

Time began: 6.00pm  
Time ended: 7.07pm

**COUNCIL CABINET  
17 APRIL 2012**

Present	Councillor Hickson (Chair) Councillors Carr, Holmes, Ingall, Jones, Poulter, Skelton, Williams
In attendance	Councillor Bayliss Councillor Jackson for Item 6 (Safety on School Transport)

This record of decisions was published on 19 April 2012. 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.

## 192/11 Apologies

There were no apologies for absence.

## 193/11 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 item on the grounds that it should be considered as a matter of urgency on the basis that a decision was required before the next scheduled meeting:

- 'Better Bus' Funding Award

The Chair also introduced a revised report in respect of item 10 – Transformation of Housing Related Support Service.

## 194/11 Identification of Urgent Items to which Call-In will not apply

There were no items.

## 195/11 Declarations of Interest

Councillor Bayliss declared a personal interest in item 14 because he was appointed by the Council as a Director on the Derby Homes Board.  
Councillor Holmes declared a personal and prejudicial interest in item 20 because he was employed by the NHS.

## 196/11 Minutes of the meeting held on 13 March 2012

The minutes of the meeting held on 13 March 2012 were agreed as a correct record and signed by the Chair.

### Matter Referred

## 197/11 Safety on School Transport Topic Review

The Council Cabinet considered a report on Safety on School Transport Topic Review. Members agreed at the Council meeting on 12 September 2011 to review the current method of transporting children to and from school, and on school activities, in order to ensure safety for passengers, including the option of vehicles having one seatbelt per child. The Neighbourhood's Commission agreed to undertake a review of Safety on School Transport at their meeting on 19 September 2011. The main purpose was to conduct a review the Council's current practices of transporting children to and from school, and on school activities, in order to ensure safety for passengers. This included looking at the option of these vehicles having one seatbelt per child. After reviewing the evidence at a special topic review meeting, the Commission produced draft recommendations with a view to increasing child safety and reducing the risks associated with transporting children under the care of the Council. The final recommendations were set out in the report.

The Commission made the following recommendations:

1. The City Council should amend appropriate transport policy and guidance for schools to include a requirement for vehicles with seatbelts to be used in the transportation of children on transport provided for school trips or educational visits, with the exclusion of public transport services, such as trains or buses.
2. The City Council should amend appropriate home to school transport policy and guidance to include a recommendation that children do not sit in the rear facing seats in taxis where these seats do not have seatbelts.
3. The City Council should include a requirement for all vehicles used on the swimming transport contract to be fitted with seatbelts when this is sent out to tender in late 2012/early 2013.
4. The City Council should commence negotiations with the current swimming transport contractor to enable a trial of using vehicles with seatbelts to assess the timescales for getting children to and from swimming lessons.

## **Decision**

1. To accept the recommendations set out in the report and request the Strategic Director of Neighbourhoods to progress them.
2. To thank Councillor Jackson and the Commission for the work on the report.

## **Key Decisions**

### **198/11 Transforming Museums – Progress to Trust Status**

The Council Cabinet considered a report on Transforming Museums – Progress to Trust Status. The report sought approval of key decisions in the make up and composition of the planned new Derby Museums organisation.

## **Options Considered**

The process and recommendations outlined, facilitated the establishment of a viable and resilient new Museums organisation within the most appropriate timescale.

## **Decision**

1. To approve the objects of the new organisation as set out in paragraph 4.9 of the report.
2. To approve the composition of the board, including representation by the Council as set out in paragraphs 4.13 to 4.15 of the report.
3. To approve the trustee recruitment process and, in particular, the selection panel as set out in paragraphs 4.24 – 4.27 of the report.
4. To note the intention to give revenue budget support for 2012/13 and 2013/14 based on the principals stated in Appendix 1 – 1.3 of the report.

## **Reasons**

1. To approve the objects of the new organisation which would be established for exclusively charitable purposes to manage and operate Derby Museums.
2. To be assured that local authority representation on the board of the new organisation was enshrined in the governing document.
3. To ensure that the trustees of the new organisation fully understand and share the members' vision and aspirations for the future

management and operation of these important facilities. For members therefore to be fully involved in the recruitment, selection and appointment of the new trustees including involvement in the selection panel.

