size and looked after children at Appendix 5 of the report, in view of government changes to the School Admissions Code.

Reasons

1. To ensure compliance with the mandatory requirements of the School Admissions Code, School Admission Appeals Code, relevant legislation and regulations.
2. To ensure that fairness, equity and transparency was retained for parents/carers when applying for all school places in all year groups.

Budget and Policy Framework

185/11 School Funding 2012-13

The Council Cabinet considered a report on School Funding 2012-13. The Council has to consult with schools over proposed changes to the formula and scheme for funding schools.

A full consultation exercise was carried out between 20 December 2011 and 30 January 2012 and thirty seven responses were received and were summarised in Appendix 2 of the report.

In addition the School Forum was consulted at its meeting on 2 February 2012 and they accepted the proposals.

The report gave details of the consultation exercise and the responses received and set out the proposed changes to the formula to take effect from April 2012.

Decision

1. To note the results of the consultation exercise.
2. To approve the changes to the formula for funding schools set out in Section 5 of the report.
3. To approve the use of Dedicated Schools Grant reserves should the protection to schools through the Minimum Funding Guarantee exceed the budgetary provision.

186/11 Procurement of HR/Payroll Information System

The Council Cabinet considered a report on Procurement of HR/Payroll Information System.

Following the Council's decision not to proceed with the East Midlands Shared Services solution, the Council now needed to procure a replacement HR/Payroll information system. The contract with our current HR/Payroll software provider expires at the end of October 2013, presenting an opportunity to source a reliable, future-proof, value for money Human Resources Information System - HRIS - solution that delivers beyond the basic remit of a payroll solution.

A number of options had been explored and these were outlined in the business case which was in the confidential part of the agenda.

It was proposed that a full OJEU procurement exercise be undertaken to invite bids for the provision of a cost-effective, functionally rich HR/Payroll solution that would support and enable the delivery of HR and organisational transformation objectives.

Decision

1. To approve the procurement of a replacement HRIS solution as outlined in the business case.
2. To approve the financial implications and resources outlined within the business case.

Contract and Financial Procedure Matters

187/11 Contract and Financial Procedure Matters Report

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

- changes to the capital programme
- to approve a bid to the Arts Council England
- use of reserves
- approach for Charging for Residential Accommodation
- increase to fees.

Decision

1. To approve changes and additions to the capital programme as set out in Appendix 2 and highlighted in section 4 of the report.
2. To note the revised programme for 2011/12 in table 1 (paragraph 4.1) and the revised indicative programme for 2012/13-2014/15 as shown in table 2 (paragraph 4.7) of the report.
3. To approve the scheme commencements set out in Appendix 3 of the report.
4. To retrospectively approve the submission of an external funding bid of £180,000 to Arts Council England.
5. To approve the allocation of Westfield S106 reserve funding of £15,000 in 2011/12, £80,000 in 2012/13 and £50,000 in 2013/14 to facilitate the implementation of a range of traffic management and signage improvements across the city centre.
6. To approve the proposed changes to charging for residential care as set out in section 8 of the report.
7. To approve increases in fees and charges for Local Land Charges and Registration Services as set out in Appendix 4 of the report.
8. To approve the introduction of a non-refundable deposit for celebratory events bookings.

Performance

188/11 Derby City Council Customer Satisfaction Survey 2011

The Council Cabinet considered a report on Derby City Council Customer Satisfaction Survey 2011. The Council's satisfaction survey was conducted during November and December 2011, via face to face doorstep interviews with residents. A total of 1,004 interviews were completed and the sample was representative of the demography of the city.

Despite being conducted at a time of a significant reduction in Council funding and budgets for services, the survey shows that overall satisfaction with the Council was 68%, exceeding the target of 45% and a significant improvement from 2010/11 (41%). Satisfaction across a range of services was also high.

The findings of the survey should be communicated to residents and employees to demonstrate that improvements in services over the last twelve months had lead to a significant increase in satisfaction with the Council.

It should also be stressed that despite the current funding pressures, the Council aspired to continue to make improvements to services in the future.

Decision

1. To note the results of the 2011 Derby City Council Satisfaction Survey and in particular the areas of significant improvement.
2. To approve the proposed Communication Plan for the results.
3. To develop an Action Plan to improve areas of low satisfaction as part of the business planning process.

189/11 Exclusion of Press and Public

Resolved to exclude the press and public during consideration of the following item under Section 100(A) of the Local Government Act 1972, on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 2 and 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

190/11 Compulsory Purchase of Long Term Empty Properties

The Council Cabinet considered exempt information in relation to the compulsory purchase of long term empty properties.

Decision

To note the exempt information in relation to the compulsory purchase of long term empty properties.

Budget and Policy Framework

191/11 Procurement of HR/Payroll Information System

The Council Cabinet considered exempt information in relation to the procurement of HR/Payroll Information System.

Decision

To note the exempt information in relation to the procurement of HR/Payroll information system.

MINUTES END