

Time began 6.00 pm  
Time ended 7.40 pm

**COUNCIL CABINET  
6 JUNE 2006**

Present Councillor - Williamson  
Councillors Bolton, Graves, Hussain, Latham, Nath,  
Roberts, Smalley and Wynn

In attendance: Councillor Jones

This record of decisions was published on 8 June 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.

**01/06 Apologies**

An apology for absence was received from Councillor Hickson.

**02/06 Late Items Introduced by the Chair**

There were no late items.

The Council Cabinet stood in silence as a tribute to the memory of former Councillor John Leatherbarrow.

**03/06 Identification of Urgent Items to which Call-In will not apply**

There were no items.

**04/06 Declarations of Interest**

Councillor Smalley declared a personal interest in minute number 16/06 as his daughter attended St Albans Catholic Primary School.

**05/06 Minutes of the meeting held on 16 May 2006**

The minutes of the meeting held on 16 May 2006 were confirmed as a correct record and signed by the Chair.

## Key Decisions

### 06/06 Detailed Assessment of Air Quality in Derby – Nitrogen Dioxide

The Council Cabinet considered a report on the Detailed Assessment of Air Quality in Derby – Nitrogen Dioxide. The Council Cabinet, on 15 June 2004, considered a report entitled 'Updating and Screening Assessment of Air Quality' and recommended that detailed assessments be carried out for the three air pollutants of greatest significance in the city. These assessments represented a major undertaking for Environmental Health and Trading Standards and Council Cabinet considered the first report - the detailed assessment of benzene levels in the city - on 25 April 2006. This is the second report of three and considers levels of nitrogen dioxide a traffic-related pollutant, in the city and suggests alterations to the boundaries of the existing Nitrogen Dioxide Air Quality Management Area - AQMA - and declaration of a new AQMA. The final report will consider PM<sub>10</sub> dust particulate pollution.

### Options Considered

Local authorities were required to declare Air Quality Management Areas where pollution levels were unlikely to meet government objectives. They were also required to adopt action plans to reduce pollution levels within those areas and to regularly review and assess ongoing air quality. The proposed changes to the AQMA boundaries and the new AQMA in Spondon were an outcome of this process. No other options were therefore available.

### Decision

1. To note that nitrogen dioxide levels in certain areas of the city exceed National Air Quality Objective levels.
2. To approve the revisions to the boundaries of the city's existing Nitrogen Dioxide Air Quality Management Area in principle, pending public contribution.
3. To approve in principle that a further AQMA be declared in Spondon, pending public consultation.
4. To agree to the reports proposals for public consultation on this matter, including a report to Area Panel 1.
5. To make a further report to Cabinet, following public consultation, concerning the making of new Air Quality Management Order under Section 83 Environment Act 1995.

## **Reasons**

1. Monitoring data showed no strong upward or downward trend in nitrogen dioxide levels in the most polluted parts of the city. In the absence of firm indications of a downward trend, pollution levels would continue to exceed the government's target for NO<sub>2</sub>, which was for annual average levels to be no more than 40µg/m<sub>3</sub> by 31 December 2005. Comprehensive new data and improved understanding of pollution levels in the city showed that the boundaries of the existing NO<sub>2</sub> AQMA - declared in 2002 - needed to be revised and a further AQMA declared in parts of Spondon.
2. DEFRA required all Local Authorities to consult with statutory consultees, stakeholders and the general public on the outcome of Detailed Assessment reports.

## **07/06          Development of Children's Centres Phase 2**

The Council Cabinet considered a report on the Development of Children's Centres Phase 2. Phase 2 Children's Centres needed to be developed within the allocated Sure Start capital funding and timescales and in locations which meet the needs of local children and families. However, due to limited capital funding and following early feasibility work it was proposed to develop seven Phase 2 Children's Centres rather than eight as in the consultation paper, subject to Sure Start unit approval, and to review existing Sure Start Local Programme boundaries. The outcomes of the Phase 2 Children's Centres consultation were outlined in the report along with the proposed plans.

## **Options Considered**

1. To create Children's Centres which served only immediate neighbourhood areas of around 800 children. This would leave much of the city without access to a local Children's Centre and a larger future programme.
2. Limit the range of services and therefore personnel and need for space in each centre. This would not meet the core offer of Children's Centres.

## **Decision**

1. To note the outcomes of the consultation.
2. To approve locations for 4 of the 7 proposed Phase 2 Children's Centres and a review of Sure Start Local Programme boundaries.
3. To approve consultation to develop a further three Children's Centres in Alvaston, Arboretum and Sinfyn to reach the target of 7 centres by 2008.

4. To approve scheme commencement reports for the proposed Children's Centre projects outlined in Appendix 3 of the report.