4. To ensure financial provision to the Trust, thereby allowing business planning and establishment of Trust.

## 199/11 Golf Course Management

The Council Cabinet considered a report on Golf Course Management. On 20 April 2010 Council Cabinet agreed in principle to the awarding of the contract for the management and operation of the Sinfin and Allestree golf courses to Mack Trading Limited (Mack). There were subsequently lengthy discussions with Mack over the terms of the lease and operational agreement with a view to them taking on the management of the courses from 1 April 2011. However, by that date agreement had still not been reached in a number of key areas. The main issue was that agreement could not be reached on index linking the annual sum to be paid to the Council over the 40 year period of the lease. In the absence of such agreement the management of the courses was taken on by the recently created Sport and Leisure Facilities Management team in the Neighbourhoods Directorate. The new in house management team had made significant progress in improving the overall performance at both courses over the last twelve months. The report considered whether the Council should still seek to reach agreement with Mack over the lease and operational agreement or whether it was now appropriate to look at other options and keep the in house management in place in the interim.

### **Options Considered**

Asking the two organisations who submitted a bid as part of the tendering exercise in January 2010 to resubmit their bids on the revised paperwork for the new tendering exercise was considered. However this was discounted as it was felt it may disadvantage other potential bidders from submitting a bid against the revised specification.

### **Decision**

1. To note the improved performance of the two golf courses under the management of the new in house team.
2. To approve the Council ending discussions with Mack in relation to the lease and operational agreement.
3. To ask officers to undertake a full appraisal of the options identified in the report and bringing a further report to a future meeting.
4. To note that in the interim the courses would continue to be managed by the in house Sport and Leisure Facilities Management team.

5. To note that the interim golf development plan detailed in paragraph 4.25 of the report would be implemented over the next six to twelve months.
6. To note that significant capital investment was required for both courses to be maintained and developed.

## **Reasons**

1. The length of the Lease Agreement with Mack was for up to 50 years with no break clauses and limited penalty clauses, it was therefore important that the terms and conditions of the Lease Agreement were acceptable to the Council, both in the short and long term. The current terms and conditions did not offer acceptable value for money for the Council.
2. The Council had to demonstrate best value for money and also secure a long term agreement that would improve access and develop both municipal golf courses. The terms and conditions offered by Mack currently did not meet fully these needs and therefore it was necessary to reconsider all options to develop the two golf courses.

## **200/11 Appointment of the Contractor for the Multi Use Sport Arena**

The Council Cabinet considered a report on appointment of the contractor for the Multi Use Sport Arena which stated that on 21 February 2012, Council Cabinet were informed of the EU compliant competitive tendering exercise that was being used to procure the contractor to build the multi use sport arena. This started with an OJEU advert for expressions of interest the replies to which were used to draw up a short list of five contractors. These were reported verbally at the meeting on 21 February and were:

- BAM (Solihull)
- Bowmer & Kirkland (Derby)
- Galliford Try (Wolvey, Leics)
- Interserve (Birmingham)
- Morgan Sindall (Solihull)

All five shortlisted companies had been invited to submit their tenders by 13 April 2012 and all returned bids would then be evaluated against the quality and price criteria and a preferred contractor would be proposed at the meeting on 17 April.

However at the meeting on 17 April the Strategic Director of Neighbourhoods reported that though all five tenders had returned bids, the complexity of the tenders submitted necessitated more detailed evaluation and clarification before a preferred bidder could be identified. He therefore recommended that

the decision to choose the preferred contractor be delegated to officers in consultation with the Leader of the Council and the relevant Cabinet Member.

### **Options Considered**

To defer any decision until all evaluations and clarifications had been received and report these to a future meeting of Council Cabinet. However this would impact on the proposed build time and potentially increase the cost of construction.

### **Decision**

To delegate authority to the Strategic Director of Neighbourhoods in consultation with the Strategic Director of Resources, the Leader of the Council and the Cabinet Member for Leisure and Culture to appoint the preferred contractor for the multi-use sport arena, within a cost envelope of +/- 10% of the pre tender estimate and then to finalise the contract details and award the contract to the preferred contractor.

