

Time began 6.00 pm  
Time ended 7.15 pm

**COUNCIL CABINET  
3 FEBRUARY 2004**

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

This record of decisions was published on 5 February 2004. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless a decision is called in.

**278/03 Apologies for Absence**

There were no apologies for absence.

**279/03 Late Items Introduced by the Chair**

In accordance with Section 100 (B) (4) of the Local Government Act 1972, the Chair agreed that the following items be admitted as late items, as a decision had to be made before the next meeting.

Item 7b Community Grants Budget - Report of the Community Regeneration Commission.

Item 19c Finance and Contract Procedure Matters - Elmhurst relocation to Moorfield Children's Centre.

**280/03 Identification of Urgent Items to which Call In will not apply**

There were no urgent items.

**281/03 Declarations of Interest**

There were no declarations of interest.

**282/03 Minutes of the previous meeting**

The Part 1 minutes of the meeting held on 13 January 2004 were approved as a correct record and signed by the Chair.

# Matters Referred to Council Cabinet

## 283/03 Draft Protocol on Call-In of Executive Decisions

The Council Cabinet considered a report from the Scrutiny Management Commission setting out a draft protocol to be used for the call-in of executive decisions. The Commission had requested that Council comment on the draft protocol.

### Decision

1 To note the report and thank the Scrutiny Management Commission for their work on the protocol.

2 To recommend Scrutiny Management Commission to:

- Amend paragraph 6 as follows.

2nd sentence to read

"If the relevant Council Cabinet member(s) are not available, the Leader or Deputy Leader may attend in their place"

Reason

Neither the Leader nor the Deputy may be able to attend. They have many commitments. There is no proposal to agree the date of the meeting in advance with the Leader/Deputy Leader. That could cause difficulties in view of the tight timeframe in which the meeting has to be called. Cabinet Members will, however, make every effort to attend.

- Amend paragraph 10 as follows

1st sentence to read

"One of the signatories will be invited to address the Commission on the call-in. The relevant Cabinet Member will then be invited to address the Commission.

Reason

To have three is surely too many. They have all had to have agreed the grounds for the call-in. To have potentially three speakers would also make the meeting potentially more adversarial.

- Amend paragraph 13 as follows

1st sentence to read

"A nominated signatory..."

## 284/03 Council Tax Discounts on Unoccupied and Second Homes

The Council Cabinet considered a report from the Scrutiny Management Commission commenting on proposed changes to Council Tax Discounts on Unoccupied and Second Homes approved by the Council Cabinet on 16 December 2003.

### Decision

1 To note the report.

## 285/03 Response of the Scrutiny Management Commission to Council Cabinet Response to the Call-In of the Key Decision Relating to the Roundhouse and Adjoining Land

The Council Cabinet considered a report from the Scrutiny Management Commission, which requested that Council Cabinet provide a fuller response to the Commission's report on the call-in of the key decision relating to the Roundhouse and the land on Pride Park.

### Decision

To advise the Scrutiny Management Commission of the following reasons for confirming the decision unamended:

- Clarity of aims/desired outcomes: because there was no guarantee the developer would refurbish the Roundhouse.

This was not accepted by the Cabinet because, while it was true that the developer could withdraw at the end of the first phase, this did not mean that the aims of the agreement were unclear. What was clear was that if the developer did withdraw at the end of the first phase, the Council would be left with resources created by the development of the first phase to use on the refurbishment of the Roundhouse in the second phase.

- A record of what options were considered and giving reasons for the decision. It was found proven that options outside those in the report had not been considered.

The Cabinet did not accept this, although the original report had not dealt in detail with all the relevant options. They were referred to at the meeting of Cabinet and, in any event, the real option was whether to continue with the Urban Catalyst proposal which had been accepted following open competition in January 2003, or go out to another competition process.

## 286/03 Funding for “Alternatives” Day Centre for Adults with Learning Disabilities

The Council Cabinet considered a report from the Social Care and Health Commission, which recommended that the Alternatives Day Care Centre should be funded through mainstream programmes, as the National Lottery would not be renewing £40,000 annual funding for the project.

### Decision

- 1 To welcome the report and thank the Commission for their recommendations.
- 2 To advise the Commission it is agreed that the Alternatives Day Care Centre provides a valuable programme that, at present, has no revenue funding. However, on page 200 of the draft budget, £40,000 had been allocated towards the running cost of the service. The Commission should also note that the Day Centre represents only part of services provided to adults with learning disabilities from a budget with overspends most financial years.