### **Reasons**

1. Within the General Sure Start Grant, Derby had been allocated £2,129,205 capital funding and £2,926,118 revenue funding to develop Children's Centres in Phase 2 between April 2006 and March 2008. There was no other source of capital funding to develop these new Children's Centres.
2. With the limited capital funding, a strategy to develop outreach to communities would be sought to ensure access for children and families, meeting the core offer of Children's Centres.

### **08/06      Adult Learning – Learning and Skills Council, LSC, Capital Bid**

The Council Cabinet considered a report on Adult Learning – Learning and Skills Council, LSC, Capital Bid. There was a capital funding stream from the LSC to support the refurbishment of existing buildings or the construction of new buildings for Adult Learning. A provisional bid had been submitted in order to meet the LSC deadline. The bid was to provide facilities on the site of Becket Primary School, which was a phase 1 Children's Centre and was developing extended and much-needed services in the Abbey Ward.

### **Options Considered**

1. No further options for externally funding an Adult Learning centre in this area of the city were available. This site offered the best opportunity to meet need and to integrate with Children's Centre facilities, making best use of the funding and extending the range of services.
2. The Council could choose to fund a new build of this kind from within its own budget, though resources did not currently permit this.

### **Decision**

1. To confirm the bid for LSC capital funding to support a new build local learning centre on the Becket Primary School site.
2. To approve the phasing of the project and the funding from the Capital programme as detailed in Appendix 2 of the report.
3. To approve the commencement of the design and procurement process and start of the project, subject to the outcome of the bid.

## **Reasons**

1. Becket Primary School, working together with Firs Estate and Bishop Lonsdale Primary Schools, was currently one of two extended schools projects in the city.
2. Becket Primary School would also be part of the proposed Children's Centre in the Abbey Ward of the city.
3. Children's Centres and Extended Schools had a remit to provide Adult Learning opportunities for parents, carers and local residents.
4. The construction of a new build local learning centre on the Becket Primary School would support the remit for extended schools and children's centres and would add value to existing plans.

## **09/06 Derby Street Lighting PFI Project: Approval of Final Business Case and Commercial and Financial Close**

The Council Cabinet considered a report on Derby Street Lighting PFI Project: Approval of Final Business Case and Commercial and Financial Close. Arrangements for the negotiation of and signing the Project Agreement - P.A., between the Council and Connect Roads Derby Limited were now approaching a conclusion.

## **Options Considered**

To defer seeking Cabinet approval to sign the Project Agreement until all outstanding issues were fully resolved.

## **Decision**

1. That, subject to satisfactory resolution of any outstanding issues referred to in the report of the officers, two of the authorised signatories of the Council, after consultation with the Corporate Director of Resources over the final proposed cost, be authorised to sign the Project Agreement between Derby City Council and Connect Roads Derby Limited relating to the Council's Street Lighting Private Finance Initiative Project, and such other documents as listed below.
  - Project Agreement
  - Senior Lender's Direct Agreement
  - Sub-Contractor Direct Agreement
  - Collateral Warranties
  - Independent Certifiers Appointment
  - Admission Agreement.
2. To authorise the Council's Corporate Director of Resources, to sign on behalf of the Council the following documents:

- Local Government (Contracts) Act 1997 Certificate in respect of the Project Agreement
  - Local Government (Contracts) Act 1997 Certificate in respect of the Funder's Direct Agreement.
3. To authorise those same signatories in addition to the above to sign on behalf of the Council such other documents and take any other action as may be necessary to give effect to the Project.
  4. To authorise appropriate officers to resolve any outstanding issues referred to in the report of the officers, in order that those issues can be incorporated within the Project Agreement as necessary without a requirement to submit a further report to Council Cabinet.
  5. That should those issues not be resolved to the satisfaction of officers acting on behalf of the Council, arrangements for signing the Project Agreement should not be concluded, and that a further report be presented to Council Cabinet at the earliest possible meeting.
  6. That further reports on the implementation and progress of the Project, as undertaken by Connect Roads Derby Limited in conjunction with the Council, be submitted to future meetings of Council Cabinet.
  7. That to enable the negotiations to be concluded, authority is sought to agree the Contract with the base annual Unitary Charge not creating an affordability gap in excess of the figures stated in the confidential section of the officers' report for the base year, subject to the finalisation of issues in paragraph 1 of Appendix 1 of the report.

## **Reasons**

1. Everything possible should have been done to minimize the risk of delays in signing of the P.A., in order to contain the Council's costs and help to ensure implementation of the Project in accordance with the Project Plan and Timetable.
2. The nature of this Project meant that sustaining progress with implementation could be dependent upon seasonal and associated weather conditions. Any delays at this stage could therefore have been compounded and extended in subsequent stages of the Project, thereby delaying the benefits to the residents of the City.