### **Reasons**

1. To ensure that the contract and building programme could progress as planned, that the decision to appoint the preferred bidder and award the contract be delegated to officers in consultation with the Leader of the Council and the portfolio holder for Leisure and Culture.
2. To continue to progress the approved Leisure Facilities Strategy as part of Derby's Olympic legacy.

## **201/11 Children and Young People Voluntary Sector Grant Aid 2012-13**

The Council Cabinet considered a report on Children and Young People Voluntary Sector Grant Aid 2012-13. The report gave details of the further consultation that had been carried out in relation to the NACRO – Osmaston Family Project and Umbrella organisations in order that Council Cabinet could reach an informed decision about whether to continue funding them. This funding was the Children and Young People's Grant Aid available from 1 April 2012 to 31 March 2013.

### **Options Considered**

To continue funding these organisations – however, the impact was identified at paragraph 3.3 of the report.

## **Decision**

1. To no longer fund the NACRO – Osmaston Family Project under the Council's Voluntary Sector Grant Aid scheme but to take the "Mitigation" measures identified in Appendix 2 of the report.
2. To no longer fund the Umbrella organisation under the Council's Voluntary Sector Grant Aid scheme given the proposed funding to sustain it identified in the "Mitigation" section in Appendix 3 of the report.

## **Reasons**

1. Both organisations had been assessed through the CYPD Voluntary Sector Grant Aid process and criteria on the applications submitted.
2. Council Cabinet, on 27 September 2011, approved all CYPD funding recommendations.
3. CYPD had allocated the full £150,000 voluntary sector grant aid available for 2012/13 and a decision to further directly fund one or both of the organisations contained in the report would result in pressure on other budgets as there had been no contingency measures put in place for this within voluntary sector grant aid.

## **202/11 Clinical Commissioning Group Arrangements for Derby**

The Council Cabinet considered a report on Clinical Commissioning Group Arrangements for Derby. The report set out the new arrangements for the commissioning of health care in Derby as a result of the proposals in the Health and Social Care Bill. It explained the role and focus of clinical commissioning groups and the proposed arrangements for Derby. It sought endorsement of the Southern Derbyshire Clinical Commissioning Group.

## **Options Considered**

To not endorse the geographical configuration of Southern Derbyshire Clinical Commissioning Group: although the NHS Commissioning Board would take into account the local authority's views, it was likely to authorise SDCCG on the basis that it was optimal model for patient care and financial efficiency.

## **Decision**

To endorse the configuration of Southern Derbyshire Clinical Commissioning Group as set out in paragraph 4.12 of the report.

## **Reasons**

The business case for the geographical configuration for Southern Derbyshire Clinical Commissioning Group was well made and represents best value for local people in terms of patient care and business efficiency.

## **203/11 Adult Learning Service Course Fees 2012/13**

The Council Cabinet considered a report on Adult Learning Service Course Fees 2012/13. Learners on Derby City Council adult learning courses were required to pay course fees. The course fee structure was based on learners' ability to pay according to their income and the level of subsidy received from the Skills Funding Agency. The indicative allocation of funding for community learning known as the Adult Safeguarded Learning funding had been set at £1,579,229 for 2012/13 which was the same as the current year's allocation.

## **Options Considered**

1. To increase course fees. This could lead to an overall reduction in income as learner numbers may decrease.
2. To reduce the number and range of courses offered in order to reduce the overall running costs of the service. This could lead to a reduction in choice and opportunity for Derby residents.
3. To introduce a course fee subsidy from council funding. This option had not been recommended due to current Council budget pressures

## **Decision**

1. To approve the continuation of the current fee structure in the 2012/13 academic year from 1 August 2012 to 31 July 2013.
2. To authorise the Director of Children and Young People, in consultation with the Cabinet Member for Adult Social Care and Health, to approve any minor changes to the fee structure as a result any in year changes to the Skills Funding Agency funding regulations that were implemented after 1 August 2012.

## **Reasons**

1. The allocation of Adult Safeguarded Funding had not been changed. The learner fee contribution to Adult Skills Budget courses was set by the Skills Funding Agency.
2. As the New Challenges, New Chances government policy document sets out the government's intentions to simplify the skills funding system it was anticipated that there may be some minor changes to policy during the 2012/13 academic year.