## 287/03 Community Grants Budget - Grants to the Voluntary Sector 2004/05

The Council Cabinet considered a report from the Community Regeneration Commission on the proposed allocation of the 2004/05 Community Grants Budget recommending:

- a grant to Derby Citizens Advice Bureau – CAB - of £188,660 for 2004-05, being £36,000 above the recommended sum of £152,660.
- to take £188,660 as the base figure for subsequent years and confirm that policy intention to the CAB.

Councillor Webb declared a personal interest in this item in relation to Derbyshire Association for the Blind as a relative was a recipient of their services.

### Decision

- 1 To note the report of the Commission.
- 2 To make no further amendments to the 2004/05 Community Grants Budget.

# Best Value

## 288/03 Best Value Review of Social and Educational Inclusion

The Council Cabinet considered a report from the Director of Education setting out the proposed terms of reference for the Best Value Review of Social and Educational Inclusion. The Review focused on the needs of specific groups of young people, within a broader context of all young people in Derby. Appendix 2 of the report detailed the barriers to Social and Educational Inclusion for young people and how they might be overcome.

The three identified groups for the review were:

- disabled children and young people
- white boys from poor communities
- under-achieving Pakistani and Bangladeshi boys.

It was noted that Councillor L Allen had agreed to be the Lead Council Cabinet Member in this Best Value Review.

### **Decision**

To endorse the terms of reference for the Best Value Review of Social and Educational inclusion, as outlined in appendix 2 of the report and refer it to the Education Commission for consideration.

## 289/03 Best Value Review of Development - Options Appraisal

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out the options proposed following the Best Value Review of the Development Service. The review was concerned with the service provided by both the Development Control and Building Consultancy sections.

### **Decision**

To note the report and refer it to the Planning and Environment Commission for consideration.

## Key Decisions

### 290/03 Townscape Heritage Initiative Scheme - Historic Buildings Repair Grant - Probate House, 37-38 St Mary's Gate, Derby

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out the details of a grant application to assist with the cost of a comprehensive scheme for the repair and reinstatement of lost architectural details to Probate House – a Grade II listed building located within the City Centre.

#### Options considered

The offer of grant encourages repairs and reinstatement works to be carried out; it would not be an acceptable option to do nothing.

#### Decision

- 1 To offer the applicants a maximum grant of £43,000 towards the cost of repairs and reinstatement works at Probate House, subject to:
  - a) signing a Contract for 3rd Party Grants, including conditions required by the Heritage lottery fund
  - b) precise details of the means of repair work being agreed with Council Officers prior to commencing the work
  - c) submission of relevant statutory consent notifications
  - d) the applicants refraining from parking on the pavement outside the property.

#### Reasons

The offer of grant assistance would make sure that the restoration of this important historic building was carried out to a high standard.

### 291/03 Townscape Heritage Initiative Scheme - Grant for Environmental Improvements at Friar Gate Bridge Area

The Council Cabinet considered a report from the Director of Development and Cultural Services setting out the details of an application made by the "Connecting Derby" Special Projects Team for a grant under the Townscape Heritage Initiative Scheme towards the cost of the replacement of the existing, inappropriate paving with traditional, natural stone paving.

## Options Considered

Replacing the existing inappropriate paving materials with similar inappropriate material would not be an option.

## Decision

- 1 To offer a maximum grant of £12,137.50 towards the cost of the use of natural stone materials in that part of Friar Gate, shown on the attached plan as part of the connecting Derby Scheme, subject to:
  - a formal approval of all documentation by the Heritage Lottery Fund and its advisors
  - b satisfying any conditions required by the Heritage Lottery Fund and its advisors
  - c precise details of all eligible work to be agreed with Council Officers prior to commencing the work.

## Reasons

The offer of grant assistance would make sure that the environmental improvement work to be carried out in the Friar Gate Conservation Area as part of "Connecting Derby" be carried out to a high standard.

## 292/03 Quad Arts Council Decision and Architectural Competition

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out progress made on the project. An update on the bid had been expected on 27 January 2004, but had been delayed to 10 February. The report advised that six architectural practices were due to submit their designs on 16 February 2004, which would be followed by a period of public consultation, which would end on 24 March 2004.

The arrangements for the public consultation were as follows...

- A mobile exhibition would be mounted on Derby Market Place for two weeks. The exhibition would be staffed at all times. The vehicle would contain display boards showing artists' impressions of the designs, then there would be a model of the Market Place and models of each suggested design.
- Extensive media coverage was being sought, including a special insert in the Derby Evening Telegraph.
- Members of the public would be encouraged to submit their views in written form, verbally or by e-mail, so that these could be taken into account by the judging Panel.

The Director of Development and Cultural Services circulated a list of those who were to be members of the judging panel. It was agreed that Councillor L Allen would participate in the judging instead of Councillor Care.

