

Time began 6.00pm
Time ended 6.45pm

**COUNCIL CABINET
5 JUNE 2007**

Present: Councillor Williamson (Chair)
Councillors Banwait, Bolton, Graves, Hussain,
Nath and Williams

In attendance Councillor Jones

This record of decisions was published on 7 June 2007. 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.

01/07 Apologies for Absence

Apologies for absence were received from Councillors Hickson, Roberts and Smalley.

02/07 Late Items Introduced by the Chair

There were no late items.

03/07 Identification of Urgent Items to which Call-In will not apply

There were no items.

04/07 Declarations of Interest

There were no declarations of interest.

05/07 Minutes of the previous meetings held on 17 April 2007

The minutes of the meetings held on 17 April 2007 were confirmed as a correct record and signed by the Chair.

Matters Referred

06/07 Gayton Pool

The Council Cabinet considered a report which stated that the swimming pool on the Gayton Junior School site was in very poor condition. The structural engineer's report had confirmed that, without considerable work, the pool and changing rooms would need to be closed at the end of July 2007. As the

structure would be unsafe in high winds, provision would need to be made for demolition.

The cost of a replacement pool had been estimated as at least £3m. No funding had been identified for this. It would be a poor use of public money to fund temporary solutions which only postponed the closure.

The Council had certain obligations under its lease with the Community Association, which occupied part of the building.

Decision

1. To close the Gayton swimming pool from July 2007
2. To demolish the whole building, comprising the pool, changing rooms and, subject to negotiation with the Community Association, the community centre.
3. To amend the swimming programmes at Queen's Leisure Centre and Moorways Sports Centre to ensure that pupils displaced from Gayton can receive their curriculum entitlement from September 2007.
4. To offer assistance to local schools and community associations if they wished to apply for lottery funding.

Key Decisions

07/07 Derby Community Legal Advice Centre

The Council Cabinet considered a report on Derby Community Legal Advice Centre. The Council had given a commitment to jointly fund a Community Legal Advice Centre in Derby. The Centre would be one of the national pilots to jointly commission and deliver integrated advice services in one location. They would be funded by the Legal Services Commission through its civil legal aid and from the Council's funding for legal advice services through the Community Grants Budget and funding for Derby Advice. The Derby CLAC would be delivered by the Council's in house advice service, Derby Advice and another provider to be identified through an open tender process. It was proposed to co-locate some elements of Derby Advice services within the CLAC to deliver the services in partnership with another provider to be identified through an open tender process. The inclusion of some elements of Derby Advice services would allow the Centre to offer a more integrated and holistic service for legal advice clients. A Project Board had been established of representatives from the Council and the Legal Services Commission to oversee the work. Appendix 1 to the main report summarised the proposals to:

- establish a Community Legal Advice Centre in Derby

- include selected elements of the Council's Community Grants Budget in the tender pot
- include selected elements of the Council's in-house advice service, Derby Advice, in the CLAC.

Options Considered

1. To continue as present with the Council grant funding voluntary organisations to deliver advice services and the Legal Services Commission contracting with individual suppliers. This would mean that we would not be configured to take full advantage of national LSC funding. We would also miss the opportunity to coordinate services more effectively for local residents and to meet gaps in supply.
2. For the Council to undertake a review of advice services in the city to improve coordination between providers of legal advice services funded through the Community Grant Budget. We would also need to ensure that the Council's in-house advice provision, Derby Advice, integrated more effectively with external advice providers, notably the merged Derby Citizen's Advice Bureau and Derby Law Centre – the Citizens Advice Law Centre. This would mean that we were unable to take advantage of national LSC funding and may affect future partnership funding opportunities.

Decision

1. To approve the Council's involvement in work to set up a Community Legal Advice Centre in Derby.
2. To agree the inclusion of selected Community Grants Budget funds detailed in paragraph 1.13 in the CLAC tender pot.
3. To agree in principle for the Council's in-house advice service, Derby Advice, to operate alongside the successful bidder to deliver services through the Derby CLAC.
4. To authorise the Director of Corporate and Adult Services, in consultation with the Leader and Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy, to enter into contract with a preferred provider following the tender process.