## 204/11 Variation of Council House Tenancy Conditions

The Council Cabinet considered a report on Variation of Council House Tenancy Conditions. Derby Homes' Local Housing Board South approved the serving of a notice to vary tenancy conditions of the Council's current and new housing tenants in June 2010 in respect of introducing two new conditions. Similarly Derby Homes' City Board had approved a number of variations to the Tenancy Agreement as a result of the review of the conditions of tenancy conducted over the early part of 2011. Derby Homes had carried out the necessary statutory and informal consultations and all that now remained was for the Council to approve the proposed variations as set out in the report. The proposed insertions and amendments were set out within the body of the report.

### **Options Considered**

The alternative option was not to approve the amendments. This would however undermine the tenancy condition review process and conflict with the statutory consultation process carried out with council tenants.

### **Decision**

1. To approve the two new tenancy conditions recommended by the Local Housing Board South as set out within sub-paragraphs 4.4.1 and 4.4.2 of the report and that the precise wording of such be agreed by the Head of Legal Services.
2. To approve the insertions and amendments to the tenancy conditions set out within sub-paragraphs 4.5.1 and 4.6.1 of the report and that the precise wording of such be agreed by the Head of Legal Services.

### **Reasons**

The new and amended tenancy conditions had been the subject of full review and consultation.

## 205/11 Voice and Data Network Contracts - Renewal

The Council Cabinet considered a report on Voice and Data Network Contracts – Renewal. The report explained the options for how we could renew or let new contracts for voice and data services to both meet the needs of schools and to avoid high risks for the Council House recant. The report also included a proposal to change how we manage voice services which could deliver substantial savings to the Council.

## **Options Considered**

1. To start a new procurement for both schools and council data networks now such that these would commence from 1 April 2013 when the current contract expires. This was rejected because:
  - a) it would pose high risks of conflict and not having data connections in place for the re-occupation of the council house
  - b) it would tie us in for a minimum of three years before we could gain any benefits from the possible city wide high speed network.
2. To continue to manage all voice contracts in house. This was not recommended as we already knew that we have both insufficient resources and insufficient leverage to manage such multiple contracts.

## **Decision**

1. To agree a procurement exercise is commenced to award a new contract for the schools data network.
2. To agree to extend the existing data network contract with British Telecom by 12 months to end on 31 March 2014.
3. To accept the proposal from Serco to manage voice services on behalf of the Council subject to:
  - a. existing suppliers agreeing to novation of contracts
  - b. Serco confirming their proposal to the ICT Strategy Board and offering a guaranteed annual saving.
4. To authorise the Strategic Director of Resources, in consultation with the Director of ICT and the Cabinet Member for Resources to finalise the required contract change control on the existing contract with Serco.

## **Reasons**

1. To ensure we could maintain and improve existing voice and data contracts meeting the new demands of schools, minimising risks for the Council Office consolidation and avoiding longer term commitments which would reduce the benefits of a city wide high speed network.
2. To maximise opportunity to deliver guaranteed savings through more effective management and active consolidation of voice network suppliers and contracts; making better use of the contract with Serco.

## 206/11     LightSpeed Evolution

The Council Cabinet considered a report on LightSpeed Evolution. The report sought approval to:

- The principle of a city-wide high speed data network and the provision of superfast broadband Fibre to the Premises (FttP) for Derby.
- Procure a delivery partner to deliver the city-wide high speed data network and superfast broadband Fibre to the Premises (FttP).
- Endorse Derbyshire County Council's bid for Broadband Delivery UK funding.

### **Options Considered**

1. Do not procure the city-wide high speed data network and Fibre to the Premises (FttP) and let the market bring forward the development when economic conditions improve.
2. Government was supporting investment in urban infrastructure by making the provision of superfast broadband a corner-stone for Enterprise Zones and, only recently, by establishing a competition for funds for those core cities who want to become 'super connected cities'.
3. These initiatives with the Broadband Delivery UK initiative would take up industry capacity, with a relatively small number of infrastructure companies tendering and installing for years to come, creating the potential for a massive log jam.
4. It could put Derby's economy at a disadvantage if Derby had to suffer delays from waiting in a long queue, before accessing the benefits of a city-wide high speed data network and FttP.

