

Time began 6.00pm
Time ended 7.27pm

**COUNCIL CABINET
28 SEPTEMBER 2010**

Present: Councillor Jennings (Chair)
Councillors Grimadell, Holmes, Ingall, Marshall,
Poulter, Webb and Williams

In attendance Councillor Banwait and Jones

This record of decisions was published on 30 September 2010. 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.

69/10 Apologies for Absence

An apology for absence was received from Councillor Bayliss.

70/10 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:

- Derwent New Deal for Communities.
- 12 Month Contract Extension for Derby Community Legal Advice Centre

71/10 Identification of Urgent Items to which Call-In will not apply

There were no urgent items.

72/10 Declarations of Interest

Councillor Williams declared a personal interest in item 11 because she was a non executive director of Derby City PCT. Councillor Jennings and Holmes declared a personal interest in item 10 because they were governors at Shelton Junior School and Mickleover Primary School respectively.

73/10 Minutes of the meeting held on 7 September 2010

The minutes of the meeting held on 7 September 2010 were signed as a correct record and signed by the Chair.

Matters Referred

74/10 Derwent New Deal for Communities

The Council Cabinet considered a report of the Resources Commission which stated that that Commission had received an update on the Derwent New Deal for Communities - NDC - programme at their 15 September 2010 meeting. Members were informed that there was approximately £3.75m of the Derwent NDC's final year's grant for 2010/11 yet to be released by the Communities and Local Government Department - CLG. The NDC had submitted a delivery plan to the CLG for the release of the grant which identified three priorities for the remaining funding. These included:

1. Upgrading the community gym at the Gateway Centre
2. Repair and restructure of the Revive Healthy Living Centre
3. Purchase and refurbishment of affordable residential properties to rent.

In preparation for the end of the NDC programme on 31 March 2011, a revised delivery and recovery plan was submitted to Government Office East Midlands and CLG on the 9 April 2010. The plan gave details on how the remaining funding £3.75m would be spent.

All NDC programmes were scheduled to close on 31 March 2011, including Derby. However Derby NDC had been subject to a number of external delays. The situation was such that, even if the money was to be released now, there was insufficient time to carryout the necessary capital works before the scheme comes to an end. The NDC therefore required access to all remaining funding and a six month extension to the programme until September 2011. The funding and extension would enable the team responsible for the NDC to leave a sustainable legacy in place.

The Resources Commission requested that Council Cabinet help and support the Derwent New Deal for Communities to lobby the Government for release of the Grant and provide an extension to the programme until 30 September 2011. The Commission sought an early decision from CLG, preferably by 30 September 2010, so that work could start on the final schemes as soon as possible.

It was reported that since the report was prepared the CLG had given the final decision not to release the funding.

Decision

1. To note that the Department for Communities and Local Government had given a final decision not to release any further funding.
2. To support the drawing up of an exit strategy from the programme.

Key Decisions

75/10 StreetPride Response Times

The Council Cabinet considered a report on Streetpride Response Times. Since its launch on 17 May, 2010, Streetpride had developed response times to issues commonly reported by the public. Streetpride would measure its performance against these response times and provide regular reports to senior management, elected members and customers. The response times would be reviewed and amended annually to reflect performance and/or other relevant circumstances.

Options Considered

There were a few national indicators which related to highway maintenance, cleansing issues and refuse collection but these were somewhat technical in nature and not particularly customer friendly. This initiative would collect performance information against a set of criteria that the public actually contact us about. This proposal was in addition to the national indicators and did not replace them.

Decision

1. To approve the response times as shown in Appendix 2 of the report.
2. To approve the principle of regular reporting to elected members and citizens together with an annual review of the response times.

Reasons

1. There were national indicators covering some of the issues shown in Appendix 2 of the report but they were not particularly user friendly. Adoption of these standards by the Council would allow management information to be produced and improvements made to the service based on accurate and relevant performance data.
2. To make a commitment to the public that we would measure, monitor and report our performance.

76/10 Primary Capital Strategy – Proposed Funding Revisions

The Council Cabinet considered a report on Primary Capital Strategy – Proposed Funding Revisions. In 2007, the Government announced a major national long-term programme of capital investment for primary schools. In order to access funding, local authorities were required to produce a Primary Strategy for Change indicating how the funding would help address issues such as low attainment, deprivation, building condition need and surplus places. Detailed guidance was provided on the format of the Strategy which

was considered and approved by Council Cabinet at its meeting on 3 June 2008 before being submitted to the Department for Education (then Department for Children, Schools and Families) for final approval.

