

Time began 6.00pm  
Time ended 7.09pm

## **COUNCIL CABINET**

**18 OCTOBER 2005**

Present: Councillor Williamson – Chair  
Councillors Bayliss, Bolton, Dhindsa, Hussain, Nath,  
Repton, Roberts and Wynn

Also Present: Councillors Jones and Hickson

This record of decisions was published on 20 October 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.

### **140/05 Apologies**

There were no apologies for absence

### **141/05 Late items to be introduced by the Chair**

In accordance with Section 100 (B) (4) of the Local Government Act 1972, the Chair agreed to admit a report entitled 'Housing PFI Progress' as an item on the grounds that the outline business case was required to be with Office of the Deputy Prime Minister by 21 October 2005 so could not wait until the following meeting.

### **142/05 Identification of Urgent Items to which Call-In will not Apply**

It was reported that, as for the following item, an outline business case was required to be with the Office of the Deputy Prime Minister by 21 October 2005, the Chair of the Community Regeneration Commission had agreed that it could be treated as an urgent item, and therefore not subject to call in for the reason outlined below.

Housing PFI Progress

This matter was urgent as the outline business plan had to be submitted by 21 October 2005.

### **143/05 Declarations of Interest**

Councillor Repton declared a prejudicial interest in minute no 152/05 as he was employed in the mental health services.

## 144/05 Minutes of the Previous Meeting

The Part 1 minutes of the meetings held on 27 September 2005 were approved as a correct record and signed by the Chair.

## Matters Referred to Council Cabinet

### 145/05 Report of the Planning and Environment Commission's Review of the Council's Enforcement of the Dog Control and Dog Fouling Legislation

The Council Cabinet considered a report from the Planning and Environment Commission reviewing the Council's Enforcement of the Dog Control and Dog Fouling legislation. The report detailed the review chosen by the Planning and Environment Commission and its two recommendations:

#### **Recommendation One**

The Planning and Environment Commission recommended that the Environmental Health and Trading Standards Division should consider and consult on how the Council might use the Clean Neighbourhoods and Environment Act 2005 to deal with the problems of dog control and dog fouling. In particular, it was recommended that the Environmental Health and Trading Standards Division should:

- Review the way in which it might employ the new legislation to deal with stray dogs and dog fouling.
- Consult with the public and dog owner groups.
- Identify the areas within the city which could/should be subject to dog control orders.
- Suggest the amount of the fixed penalties that will be imposed for contraventions of any dog control orders that are made by the Council.
- Identify a local kennels or other facility that could be used to either temporarily or in the long term to hold stray dogs.
- Identify the staffing and resource levels that will be required to effectively implement the new legislation.

#### **Recommendation Two**

The Commission recommended that, having implemented Recommendation One, the Environmental Services and Trading Standards Division should prepare a report on the financial and personnel implications of putting into effect the dog control provisions of the Clean Neighbourhoods and Environment Act 2005. It was recommended that the report be completed in time for its consideration as part of the 2006/07 draft Revenue Budget proposals.

## **Decision**

To receive a response to the recommendations of the Planning and Environment Commission's review of the way in which the Council enforces the Dog Control and Dog Fouling legislation at a future meeting of the Council Cabinet.

## **146/05 Operation of Trial for Cosmetic Works to Trees**

The Council Cabinet considered a report on the operation of a trial for cosmetic works to trees. It was reported that at the Council Cabinet meeting on 14 June 2005 it was approved that a budget for £5,000 be vired from the grounds maintenance budget 2005/06 to undertake a trial of cosmetic works to trees in the Area Panel 5 area. The reported detailed that no works had been undertaken in the three months the trial had been in operation, so it was felt sensible to extend the area of the pilot to include all Area Panels.

## **Decision**

1. To extend the pilot scheme, with the total existing £5,000 budget, to all Area Panel areas for the 2005/06 financial year.
2. To inform all Area Panels of this decision.

## **Urgent Key Decision**

### **147/05 Housing PFI Progress**

The Council Cabinet considered a report on the Housing PFI progress. It was reported that Derby's second bid for Housing PFI funding was approaching the final stages of government approval, and assurances about the Council's commitment to the project were being sought by Partnerships UK – PUK – for them to recommend acceptance to the Project Review Group – PRG.

## **Options Considered**

The other option was to cease to support the project. This would result in the loss of opportunity to gain a large amount of funding towards the provision of 175 additional affordable rented homes for Derby.

## **Decision**

To approve additional funding for the Housing PFI scheme, should it prove necessary, to be financed from within the existing housing capital programme by a transfer from the facilitation fund, as long as the PFI project continues to offer better value for money for the Council than other forms of provision of affordable rented accommodation.