### **Decision**

1. To commence the procurement of a delivery partner for the provision of a managed city-wide high speed data network and superfast broadband Fibre to the Premises (FttP) for the City of Derby.
2. To mandate officers to report back to a future Council Cabinet the proposed terms of the financial, technical and contractual arrangements, including details of Regional Growth Fund (RGF) funding to be sought and any financial commitments that this Council would be required to make.
3. To endorse a Derbyshire County Council bid to the Broadband Delivery UK (BDUK) broadband roll out fund.

## **Reasons**

1. The provision of high-quality superfast broadband, ultimately fibre to the premises (FttP), was gaining recognition as the essential enabling infrastructure without which our economy would suffer in comparison with global competition.
2. The overall objective of this project was to ensure Derby's economy remained globally competitive, public services were delivered in the most inclusive and cost-effective way and to mitigate climate change and improve resilience.
3. The provision of fibre to the premises (FttP) would transform the opportunities for Derby businesses, helping the private sector access new markets, work in new ways, and attract new companies into the area. It was expected to be a basic requirement of business in the future, especially the high growth sectors that were critical to our future economic success, such as advanced engineering, low carbon and the creative industries. Ultimately it would help safeguard existing jobs and create new jobs, in particular in high growth and high value sectors.
4. The endorsement of Derbyshire's BDUK bid, which strategically took account of Derby City's plans, would strengthen their proposal, and demonstrate our joint commitment to improve the connectivity for Derby and Derbyshire.

## **207/11 Multi Systemic Therapy Service**

The Council Cabinet considered a report on Multi Systemic Therapy Service. Multi-Systemic Therapy (MST) was a licensed intensive family driven service targeted at young people between the ages of 11 and 17 years who were involved in offending or anti-social behaviour and who were consequently at risk of entering care or being taken into custody. The Council had been successful in a bid to the Department for Education for grant funds to support the development of this new service in Derby. This grant would supplement monies already identified in Children and Young People Directorate base budget for this service. Given this new funding tenders had been sought from providers to deliver the service for four years and two organisations had submitted bids. These had been evaluated on a price/quality basis and a preferred provider identified.

### **Options Considered**

The option of managing the service within the Council had been actively pursued, including exploring shared management arrangements for staff on health contracts with local health trusts. The barriers and risks were considered to be too great and that the option of tendering the service was considered the most viable way of delivering MST.

## **Decision**

1. To agree to contract out the multi systemic therapy service for a 4 year period from August 2012.
2. To award the contract for the service to Action For Children Services Limited.

## **Reasons**

1. The reduction of young people in care and custody was a priority for the Council and this service would help to achieve this aim.
2. The tenders were evaluated to take account of both quality and price and we were satisfied that Action For Children Services Limited would deliver a good service.

## **208/11 Roman House Friar Gate – Joint Venture Partner for Refurbishment**

The Council Cabinet considered a report on Roman House Friar Gate – Joint Venture Partner for Refurbishment. An options appraisal report had been prepared for Roman House and this identified a preferred option of a comprehensive refurbishment scheme. It was proposed to secure a joint venture partner for the refurbishment of Roman House once it was vacated in December 2012.

## **Options Considered**

To dispose of the property in its existing condition once staff had moved out to the refurbished Council House. This was discounted because it would not deliver the benefits of a comprehensive refurbishment and establish such a market for other office buildings.

## **Decision**

To note the contents of the report when considering the recommendations in the report in the private section of the agenda.

## **Reasons**

1. By using a joint venture partner for the delivery of the refurbishment of Roman House this would potentially bring forward a high quality refurbished office space not currently available within Derby City centre for which it had been established that there was an anticipated demand.
2. A joint venture would enable the Council to utilise private sector funding and expertise to deliver the refurbishment of the building. The

selected developer partner would be responsible for the capital costs and associated fees of the refurbishment. This would reduce the Council's financial and risk exposure.

3. To deliver a scheme that would demonstrate the potential to upgrade vacant secondary office stock to good quality accommodation.
4. To reduce competition from other offices vacated within Heritage Gate impacting on the ability to dispose of Roman House in its existing state.
5. The recommendations in Paragraph 2.2 of the report would give the Chief Executive flexibility to revise terms where necessary without the delay of reverting to Council Cabinet and so allowing the Council to operate in the required commercial time frames and within the overall aims and objectives of the project.