### **Options considered**

The Quad Project could be cancelled at any time before or after the triggering of the designed phase of the work. This option had not been taken up because it would bring to an end the preparations on one of the flagship projects of Cityscape and one of the most important publicly funded development projects in the city centre.

### **Decision**

- 1 To note the report.
- 2 To note the arrangements which had been put in place for public consultation on the Quad Architectural Competition and for the judging procedure.
- 3 To delegate authority to the Chief Executive and Director of Development and Cultural Services, in consultation with the Leader of the Council and Cabinet Members for Leisure and Culture Services and Lifelong Learning, to commission the design stage of the project, if a number of conditions had been fulfilled.

### **Reasons**

- 1 The ACE decision was the foundation stone of the implementation stage of the Quad Project. It was the first indication that external funding organisations, other than the Council were willing to provide substantial resources to see the project through.
- 2 The Council Cabinet needed to be satisfied that the public consultation on the Quad design was comprehensive and meaningful.
- 3 Arrangements had to be put in place so that the design stage for Quad could be triggered at the soonest possible opportunity, since funding opportunities would be lost if there was a delay.

## **293/03 Appointment of Consultants to undertake the Derby Area Transport Study - DATS**

The Council Cabinet considered a report from the Director of Development and Cultural Services setting out the reasons for appointing the MVA transport consultants to undertake the Derby Area Transport Study. The project had been tendered by the OJEC and 'Restricted' procedure by inviting 'expressions of interest' in September 2003. From the companies who responded to the invitation, seven were selected to tender for the study. The evaluation of the tender submissions showed that only two consultants had responded appropriately to the brief, MVA at £498,950 and another at £564,000.

## **Options considered**

- 1 DATS was the only option to enable the Council to meet the new statutory requirements in time for submission of LTP 2 in July 2005. This was because not all of the necessary skills or resources to complete the work existed in-house.
- 2 The increased depth of analysis, assessment and appraisal required by the Department for Transport, to support submissions for major LTP schemes, meant that a bid for future major transport schemes over £5m could not be developed, without using a robust transport model such as that which would be delivered by DATS.
- 3 Effectively, DATS was the only option that would allow the effective undertaking of the new statutory responsibilities in time for the submission of LTP 2.

## **Decision**

To appoint MVA Transport Consultants to undertake the Derby Area Transport Study at a cost of £498,950, with commencement of the scheme subject to approval of the 2004/5 Capital and Revenue Budgets at 1 March 2004 Council for the future years element.

## **Reason**

Following a competitive tender, short-listing and interview of candidates, MVA demonstrated the experience and technical capacity to undertake this study at the price most advantageous to Derby City Council. The MVA tender was the lowest price tender that fulfilled the requirements of the brief.

## **294/03 Amalgamation of Hardwick Infant and Junior Schools**

The Council Cabinet considered a report from the Director of Education setting out proposals to replace the two existing schools with one all through primary school in readiness for the building of a new school on the shared site, as part of the Council's grouped schools Private Finance Initiative - PFI Project.

Public Consultation demonstrated support for a proposal to extend the Infant School, rather than closing both schools.

In accordance with the School Standards and Framework Act 1998, and subsequent statutory regulations, Council Cabinet would make the final decision on closing both schools and forming Hardwick Primary School when no objections had been received during the consultation period.

## **Options considered**

None. One other option was considered by Council Cabinet on 28 October 2003: to close the Junior School and extend the age range of the infant school. This was rejected as changes in the national staffing regulations meant that the objectives of maximum continuity and equality of treatment could be achieved through the approach of closing both schools.

### **Decision**

To agree the closure of Hardwick Infant and Junior Schools and their replacement by a newly established Primary School from 1 April 2004.

### **Reasons**

- 1 Council Cabinet approved on 28 October 2003 the publication of a statutory notice proposing the closure and opening of a replacement school, as part of the Council's grouped schools Private Finance Initiative - PFI Project.
- 2 No objections were received during the statutory period. During earlier consultation, there was support for the proposal, including support from the governing bodies of both schools.

## **295/03 Approval of Community Grants Budget – CGB – Grants to the Voluntary Sector 2004/05**

The Council Cabinet considered a report from the Director of Policy setting out applications received for funding from the Community Grants Budget - CGB, with a total of £1,270,017 requested for 2004/05. The recommendation process assumed a base budget of £800,000 plus a 3% inflationary increase - £824,000. If the Council did not approve a 3% inflationary increase, then the recommendations would need to be considered.