## **Reason**

Derby's affordable rented stock would increase under this measure by at least 175 units, which with current land prices would cost the Council more than it could afford from within its capital programme. The PFI project offers the prospect of being able to afford to stretch Council resources very considerably compared to existing means of provision.

## **Key Decisions**

### **148/05     Prioritisation of Heritage Lottery Projects**

The Council Cabinet considered a report on the prioritisation of Heritage Lottery projects. It was reported that the Heritage Lottery Fund – HLF – had asked Derby to prioritise its major capital projects in order to support forthcoming bids. The projects most likely to need HLF funding over the next five years were:

- The Railway Roundhouse
- The Silk Mill Museum
- St Helen's House

All are in Council ownership.

### **Options Considered**

This process began with the widest possible call for projects. Only those in the report met the criteria in terms of impact and value.

### **Decisions**

1. To take to Derby City Partnership's Strategic Co-ordination Group a request to assign priorities to the various large-scale projects which would compete for Heritage Lottery Fund – HLF – grants from now to 2007/08
2. To place the Roundhouse and the Silk Mill at the top of the Council's priority list for buildings in its ownership.
3. To place St Helen's House as the Council's third priority.
4. To request the Director of Development and Cultural Services to write to the Heritage Lottery Fund to ask if St Helen's House can still be eligible for funding in the near future despite its likely standing in the list of priorities in particular in view of its status as a Grade 1 listed building.

## **Reasons**

1. The Roundhouse had a well developed Business Plan which hits targets in both heritage and economic development terms.
2. The Silk Mill is part of the Derwent Valley Mills World Heritage Site, and its sustainability is assured as one of Derby's important Museum sites.
3. The proposals on St Helen's House are not yet at a stage to demonstrate that they will meet HLF criteria or that the Business Plan provides a sustainable future.
4. However St Helen's House is still seen as a worthy recipient of Heritage Lottery Funding. A solution to its preservation needs to be found. The decision to place St Helen's House as the Council's third priority meant that as things stand there is little likelihood of Heritage Lottery Funding being available in the near future.

## **149/05 St Helen's House**

The Council Cabinet considered a report on St Helen's House. The report gave details of the feasibility study carried out by St Helen's House Trust, Derby into the viability of them acquiring, refurbishing and running St Helen's House, and made recommendations based on the feasibility study.

## **Options Considered**

To give St Helen's House Trust Derby a further period of exclusivity to enable them to develop a detailed business plan for the acquisition, refurbishment and management of St Helen's House.

## **Decisions**

1. To not grant the Trust a further period of exclusivity at this stage but to authorise the Director of Corporate Services to market the site for disposal.
2. To consider any bids received, together with that of the Trust, in due course.

## **Reasons**

The feasibility study and subsequent developments did not demonstrate sufficiently the viability of the project in that:

- a substantial element of funding for the refurbishment seemed dependent upon contributions from the Council either as a significant initial sum or on an on-going grant basis.

The options considered in the report to be viable depend upon significant disposals to provide enabling funding. The two major proposed funding bodies, English Heritage and Heritage Lottery Fund, strongly preferred the site and its uses to remain in the public domain as opposed to part or the whole of the site being in private residential ownership. This cast doubt on the likelihood of achieving funding from the two major sources.

## **150/05 Derby's Second Generation Local Public Service Agreement – LPSA2**

The Council Cabinet considered a report on Derby's Second Generation Local Public Service Agreement – LPSA2. The report detailed the progress of Derby's second generation Local Public Service Agreement.

### **Options Considered**

The Council could decide either, to not agree the LPSA targets currently within the agreement and seek replacement targets, or withdraw from the LPSA2 Agreement all together. However, to renegotiate the targets could still take some time and reduce our opportunity to improve services and achieve stretch targets by March 2008, putting LPSA2 reward grant at risk. To withdraw totally from the Agreement would lose the Council and its partners any entitlement to both pump-priming grant and potential performance reward grant from government.

### **Decisions**

1. To approve the second generation Local Public Service Agreement targets and the overall Agreement to be signed by government ministers, the Leader and Chief Executive on behalf of the Council, subject to final agreement being reached on target 6 currently outstanding.
2. To agree to delegate authority to the Chief Executive and Director of Finance to conclude the agreement on the outstanding target.
3. To authorise the revisions to the pump-priming spending proposals, agreed by Cabinet on 2 August 2005, in relation to the change in target 12 during negotiations.

### **Reasons**

1. The Local Government Service Agreement is a formal arrangement between the government, the Council, as the accountable body, and its partners to deliver improved outcomes over a three year time-frame – April 2005 to 31 March 2008 – in key areas of education, environment and transport, crime reduction/community safety, health and social care services. In return for delivering better outcomes, the government

offers the potential for the Council and its partners to earn performance reward grant up to a maximum of £6.3 million.