In Derby, we received £3.8m in the 2009/10 financial year and £6.2m in 2010/11. Initial advice from the Department for Education was to plan on the basis of additional funding of around £3m a year up until 2023. However, due to the current economic climate, we could no longer assume that this funding would become available. There had also been some potential cost increases for some of the PCP schemes as a result of detailed design work and feasibility studies. These schemes remained a priority for PCP investment. However, it was now necessary to reconsider the level of funding for some of the schemes to ensure delivery within a two-year budget.

Options Considered

The schools identified in the Primary Strategy for Change remained a priority for PCP funding. The proposal was to revise the schemes identified within the Primary Strategy for Change to ensure that they were deliverable and affordable within existing funding. Due to increasing budget pressures and increasing building needed across the primary sector, it was not possible to allocate further modernisation funding towards the PCP schemes beyond the amounts that had already been committed. Therefore, other options had not been considered.

Decision

1. To consider and approve the revised levels of funding for the seven capital schemes identified within Derby's Primary Strategy for Change as set out in paragraph 4.8 of the report.
2. To approve commencement for the schemes detailed in paragraph 4.8 and Appendix 2 of the report.

Reasons

The seven proposed schemes outlined in the Primary Strategy for Change were identified as investment priorities over a four-year funding period. The proposal was to amend the schemes to ensure that they were affordable within the two years' funding that has been approved through the PCP and committed locally from school modernisation funding allocated to the Council. There had also been some potential cost increases for some schemes as a result of detailed design work and feasibility studies and there was a need to ensure that all schemes were deliverable within the existing budget of £14.204m.

77/10 The Rocket Site, Breadsall

The Council Cabinet considered a report on the Rocket Site, Breadsall which sought approval to vary terms previously authorised for a surrender of the

existing lease and for sale with a view to bringing the site back into beneficial use.

Options Considered

There were no other options considered.

Decision

To authorise the revised terms set out in the confidential report.

Reasons

There were no reasons.

78/10 Approach to Corporate Planning for 2011/12 to 2013/14

The Council Cabinet considered a report on Approach to Corporate Planning for 2011/12 to 2013/14. The Sustainable Community Strategy (SCS) was being redeveloped for 2011-2026, which would result in a new vision and outcomes for the City. To support this it was proposed that the approach taken to corporate planning was updated to make sure that the Corporate Plan continued to underpin the commitments set out within the SCS.

Options Considered

Council-only priorities were considered however following the decision taken by Cabinet in 2009/10 to adopt the SCS priorities it was concluded that having Council specific priorities would be a move away from integrated service planning and delivery rather than a step forward.

Decision

1. To approve the revised arrangements for corporate planning for 2011/12 to 2013/14, including the adoption of the refreshed Sustainable Community Strategy 2011-2026 vision and outcomes.
2. To approve the inclusion of an additional priority outcome that emphasised internal improvements and delivering value for money.
3. To note the changes made to the corporate planning approach moving from a focus on actions to indicators/measures.
4. To note the draft timetable for the production of the Plan and supporting documents, available at Appendix 2 to the report.

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

79/10 Retained School Balances

The Council Cabinet considered a report on Retained School Balances. The report set out details of schools' planned use of surplus financial balances, where these exceed the threshold set out in the Council's Scheme for Funding Schools.

Options Considered

There were no other options considered.

Decision

1. To notify schools of the Council's approval for their planned use of surplus balances and to set conditions as set out in appendix 3 of the report on the use of any balances.
2. To claw back excess balances from Pear Tree Infant School and put into a general schools' reserve. The use of which would be determined at a later date after further consultation with the schools.
3. To claw back balances from Shelton Junior School and St Andrew's Special School and place in an earmarked capital reserve.
4. To claw back excess balances from St Martin's Special School and to earmark for contributions to the Building Schools for the Future delivery costs.

80/10 Transforming Community Services – Universal Children's Organisational Form

The Council Cabinet considered a report on Transforming Community Services – Universal Organisational Form. The report outlined information on the proposal to transfer universal children's services currently provided by NHS Derby City to the Derby Children and Young People Directorate (CYPD) under the Director of Children's Services. The status of the report was a reflection of the intention of NHS Derby City to progress the option outlined in paragraph 4.10 of the report.