Reasons

1. To deliver an improved, a more co-ordinated, accessible, holistic and integrated legal advice service for local residents through a single point of entry.

2. To configure legal advice services to take advantage of Legal Service Commission's funding.
3. To strengthen links between the City Council and other advice providers.

08/07 Bemrose Community School – re-designation to 11-18 Status

The Council Cabinet considered a report on Bemrose Community School – re-designation to 11-18 Status. The report sought approval for the publication of a statutory notice under the School Standards and Framework Act 1998 for formally adding post-16 provision at Bemrose Community School. Since 1999 Bemrose Community School had offered a post-16 learning programme to students who were considered unlikely to continue education elsewhere. This arrangement was able to operate as it was supported by Littleover Community School, whose own 11-18 status facilitated Bemrose to provide post-16 education. Due to new regulations it was necessary to designate Bemrose as an 11-18 school with a 45 place sixth form, in order for existing provision to continue there. A consultation paper on this proposal was circulated to all key stakeholders. A copy of this paper is attached as Appendix 2. The deadline for consultation comments was Thursday, 31 May 2007. The Learning and Skills Council (LSC) who were responsible for post-16 place planning and funding had already given their full support to this proposal.

Options Considered

1. To cease provision, which had been rejected due to the negative impact on learners and their future life chances.
2. To relocate the provision to existing post-16 provision but it was unlikely that learners would access provision at an alternative venue.

Decision

1. To approve the publication of a statutory notice for the re-designation of Bemrose as an 11-18 school, with 45 post-16 places.
2. To approve delegation of authority to determine the statutory proposal to the Corporate Director for Children and Young People, subject to no objections being received.

Reasons

1. The planned re-designation of Bemrose Community School to 11-18 status had been subject to a consultation which was open for three weeks. It was now necessary to consider publication of a statutory notice in order for the proposal to progress.

2. This development sought to ensure that post-16 provision at Bemrose Community School could continue in accordance with new regulations.

In accordance with Procedure Rule A126, the Chair of the Children and Young People Commission had been advised that this item would be considered although not included in the Forward Plan.

Contract and Financial Procedure Matters

09/07 Contract and Financial Procedure Matters

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:

- Proposal to purchase new people counting equipment at the Eagle Centre Market at a cost of £21,330 funded from the service charge to market traders. Approval was sought to add this to the capital programme and to waive contract procedure rule – CPR.15 tendering requirement to purchase the system directly from a company called Springboard. This would maintain compatibility with other markets and the Eagle Centre (Westfield) development within the City.
- It had been agreed to transfer all Health and Safety posts together with their associated budgets into a new corporate Health and Safety section. Approval was sought under Financial Procedure Rules to vire the relevant revenue budgets from other departments to the corporate Health and Safety budget within Corporate Adult Services.
- To meet a payment of £9,000 to the Kingdom Hall Trust for a car park on part of their site for residents of an adjoining Council/Derby Homes scheme from the Housing Capital Programme 2007/8 funded from Housing capital receipts.
- Application for a licensed deficit from Borrow Wood Infant and Nursery School and an amendment to the licensed deficit approved for St Benedict Catholic School and Performing Arts College.
- New external funding allocations to the Children and Young People's department for 2007/08.
- Amendment to the approved capital programme 2007/8 and capital scheme commencement for revised scheme costings and funding for Brackensdale Junior School and Boulton Primary School.

- An increase in the set-up costs of a joint waste disposal arrangement with the County Council to a maximum of £0.5m to be funded from corporate revenue reserves.
- An increase to course fees for Adult Learning Service courses from 1 August 2007.
- Funding to continue the Derwent NEAT (Neighbourhood Environmental Action Team) service in 2007/8 in line with the service provided by the other NEATs. It was proposed that whilst external funding continued to be sought, the service was underwritten in 2007/8 only from the Environmental Services 2006/7 year-end outturn underspending.