It was noted that the 2003/2004 recommendation of £5,580 for the Racial Harassment Project was still unspent. The Derby Racial Equality Council had not applied for funding for the project for the year 2004/05 and a review was taking place and it was expected that there would be a need for funding in this year. With the 3% inflation, the Racial Harassment Project would require £5,750 in 2004/05, which had been built into the recommendations of the report.

The grant for the Citizen's Advice Bureau – CAB – was enhanced for 2003/04 above base budget, with a one off grant of £27,000 from corporate reserves. This was to meet a specific pressure the organisation was experiencing in supporting their operations manager. The recommendation in the report had the effect of bringing the CAB grant back to base budget plus the 3% inflationary increase.

Councillor Webb declared a personal interest in this item in relation to Derbyshire Association for the Blind as a relative was a recipient of their services.

### **Options considered**

Various options were considered in order to retain the grant approvals within budget as part of the appraisal process. The recommendation took into account the CGB criteria and the organisations' fitness for purpose was considered to be the most equitable way of distributing the grants.

### **Decision**

- 1 To allocate the Community Grants Budget to voluntary sector organisations as outlined in the report and detailed in Appendix 3, subject to final budget approval by the Council.
- 2 To note that the use of any remaining unallocated funding from the CGB budget would be brought to Cabinet for approval during 2004/05.

### **Reasons**

All applicant organisations had been appraised against the CGB criteria and in relation to fitness for purpose. Most applications were recommended to receive a 3% inflationary increase over and above their 2003/04 grant, with some exceptions as outlined in the report. This retained the 2004/05 grants to voluntary organisations within the assumed CGB budget of £824,000.

## **Budget and Policy Framework**

### **296/03 Education Asset Management Plan 2004/05**

The Council Cabinet considered a report from the Director of Education setting out the Asset Management Plan - AMP - statement of priorities. The Department for Education and Skills - DfES issued detailed guidance to all Local Education Authorities - LEAs on the appraisal of AMPs for 2004/05. The guidance indicated that a number of key changes had been introduced to make sure that, in future, AMPs operated at a more strategic level in all councils.

### **Decision**

To approve the Asset Management Plan statement of priorities as set out in Appendix 2 of the report.

## 297/03 Draft Corporate Plan 2004-2007

The Council Cabinet considered a joint report from the Chief Executive and the Director of Finance, setting out the Draft Corporate Plan 2004-2007, which described the Council's vision and priorities for Derby. It outlined the achievements, but gave most prominence to the future plans, in particular the actions, which would be taken to deliver the Council's priorities in the short term, with targets to measure progress. It would also outline the actions, which would be taken to achieve the objectives that underpinned the Council's vision, with some key performance measures and reference to other plans where more details could be found.

The comments of the Scrutiny Management Commission and further work by officers would result in a revised draft being presented to the Council Cabinet on 24 February 2004, which it would be asked to recommend to Council for approval on 1 March 2004.

### **Decision**

- 1 To agree the Draft Corporate Plan 2004-2007 as the basis for further consultation and development
- 2 To refer the draft plan to the Scrutiny Management Commission for comment at its meeting on 4 February 2004.

## Performance Monitoring

### 298/03 Comprehensive Performance Assessment 2003 – Audit Commission Relationship Manager's Report

The Council Cabinet considered a report from the Director of Finance setting out the Relationship Manager's Report which showed the progress that the Council had made in addressing the priorities that it set following the Comprehensive Performance Assessment - CPA 2002, including the self assessment which began that process, and other planning and performance management processes, including the 2003-06 Corporate Plan.

As part of the CPA process of 2003, councils' relationship managers had produced a report summarising progress against the improvement priorities identified following the 2002 CPA. The Audit Commission would publish these reports and expected that an appropriate Committee of the Council would consider that report.

### **Decision**

To recommend Council to note the content of the Relationship Manager's Report.

# Contract and Financial Procedure Matters

## 299/03 Financial and Contract Procedure Matters

The Council Cabinet considered a joint report of the Directors of Finance and Corporate Services setting out the following Finance and Contract procedure matter.

- Capital Scheme commitment
- extension to Golf Course Management
- relocation of Elmhurst Children's Home

### Decision

- 1 To approve the commencement of the capital scheme to provide nursery facilities at Normanton Village Infant School at a cost of £195,000.
- 2 To approve, in principle, an extension to the golf course management contract.
- 3 To authorise the Director of Commercial Services to enter into negotiations with the current contractor
- 4 To authorise the Director of Commercial Services on negotiating satisfactory terms, approved by the Director of Finance, to extend the contract by up to two years.
- 5 To approve an addition to the 2003/04 Capital Programme for capital works to a unit at the Moorfield Children's Centre to enable relocation of Elmhurst Children's Home at a cost of £20,000.

MINUTES END