Options Considered

1. To integrate these services into the Royal Derby Hospital NHS Foundation Trust.

2. To integrate these services with Derbyshire Mental Health Services NHS Trust.
3. To integrate with Derbyshire Community Health Services.
4. To formally tender these services out to the market.

All the above options were subject to Co-operation and Competition Panel and Department of Health approval.

Decision

1. To support in principle the proposals by Derby City Council for NHS Derby City to progress the dialogue and business case with the Strategic Health Authority and Department of Health.
2. To approve the transfer of universal children's services, health visiting, school nursing and community therapy services, to the Local Authority under the Director of Children's Services subject to NHS Derby City, in partnership subject to the Council fulfilling all appropriate business case requirements, securing appropriate governance and accountability arrangements, and satisfactory risk and financial assessments being carried out.

Reasons

There would be significant benefits for children and families in Derby and indeed fulfils the PCTs Statutory duty in respect of sections 20 and 22 of Statutory Functions namely:

Section 20. Power to make payments to local authorities and voluntary organisations towards expenditure on community services (sections 256 and 257)

Section 22. Duties in relation to child care and child welfare –

- a) duty to co-operate with local authorities and other to improve wellbeing of children (section 10 of the Children Act 2004)
- b) duty to make arrangements to ensure that PCT functions are discharged having regard to the need to safeguard and promote the welfare of children (section 11 of the Children Act 2004)
- c) duty to work with local authority in connection with the authority's arrangements for improving well-being etc of young children (section 4 of the Childcare Act 2006).

The main benefits could be summarised as:

- integrated working across health and social services maximising skills and communication between professionals and resulting in improved outcomes for children
- more co-ordinated care for children and their families with a single assessment process leading to reduced duplication, streamlined provision and improved child/parent experience
- more efficient use of resources for both health and social care avoiding duplication in management structures
- more effective use of the infrastructure
- closer working on shared agendas such as safeguarding and public health including immunisation, smoking cessation, childhood obesity, etc.

It was noted that this was an agreement in principle to enable officers to proceed with the work necessary on behalf of the Council to analyse the governance, financial and risk aspects prior to the Council coming to a final decision.

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.

81/10 Darley Abbey Regeneration Strategy

The Council Cabinet considered a report on Darley Abbey Regeneration Strategy. The report highlighted the completion of a comprehensive study into the regeneration potential of the Darley Abbey Mills, Darley Abbey Stables and northern part of Darley Park. The study had resulted in the production of a Darley Abbey Regeneration Strategy. The report sought approval to the Strategy (a copy of which has been placed in the Political Group Rooms) alongside results of the most recent consultation exercise undertaken in May.

Options Considered

1. Given the international importance of the buildings and their worsening position, doing nothing was not considered a realistic option for the Council. To do nothing at this stage could result in the deterioration of some extremely valuable buildings in a very significant Conservation Area. There was also the risk at some point in the future that the Council might be forced to step in, at considerable cost to itself, to prevent terminal decay to one of more of the most sensitive listed buildings.
2. If resources were not made available via the Regeneration Fund or through the creation of a part-time Project Manager post, it might still

be possible to establish a Partnership with the Mill owners. However, it was considered that the continuation of joint working would become entirely dependent upon the Council helping to secure external funds, without which very slow progress would almost certainly result. Securing external funding would be extremely problematic without the Council offering match funding.

Decision

1. To approve the Darley Abbey Regeneration Strategy and adopt this document as the basis for the Council's future interventions in this area.
2. To approve the formation of a Darley Abbey Mills Partnership, chaired by the Leader of the Council, to jointly drive forward the regeneration of the Mills complex.
3. To note that a bid for £900,000 capital from the Council's Regeneration Fund had been made, £300k towards the establishment of a Heritage Grants Fund, and £600k towards essential repairs to the Council-owned Stable Block.
4. Officers to report back to a future Cabinet Meeting on the detailed operation of the proposed Grant Fund.
5. To pursue provision within the Council's emerging Local Development Framework (LDF) of a broader range of potential land uses at the Mills complex and to authorise the preparation of a Supplementary Planning Document (SPD) for the Mills complex.
6. To instruct officers to bring a subsequent report to Members recommending precise arrangements for the refurbishment and commercial occupation of the Stable Block.