## Budget and Policy Framework

### 209/11 ICT Transformation Programme April 2012-October 2012

The Council Cabinet considered a report on ICT Transformation Programme April 2012-October 2012. The report provided a brief overview of progress made with ICT Transformation between October 2011 and March 2012. The report then provided an overview of ICT Transformation activities due to take place between April and October 2012, seeking approval for the e-Services project covering master data management, citizen access and web transactional services on a mobile phone project. The report provided an update on expenditure against the ICT transformation budget.

#### Decision

1. To note the ICT infrastructure projects had now all completed and were proving to deliver a more stable and faster platform on which ICT systems operate.
2. To note that good progress was being made on the major business application software solutions covering Customer Relationship Management - CRM, Electronic Document Records and Records Management - EDRMS, Geographic Information Systems – GIS - and Asset Management and that the launch of the new website had been a success. The work to enhance the existing version of the Oracle finance system had now commenced.
3. To approve the award of contract to Softcat Ltd for the implementation of Oracle Business Intelligence Software and to release the £ 750,000 budget allocated for this project.

4. To suspend the Human Resources - HR/Payroll enhancements project transferring the allocated £ 300,000 budget to the separate scheme for a new HR/Payroll solution which would not be managed as part of this ICT Transformation programme.
5. To approve a virement of £130,000 from the remaining budget for Derby Direct telephony to the CRM scheme.
6. To approve a virement of £200,000 from the Safeguarding and Looked After Children - SLAC - social care Ofsted response scheme to the EDRMS scheme.
7. To note that expenditure to date on the new website is £140,788 from a scheme budget of £250,000 and to agree that any underspend be used to support further enhancements to the website and to develop new Intranet and Extranet facilities.
8. To approve the consolidation of budgets provisionally allocated for different data integration, authentication and mobile web access into a single budget of £2.25 Million and to commission the development of an e-services solution from Serco to deliver the equivalent outcomes.
9. To note the detailed planning and new governance arrangements for the ICT Recant programme and to release the full budgets for this scheme.

## Contract and Financial Procedure Matters

### 210/11 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on Contract and Financial Procedure Matters Report. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- changes to the capital programme
- receipt of additional funding from the Department for Communities and Local Government – DCLG
- to approve a revenue grant application to the Arts Council England
- receipt of additional funding from NHS Derby City Council
- receipt of additional funding from the Department for Work and Pensions
- award of contract to other than lowest tender
- technical adjustments to the 2012/13 budget.

## Decision

1. To approve changes and additions to the capital programme as set out in Appendix 2 and highlighted in section 4 of the report.
2. To note the revised programme for 2011/12 in table 1 (paragraph 4.1) and the revised indicative programme for 2012/13-2014/15 as shown in table 2 (paragraph 4.6) of the report.
3. To approve the scheme commencements set out in Appendix 3 of the report.
4. To approve the allocation of an additional £105,723 received from the DCLG to the Adult Health and Housing revenue budget in 2011/2012 and 2012/13.
5. To approve an application for £394,500 external funding from Arts Council England Strategic Funds funding for the Museums transformation programme and delegate the acceptance of any award to the Strategic Director of Neighbourhoods and the Cabinet Member for Leisure and Culture.
6. To approve an additional allocation of £208,650 to the Neighbourhoods revenue budget to be received from NHS Derby to extend the b-You project.
7. To approve an additional £51,256 to the Resources revenue budget in 2012/13 for additional funding received from the Department for Work and Pensions - DWP – for Housing Benefit Transition Funding.
8. To award a contract of £79,168 for the demolition of Yarmouth House to Humphries Demolition.
9. To approve the revised directorate level net budget allocations outlined in Appendix 4 resulting from the technical adjustments detailed in section 11 of the report.

Councillor Holmes having declared a personal and prejudicial interest in the above item left the meeting during the discussion and voting thereon.

## 211/11 Better Bus Funding Award

The Council Cabinet considered a report which sought approval to accept a 'Better by Bus' funding award from the Department for Transport as an urgent matter to enable works orders to be placed ahead of the next available meeting of Council Cabinet. In total our award was for £1.06m revenue and £1.116m capital to be spent over two years commencing 1 April 2012.