Decision

1. To approve an addition to the capital programme and under CPR6 a waiver of CPR 15 tendering requirement and deal directly with Springboard to install new people counting equipment at the Eagle Centre Market at a cost of £21,330.
2. To approve the virement of the following revenue budgets into the corporate Health and Safety budget within Corporate Adult Services to enable the setting up of a corporate Health and Safety section:

Department	£
Other Corporate Adult Services budgets	65,053
Children and Young People	106,148
Environmental Services	67,345
Regeneration and Community	31,416
Total	269,962

3. To approve the addition to the Housing Capital Programme 2007/8 of a payment of £9,000 to the Kingdom Hall Trust for a car park on part of their site used by residents of an adjoining Council/Derby Homes scheme for car parking, to be funded from Housing Capital Receipts.
4. To approve a licensed deficit in 2007/8 for Borrow Wood Infant and Nursery School.
5. To approve an amendment to the licensed deficit approved for St Benedict Catholic School and Performing Arts College by Council Cabinet on 6 June 2006, subject to the school having a clear contingency plan if forecast pupil numbers do not materialise.
6. To approve the new funding allocations for the Walking to School Initiative, the General Duty to Promote Sustainable Modes of Travel to School Grant and The ICT Grant for Mobile Technology to Support Children's Social Workers, and an addition to the Children and Young People's department revenue budget 2007/8.

7. To approve amendments to the capital programme 2007/8 for revised schemes at Brackensdale Junior School and Boulton Primary School and approve scheme commencement.
8. To approve increased set-up costs to the City Council of the joint waste disposal arrangement with the County Council to a maximum of £0.5m, to be funded from corporate revenue reserves.
9. To approve the increase of course fees for further education (FE) from £2.30 to £2.70 per hour. and the course fees for Personal and Community Development Learning (PCDL) from £3.30 to £3.70 per hour.
10. To approve to underwrite the Derwent NEAT service in 2007/8 only at a cost of £72k from the Environmental Services 2006/7 year-end outturn underspending.

10/07 Waste Disposal

The Council Cabinet considered a report on Waste Disposal. The Council was currently procuring a waste treatment contract jointly with the County Council to include the treatment of waste, landfilling of residues and management of the household waste recycling centre and a subsequent reduction in the amount of waste sent to landfill. The contract would commence in 2010. The rationale for the procurement was to reduce the extent of the additional costs that would otherwise be faced by both Councils in paying Landfill Tax and Local Authority Trading Scheme, LATS, penalties for waste sent to landfill, which would increase substantially over the next few years. Without access to a new facility, the costs of waste disposal would increase even more than the considerable additional sums already budgeted.

To enable the contractor to offer the councils the best price and in the shortest possible time, it was proposed to make a loan from the councils to the contractor. A loan of approximately £50m would be required, of which the City Council would be required to supply 50% - £25m, with the other 50% being supplied by the County Council. The sum advanced jointly would represent approximately 85% of the costs of a waste treatment plant and would be supplemented by private sector investment.

Decision

1. To authorise the granting of a loan of up to £25m subject to commercial negotiations with the successful bidder for the contract
2. To add £12.5m each year to the capital programme for 2008/09 and 2009/10, funded by prudential borrowing.

Performance Management

11/07 Quarter 4 Performance Monitoring 2006/07 and Best Value Performance Plan 2007/08

The Council Cabinet considered a report on Quarter 4 Performance Monitoring 2006/07 and Best Value Performance Plan 2007/08. The report presented highlights from Quarter 4 performance monitoring and the Council's draft Best Value Performance Plan, BVPP, for 2007/08. The Plan, which was a statutory requirement, supported the Council's corporate performance framework and provided annual out-turn information on 2006/07 priorities and Best Value Performance Indicators - BVPIs. The BVPP also included targets covering 2007-10 for BVPIs and local indicators included in the Corporate Plan.