2. The government pump-priming grant of £983,219 will not be released until the agreement is signed.
3. Target 12 is now concerned with smoking cessation. It was not possible to agree our previous proposal for target 12 to tackle graffiti, fly-posting and fly-tipping under the LPSA.

## 151/05 Disposal of 5 Wilson Street

The Council Cabinet considered a report on the disposal of 5 Wilson Street. It was reported that the property was acquired in 1995 and was used as offices by a number of departments, most recently by the Personnel Section of Social Services. It was in poor condition and it would be difficult to adapt to the requirements of the Disability Discrimination Act. Other potential uses were considered but rejected.

### **Options Considered**

Acceptance of another offer submitted to our agents. The offer recommended is the higher of the two submitted.

### **Decisions**

To authorise acceptance of the offer from Shakeel Suleman as set out in the confidential report.

### **Reasons**

To dispose of a surplus property and to achieve an appropriate receipt.

## 152/05 Further Integration of Specialist Mental Health Services in Derbyshire – Response to Consultation

The Council Cabinet considered a report on the further integration of Specialist Mental Health Services in Derbyshire – Response to consultation. It was reported that a public consultation had just been completed on the further integration of Specialist Mental Health Services in Derbyshire and that the response to the consultation indicated support for moving to Enhanced Integration, with a single organisation responsible for delivering specialist mental health services.

### **Options Considered**

The consultation proposed two options. The first was for the service to stay as at present which involved Derbyshire Mental Health Services Trust –

DMHST – taking the lead management role for the service, with Social Services staff remaining employed by the Council. The second, and preferred option, was to formalise the integration with the Council’s specialist staff being transferred to the Trust’s employment and the Council commissioning services from the Trust.

### **Decision**

1. To approve in principle the proposed further integration of specialist mental health services.
2. To approve the commencement of the consultation process for the transfer of Social Services staff working in specialist mental health services to Derbyshire Mental Health Services NHS Trust.
3. To bring a further report to Cabinet on the financial issues involved in the transfer.
4. To approve further work on the Partnership Agreement with the finalised Agreement being submitted to Cabinet for approval by February 2006.

### **Reasons**

1. Further integration as outlined in the report had been the preferred strategic direction for some time.
2. The balance of the feedback was generally positive about the preferred option.
3. The development of more integrated services will provide more effective support to vulnerable people in the community.

(Having declared an interest in the above item, Councillor Repton left the meeting during the discussion and voting thereon.)

## **153/05 Private Finance Initiative – PFI – Street Lighting**

The Council Cabinet considered a report on the PFI bid on street lighting. The report detailed that, following the receipt and evaluation of the Invitation to Negotiate Bids, the Council needed to select two Bidders to go forward and to progress the scheme to the next stage.

### **Options Considered**

None in addition to the analysis of options contained within the Outline Business Case.

## **Decision**

To select Balfour Beatty and David Webster Consortium as the two Bidders and progress the scheme to Best and Final Offer stage.

## **Reason**

To enable the project to progress in accordance with the agreed programme.

# **Contract and Financial Procedure Matters**

## **154/05 Contract and Financial Procedure Matters Report**

The Council Cabinet considered a report setting out a number of contract and financial procedure matters.

## **Decision**

1. To approve waiver of Contract Procedure Rule 15 for Sinfin Community School to enter into a contract without tendering for new PCs and server upgrade and allow the release of an internal school loan of £60,000.
2. To waive Contract Procedure Rule 15 and to authorise:
  - ordering on street display equipment from Trueform Engineering Ltd in relation to the proposed extension to bus route enhancements and Real Time Information System without seeking tenders on the grounds of needing to ensure compatibility and continuity
  - ordering bus shelters from MAN Shelters Ltd in relation to the proposed extension to bus route enhancements and city-wide public transport improvements without seeking tenders on the grounds of needing to ensure compatibility and continuity
3. To rescind Council Cabinet minute number 11/05 and approve in relation to St Matthews and St Paul's House:
  - the lease of additional accommodation for the integrated Learning Disability Service at St Paul's and St Matthew's House Stores Road on the same terms as approved in July 2005
  - the waiver to contract regulation C6 of the Council Constitution to enable the landlord to undertake the work required
  - a contribution from the proceeds of the sale of The Mount to cover the setting up of the project.
4. To approve the deferral of repayments on a £50,000 loan provided to the Multi Faith Centre for a further 12 months.

## 155/05 Exclusion of Press and Public

To exclude the press and public 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 9 of part 1 of schedule 12A of Section 100(A) of the Local Government Act 1972.

## Key Decision

### 156/05 Disposal of 5 Wilson Street

The Council Cabinet considered a report setting out exempt information relating to proposed disposal of 5 Wilson Street.

#### **Decision**

To note the report.

MINUTES END