## **Decision**

1. To approve acceptance of the Derby: Better by Bus funding award of £2.176m from the DfT £50m Better Bus Area Fund.
2. To approve capital scheme commencement and add to £541,000 to the 2012/13 capital programme and the balance of £575,000 to the 2013/14 capital programme.
3. To approve the carry forward of any remaining funding within the £1.06m revenue grant into the 2013/14 financial year and subsequent financial years as necessary.

## **Other**

### **212/11 Health and Social Care Act 2012 – Health and Wellbeing Reforms**

The Council Cabinet considered a report on Health and Social Care Act 2012 – Health and Wellbeing Reforms. The purpose of the report was to:

- update the Council on recent developments nationally and locally arising from the recent enactment of the Health and Social Care Act and NHS White Papers
- to recommend the establishment of the Health and Wellbeing Board
- set out arrangements for the transfer of the public health function from the NHS to the local authority.

## **Decision**

1. To recommend to Council that:
  - a) A Health and Wellbeing Board is established as a committee of the Council.
  - (b) The terms of reference of the Board should be those set out in paragraph 4.36 of the report.
  - (c) The membership of the Board should be that set out in appendix 2 of the report.
  - (d) The Leader of the Council shall be the Council's statutory nomination and Chair of the Board.
  - (e) The Southern Derbyshire Clinical Commissioning Group (SDCCG) representative is the Vice Chair of the Board.

2. To recommend to Council that the arrangements for the transfer of the public health function as set out in paragraphs 4.37 and 4.38 of the report and its location in the Council's structure as set out in paragraphs 4.45 and 4.46 of the report should be approved.

## 213/11 Adoption of Our City Our River Master Plan – Interim Report

The Council Cabinet considered a report on Adoption of Our City Our River Master Plan – Interim Report. There were over 3,600 properties within Flood Zone 3 (the zone of highest flood risk) along the River Derwent between Milford and Shardlow. The vast majority of these properties were within the City of Derby.

The Lower Derwent Flood Risk Management Strategy was approved by the Environment Agency (EA) in January 2011. The strategy to reduce flood risk for Derby was to construct new defences along a new alignment stepped back from the river. This approach would allow more space for flood water along the river and ensure that flood risk in upstream and downstream communities was at manageable levels.

The realignment of flood defences through Derby was being treated as an opportunity to encourage the regeneration of the City and improving its connectivity to the River Derwent. To ensure that these opportunities were fully grasped, we had been working in partnership with the EA and had commissioned a Master Plan for the City's river frontage. The intention was that the finalised Master Plan should guide regeneration and the provision of flood defences and act as a material consideration for planning applications.

In January 2012 the draft Master Plan was published for public consultation. The period for comment was initially to 9 March but had been extended to 30 April 2012. It was originally proposed to submit the finalised Master Plan to Council Cabinet in April 2012, but the level of engagement and response had been significant. It was therefore intended to report to Council Cabinet on proposed changes to the Master Plan in June to give time to fully consider the issues being raised. This was therefore an interim report on the process so far. Appendix 2 set out the consultation undertaken and reviews the issues raised.

A draft Memorandum of Understanding (MoU) (Appendix 3 of the report) between the Council and the EA had been prepared which Council Cabinet was asked to approve. The purpose of the MoU was to set out how both parties would work together. An agreed MoU at this stage was necessary for the EA to get the project included in the Department for Environment, Food and Rural Affairs (Defra) medium term programme in order to pursue funding.

## **Decision**

1. To note the report on public consultation (Appendix 2 of the report) and to agree that a further report on proposed changes to the Master Plan in the light of the consultation be brought to Council Cabinet in June.
2. To approve the proposed Memorandum of Understanding between the Council and the Environment Agency (Appendix 3 of the report) and to authorise the Director of Planning and Facilities Management to formally sign off the document.

## **214/11 Museums Reserve Collection**

The Council Cabinet considered a report on Museums Reserve Collection. In accordance with the procedure for the active management of museum reserve collections, that was agreed by Council Cabinet on 22 November 2011, this report sought approval to dispose by sale of selected items that were no longer required by Derby's museums.