Decision

1. To note the Council's performance against the targets set in the 2006/07 Best Value Performance Plan.
2. For highlighted areas of underperformance, to request action plans from Heads of Service for service improvements with key delivery milestones and regular updates in reporting against these plans
3. To note that, where appropriate, performance workshops would be held with the relevant cabinet Portfolio Member, Scrutiny Commission Chair and Assistant Director responsible for the service to explain reasons for poor performance.
4. To agree the contents of the draft Best Value Performance Plan, BVPP for 2007/08.
5. To recommend that Audit and Accounts Committee approves the Plan for publication at its meeting on 28 June 2007.
6. To give the Chief Executive and Acting Director of Resources, in consultation with the Leader of the Council, delegated authority to finalise the Plan for publication by 30 June 2007.

12/07 Local Area Agreement Performance Monitoring – 2006/07 Quarter 4

The Council Cabinet considered a report on Local Area Agreement Performance Monitoring – 2006/07 Quarter 4. The report focused on performance and financial outturn information against Partnership outcomes during the final quarter of 2006/07 - 1 January – 31 March 2007. It included an update on progress against our Local Public Service Agreement targets.

Decision

To note the performance of the LAA indicators against the 2006-07 targets including the Local Public Service Agreement and give particular attention to underperforming areas.

13/07 Best Value Satisfaction Survey 2006/07

The Council Cabinet considered a report on Best Value Satisfaction Survey 2006/07. The Council was required by Government to undertake a series of Best Value Satisfaction Surveys every three years. The surveys cover general satisfaction as well as user satisfaction with planning, benefits, housing and libraries. The surveys, which provided data for a number of Best Value Performance Indicators – BVPIs, were undertaken between August 2006 and March 2007. Overall ‘general’ satisfaction with Council services had increased marginally since 2003/04 from 54% to 55%. In comparison to all unitary authorities in England, Derby falls in the top quartile of performance for five of the thirteen ‘general’ BVPIs, including overall satisfaction, transport indicators and parks and open spaces. Derby only falls into the bottom quartile in regards to satisfaction with libraries, despite positive improvements since 2003. Satisfaction with household waste collection had fallen significantly by 7%, although this was consistent with national trends. The general survey also asked respondents to give views on local area priorities, anti-social behaviour and community cohesion. ‘Activities for young people’ was highlighted as the top improvement required to local areas, followed by traffic congestion and crime. All aspects of anti-social behaviour were seen to be less of a problem than 2006, with relatively low concern expressed regarding community cohesion.

There had been improvement in every area of benefits user satisfaction, which was extremely positive. The most significant improvement was within the telephone service, indicating the successful impact of Derby Direct. Overall satisfaction increased from 72% in 2003/04 to 75% in 2006/07. Quartile data had not yet been released by the Audit Commission to put this performance into context. Around two thirds (65%) of respondents were satisfied with the Council’s service in processing their planning application. This was a fall on the 72% in 2003/04, but was within the limits of statistical accuracy due to a low sample size, which suggested that the service had generally stayed the same. This did however represent bottom quartile performance. Satisfaction amongst library users had increased by 4% to 89% since the previous survey in 2003/04. Generally customer satisfaction across a range of library indicators had improved, and although it was not a Best Value indicator it was pleasing to note that 96% of library users were satisfied with staff helpfulness. Results from the Housing Tenants survey were very positive, with all but one indicator falling in the top quartile. Overall satisfaction with the service had increased from 75% in 2003/04 to 82% in 2005/06. An action plan to address issues arising from these surveys was shown in Appendix 2 to the report.

Decision

To review the findings of the Best Value satisfaction surveys and note the action plan to address issues arising.

14/07 Exclusion of the Press and Public

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

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

Contract and Financial Procedure Matters

15/07 Sale of Derbyshire Waste Limited

The Council Cabinet considered a report which under the contract and financial procedure rules required reporting to and approval by Council Cabinet on the sale of shares in Derbyshire Waste Limited.

Decision

To approve the sale of the Council's shares in Derbyshire Waste Limited.

MINUTES END