## **10/06 Museums Capital Plan**

The Council Cabinet considered a report on the Museums Capital Plan. The Heritage Lottery Fund required Derby City Council to provide an approved capital plan for the museums service before it would approve any other grants for the museums in Derby. The bid for funding towards the Soldiers Story - 9th/12th Lancers Museum and military gallery was being held up because of

this. The bid for the Soldier's Story was approved by Cabinet on 8 November 2005. This capital plan provided a coherent framework for the future development of Derby City Council's three museums.

### **Options Considered**

The main option considered had been to do nothing. This would have lead the Heritage Lottery Fund to conclude that its enthusiasm for major investment in Derby was not welcome, and would invite the withdrawal of its funding for the Soldier's Story project. Our three Museums would continue to be disjointed and underachieving.

### **Decision**

1. To approve the Museum Capital Plan as a strategy for the development of museum facilities.
2. To endorse the progress already made on the "Soldier's Story" project and re-affirm the Council's commitment to it.
3. To commit to the principle to reserve and recycle the capital receipts from the sale of existing museum stores for the Museums Capital Plan
4. To commit officers to draw up a stage 1 outline bid to the HLF consistent with this strategy subject to a Cabinet decision to commit development cost funding and to seek subsequent approval to submit the bid.
5. To agree that as work progresses on the capital plan, further reports will be submitted to Cabinet so that the different parts of the proposals will be subject to consideration.
6. To ensure that there will be adequate facilities for storing exhibits.

### **Reasons**

1. A step change in the quality of Derby's Museums was required for the benefit of residents, visitors and researchers.
2. Partners such as the Heritage Lottery Fund had already indicated their willingness to consider a major programme of change and improvement.
3. The Council and its partners in the development of the "Soldier's Story" had committed substantial energy and funds to that project. In order for it to proceed, Heritage Lottery Fund required the Council to adopt a Museums Capital Strategy which demonstrated how the 'Soldier's Story' proposals contributed to the overall picture of improvement of museum facilities.

## 11/06 Derby Preventative Technology Grant Strategy 2006-09

The Council Cabinet considered a report on Derby Preventative Technology Grant Strategy 2006-09. The Derby Preventative Technology Grant Strategy would fund the future development of this service. A strategy was essential in order to ensure that a proper process was in place to deliver the aims of the project and to manage the investment plan appropriately.

### **Options Considered**

The Department of Health required Councils with Social Services responsibilities to develop a Preventative Technology Strategy and spend the grant.

### **Decision**

1. To approve the Derby Preventative Technology Grant Strategy 2006-2009.
2. To approve the 2006-2009 investment plan for the Preventative Technology Grant.
3. To re-appraise options for service continuation on cessation of the Preventative Technology Grant.
4. To refer options for service continuation on cessation of the Preventative Technology Grant to the Adult Services and Health Commission for comment.

### **Reasons**

1. The development of Preventative Technology was seen as an opportunity to enable older people and adults with disabilities to remain more independent at home for longer.
2. Additional funds had been provided by Government to promote this development, which, over time, was expected to lead to the more cost effective use of available resources.
3. Derby had a good platform to further develop Preventative Technology given the availability of the Care Link service.

## 12/06 Lease to Derby QUAD Limited

The Council Cabinet considered a report on the Lease to Derby QUAD Limited. The construction of the QUAD building would commence in autumn 2006. Terms for letting of the completed building to Derby Quad Limited needed to be approved and documented and the proposed terms were set out in the report.



## **Options Considered**

The option of separate leases to individual occupiers of the building (i.e. Q Arts and Metro Cinema) was considered during the earlier development of the project but would leave the Council responsible for the overall management of the premises and not allow for the delivery of a co-ordinated project.

## **Decision**

To approve the granting of a lease to Derby QUAD Limited of the QUAD building, on the terms set out in the report.

## **Reason**

To allow the occupation of the building by Derby QUAD Limited.

## **Performance Management**

13/06          Best Value Performance Plan and Annual  
Report 2006-07

The Council Cabinet considered a report on the Best Value Performance Plan and Annual Report 2006-07.

## **Decision**

1. To agree the contents of the draft Best Value Performance Plan , BVPP, for 2006-7.
2. To refer the Plan to the Scrutiny Management Commission for comment.
3. To recommend that the Audit and Accounts Committee approves the Plan for publication, at its meeting on 29 June 2006.
4. To give the Chief Executive and Director of Resources, in consultation with the Leader of the Council, delegated authority to finalise the Plan for publication by 30 June 2006.