Reasons

1. To give the Regeneration Strategy formal status that demonstrated the Council's commitment to overseeing its delivery, and thus to the Derwent Valley Mills World Heritage Site.
2. To ensure that urgent improvement works at the main Mill buildings and the Stable Block were able to commence as soon as possible.
3. To secure the early use of a small part of the Regeneration Fund to start the delivery of this strategy.

82/10 Derby City Council Regeneration Fund

The Council Cabinet considered a report on Derby City Council Regeneration Fund. The report outlined proposals for the Council to invest the

Regeneration Fund and sought approval for the proposed governance arrangements to maximise and safeguard these investments.

Options Considered

Other options were considered in the Cabinet paper of February 2010 and remained unchanged.

Decision

1. To approve the proposed methodology for the selection of investments including the appointment of commercial and legal advisors.
2. To approve the formal invitation of submissions by the property industry that would be scored and selected against an Investment Strategy and Business Plan to be devised.
3. To instruct officers to bring an Investment Strategy and Business Plan, plus all recommendations about which schemes to support, to Cabinet for approval as soon as possible.
4. To note the completion of the Darley Abbey Regeneration Strategy and approve a £300k Heritage Grant Fund and £600k towards essential repairs to the Council owned Stable Block.
5. To note that a funding application had been submitted to emda for £2.925m of ERDF for the construction and acquisition of an office development to be located in the Cathedral Quarter targeted to provide employment opportunities for the city's disadvantaged communities.
6. To approve in principle the allocation of £1m of Regeneration Fund to match the ERDF grant.
7. To approve in principle the allocation of funding from the Regeneration Fund to secure an assignable option on two key sites being part of a proposed major mixed use regeneration initiative in the city centre.
8. To approve, in principle, the allocation of funding from the Regeneration Fund, for the appointment of independent legal and commercial advisors.

Reasons

In proposing the establishment of the Regeneration Fund, the report to Cabinet in February 2010 outlined the reasons why the Council should be at the forefront of economic interventions during the current economic climate. This included direct interventions in enabling schemes to be brought forward that currently had planning permissions, for example for office developments and mixed-use commercial developments in the city centre. The rationale described in that paper was that the private sector needed investor

confidence boosted by public sector investment, before the private sector would make any investments, and that the lead in that should come from the Council as the lead public sector body in stimulating regeneration, investment and jobs.

In accordance with Procedure Rule AI26, the Chair of the Scrutiny Management Commission had been advised that this item would be considered although not included in the Forward Plan.

83/10 Leisure Facilities Strategy

The Council Cabinet considered a report on Leisure Facilities Strategy. The implementation of the Leisure Facility Strategy approved by Cabinet on 12 January and 8 June 2010 was progressing on schedule, and would be reported to a future Cabinet. The purpose of this report was to describe a further opportunity that had arisen that could result in the delivery of the leisure facility strategy plus the redevelopment of a number of key sites in the city centre and in other parts of Derby.

Options Considered

1. This was a further option to add to the Leisure facility Strategy that was already being implemented
2. Two delivery options were currently available:
 - To seek submissions from the Homes & Community Agency Delivery Partner Panel developer framework or
 - To advertise through OJEU for suitable developers

Decision

1. To approve the implementation of the wider regeneration exercise described in this report, including the development of two leisure hub sites and other sites impacted upon by this.
2. To instruct officers to examine the potential either for seeking submissions from the Homes & Community Agency Delivery Partner Panel developer framework or for preparing an OJEU notice to attract developer interest.

Reasons

Officers could see an opportunity to test the development industry, with the potential to deliver our Leisure Strategy plus a number of other developments.

In accordance with Procedure Rule AI26, the Chair of the Neighbourhoods Commission had been advised that this item would be considered although not included in the Forward Plan.