## **Contract and Financial Procedure Matters**

14/06          Contract and Financial Procedure Matters

The Council Cabinet considered a report and an addendum 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:

- Decisions on the method of financing capital expenditure in the 2005/6 final accounts and subsequently, by applying capital reserves in preference to direct revenue contributions to capital (Section 1).
- Budget virements to allocate savings from changes to recruitment advertising and agency staff budgets across departmental and corporate budgets, and to commit some of those savings to internet advertising (Section 2).
- The submission of the Gershon Annual Efficiency Statement to Government for 2006/7 (Section 3).
- Incorporation of various additional grant income for Children's and Young Persons Services into the Council's approved budgets, and decisions on the proposed uses for that additional funding (Section 4).
- Waiver of contract procedure rules to enable continuation of the contract with the Hadhari Project for one year (Section 5).
- Seek endorsement for a submission for 'Train to Gain' financing from the Derbyshire learning and Skills Council – LSC.
- Gain approval for an additional one off contribution to Derby Playhouse towards its refurbishment.
- Gain support for some further investment in improvement to recruitment or advertising on an invest to save basis.

## **Decision**

1. To agree that the capital programme from 2005/6 onwards will be financed on the basis of a general policy that avoids the use of direct revenue contributions to fund any capital expenditure, so long as capital reserves are available and the use of those capital reserves is not constrained by any other policy, with the revenue funding so released being available as a substitute for those capital reserves.
2. To approve ongoing virements to 2006/7 revenue budgets arising from savings in recruitment and agency costs, on the basis set out in Section 2 of the report.
3. To confirm approval of the submitted 2006/7 Forward Looking Gershon Annual Efficiency Statement.
4. To approve revisions to existing 2006/7 revenue and capital budgets, consistent with the uses and conditions of the additional funding set out in Section 4 of the Supporting Information, subject to the management of Children's and Young Persons budget within approved levels and

receipt of specific proposals on the uses of the Youth Opportunity Fund and Youth Capital Fund.

5. To agree in principle to award a further one year contract to the Hadhari Project, from 1 July 2006 to 30 June 2007, subject to confirmation of final terms and conditions in consultation with the Corporate Director of Resources and Corporate Director Corporate and Adult Social Services.
6. To endorse the submission made by the Council, jointly with Derbyshire County Council for 'Train to Gain' funding and to agree to commence the programme if approved by the LSC on a self-financing basis to the Council, subject to the risks outlined in paragraph 1.1.7 of the report.
7. To approve a capital contribution of £50,000 towards internal building improvements to the Playhouse theatre to be undertaken during Spring/Autumn 2006. Funding will come from underspends in Council expenditure in 2005/6.
8. To approve proposals for an expenditure of £90,000 in corporate HR budgets in 2006/7 of which £30,000 would be ongoing in future years, as set out in Section 2 of the report, and the method of funding any such expenditure.

It was noted that Councillors Latham and Smalley asked for their votes against the above to be recorded.

## 15/06 Sponsorship Opportunity

The Council Cabinet considered a report on Sponsorship Opportunity. There was an opportunity for the Council to raise sponsorship income on highway infrastructure by partnering Immediate Solutions. Immediate Solutions was a company who worked exclusively with the public sector to maximise sponsorship revenue.

### **Decision**

1. To agree to waive Contract Procedure Rules and elect to work with Immediate Solutions to pursue sponsorship opportunities on highway infrastructure.
2. To authorise the Director of Corporate and Adult Social Services, in consultation with the Directors of Regeneration and Community and Resources and the Cabinet Member for Planning and Transportation, to negotiate and complete a contract with Immediate Solutions.

## 16/06 Licensed Deficits

The Council Cabinet considered a report on Licensed Deficits. The report set out applications for licensed deficits from schools.

### **Decision**

1. To approve licensed deficits for St Alban's Catholic Primary School, Derby Moor Community Sports College and Saint Benedict Catholic School and Performing Arts College.
2. To agree an extension of the licensed deficit for Lees Brook Community Sports College.

## 17/06 Exclusion of the Press and Public

The Council Cabinet considered 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 the 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 the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## Contract and Financial Procedure Matters

### 18/06 Housing Responsive Repairs and Maintenance Contract

The Council Cabinet considered a report setting out exempt information relating to the Housing Responsive Repairs and Maintenance Contract.

### **Decision**

To approve the recommendations in the report.

### 19/06 Derby Street Lighting PFI: Approval of Final Business Case and Commercial and Financial Close

The Council Cabinet considered a report setting out exempt information relating to Derby Street Lighting PFI: Approval of Final Business Case and Commercial and Financial Close.

MINUTES END