84/10 Human Resources – People Strategy 2010/15

The Council Cabinet considered a report on Human Resources – People Strategy 2010/15. The Council's existing People Strategy was published in 2007 and covered the period up to 31 March 2010. The expiry of the current strategy coincided with the emergence of the one Derby, one Council transformation programme and work had been undertaken to develop a new People Strategy that took account of this significant impact on our workforce. Help and advice had also been given in the development of the strategy by PriceWaterhouseCoopers in their capacity as our delivery partners for the one Derby, one council transformation programme. An action plan for the development of the HR function to give it the capacity and capability to help deliver one Derby, one council had been agreed with PwC. The action plan sets out a range of things that needed to be done with strict timeframes. The adoption of this strategy by Cabinet was one of the key actions in the plan, which showed this for completion by the end of September. We were discussing the strategy with the trade unions ahead of its publication with the papers for Cabinet. Implementation of the strategy was the responsibility of the organisation as a whole and all senior managers in particular, not just HR. A copy of the strategy was attached at Appendix 2 to the report.

Options Considered

There were no options considered.

Decision

To approve the People Strategy 2010/15.

Reasons

The strategy would drive the development of the workforce we needed for the present and the future.

In accordance with Procedure Rule AI26, the Chair of the Scrutiny Management Commission had been advised that this item would be considered although not included in the Forward Plan.

Contract and Financial Procedure Matters

85/10 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:

- to approve proposed changes to the capital programme
- to approve in year Section 106 allocations
- to approve a revenue / capital funding switch from our improvements to community centres funding programme
- to approve the use of capital receipts and the Derby Live reserve account in the final funding of the Quad capital scheme that was completed in September 2008.
- to approve a budget transfer within Adult Social Services
- to approve changes to the schedule or rates for charging for building consultancy services
- to delegate the authority to approve further necessary changes in building consultancy services

Decision

1. To approve the changes to the 2010/11 – 2012/13 capital programme as shown in Appendix 2 of the report.
2. To note the revised capital programme and associated funding detailed in Table 1 on page 3 of the report for 2010/11.
3. To approve the in year S106 allocation as detailed in paragraph 4.9 of the report.
4. To approve the revenue/capital funding switch for Improvements to community centres as detailed in paragraph 4.7 of the report.
5. To approve the use of capital receipts and the use of the Derby Live reserve to contribute to the final funding of the Quad capital scheme that was completed in September 2008 as detailed in paragraph 4.10 of the report.
6. To approve the permanent transfer of budgets within Adult Social Services with a recommendation to full Council as detailed in paragraph 4.11 of the report.
7. To approve changes to Building Consultancy charges, as required under the Building (Local Authority Charges) Regulations 2010 (SI 2010/404) which were laid before Parliament on 25 February 2010 and came into force on 1 April 2010 as detailed in paragraph 4.12 of the report.

8. To delegate further changes to the Building Regulations Charges to the Strategic Director for Neighbourhoods in consultation with the Cabinet Member for Planning and Transportation.

86/10 12 Month Contract Extension for Derby Community Legal Advice Centre

The Council Cabinet considered a report which proposed a 12 month extension to the Community Legal Advice Centre contract from 1 April 2011 to 31 March 2012, in partnership with the Legal Services Commission. It also proposed a potential reduction in the Council's contribution to the contract for 2011/12 in line with other austerity measures.

Decision

1. To approve a 12 month extension to the Derby Community Legal Advice Centre.
2. To delegate authority to the Strategic Director of Adults Health and Housing to negotiate revised activity targets and a revised contribution with the Community Legal Advice Centre.

Performance Monitoring

87/10 Derby Pointer Citizen's Panel – April 2010 Survey Results

The Council Cabinet considered a report on Derby Pointer Citizen's Panel – April 2010 Survey Results.

Decision

1. To note the results of April 2010 Derby Pointer survey.
2. To approve the service managers' improvement plans outlined in Appendices 3 – 6 of the report.
3. To note this was the last survey using 'Derby Pointer Citizens' Panel' brand. Future surveys would be sent to the re-branded 'Reach Out Panel'.

88/10 Exclusion of Press and Public

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

“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 items of the grounds that they involve 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”

Key Decisions

89/10 The Rocket Site, Breadsall

The Council Cabinet considered a report which sought approval to the revised terms provisionally agreed for the surrender of the existing lease and for sale of the land with a view to bringing it back into beneficial use.

Decision

To authorise the terms set out in the report which were proposed to achieve the surrender from the current lessee and simultaneous disposal of the freehold with vacant possession.

90/10 Waste Management Contract Update

The Council Cabinet considered exempt information relating to the waste management contract.

Decision

To approve the recommendation set out in the report.

MINUTES END