## **Decision**

To approve the disposal by sale of the items listed in Appendix 2 of the report, in accordance with the Council's support for active management of museum reserve collections.

## **215/11 Transformation of Housing Related Support Service**

The Council Cabinet considered a report on Transformation of Housing Related Support Service. The report proposed consultation on the commissioning priorities and procurement programme to transform the housing related support sector in Derby. The recommendations were for a 12 week public consultation on the proposals and their impact, to commence 8 May 2012. Undertaking the consultation addressed issues raised in letters dated 2 April 2012 from the Supporting People Provider Forum.

## **Options Considered**

Supporting People commissioners previously considered achieving the level of savings required by moving to a large scale decommissioning programme, with all user group areas receiving a reduction against current contract values of between 45% and 100%. For the remaining services that would continue to receive funding, 30% efficiency savings would be required to be achieved against existing contract values. A risk and impact analysis against each user group was considered and it was felt that although this approach would realise savings, the viability of remaining services could not be guaranteed, nor would the pattern of remaining services necessarily match need. This demonstrated the need for a more strategic approach that would present

commissioners with an opportunity to provide outcome focused services that take account of statutory responsibilities and the priorities in the Derby Plan.

## **Decision**

1. To agree that consultation should commence on 8 May 2012 on the commissioning priorities for the housing related support sector in Derby as set out in paragraphs 4.3, 4.4, 4.5, and 4.6 of the report.
2. To agree that consultation should take place on the charging proposals set out in paragraph 4.7 of the report.
3. To agree the consultation should take place in relation to the proposed procurement, contracting and decommissioning approaches set out in paragraph 4.8 of the report.
4. To agree that the service currently jointly commissioned with Derbyshire County Council for high risk offenders was included in a current tender with Derbyshire County Council to enable the benefits of the joint working arrangements to be maintained as set out in paragraph 4.8 of the report.
5. To agree to receive a further report in September 2012 following the consultation.

## **Reasons**

1. Savings were required from the housing related support budget (formerly the Supporting People Grant) as measures to enable the Council to deliver a balanced budget. The savings to be realised had been built into the Council's financial plans for 2012/13.
2. On 21 February 2012, Council Cabinet agreed the strategic approach to be taken to realise the savings. It also agreed that the remaining funding would be focused on four types of services that would focus on supporting and complementing the statutory responsibilities of key partners and meeting the objectives set out in the Derby Plan.

## **216/11 Exclusion of Press and Public**

Resolved to exclude the press and public during consideration of the following item under Section 100(A) of the Local Government Act 1972, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## Key Decision

### 217/11 Roman House Friar Gate – Joint Venture Partner for Refurbishment

The Council Cabinet considered a report which stated that an options appraisal report which had been prepared for Roman House and this identified a preferred option of a comprehensive refurbishment scheme. It was proposed to secure a joint venture partner for the refurbishment of Roman House once it was vacated in early 2013.

#### Decision

1. To secure a joint venture partner for the refurbishment of Roman House through a competitive procurement process.
2. To delegate authority to the Chief Executive, in consultation with the Leader and the Strategic Director of Resources, to negotiate the terms of the joint venture partnership and to authorise the Chief Executive to enter into agreement with the approved bidder.
3. To note the financial implications of the sale receipt not being realised as originally anticipated and that prudential borrowing may be required to support the capital programme, subject to a review of borrowing and receipts by the Strategic Management Board.

### 218/11 Golf Course Management

The Council Cabinet considered exempt information in relation to golf course management.

#### Decision

To note the exempt information in relation to golf course management.

### 219/11 Appointment of the Contractor for the Multi Use Sport Arena

The Council Cabinet considered exempt information in relation to the appointment of the contractor for the multi use sport arena.

#### Decision

To note the exempt information in relation to the appointment of the contractor for the multi-use sport arena.

## Other

### 220/11 New Deal for Communities Succession Plan

The Council Cabinet considered a report which stated that as part of the formal closure of the New Deal for Communities (NDC) programme, the Department of Communities and Local Government (DCLG) required the creation of a succession plan in order to ensure the continued use of the community infrastructure developed through the NDC funding.

The succession plan for Derby was submitted to the DCLG in December 2011 for their approval and consisted of a plan to move the assets from Derwent Delivers Ltd (DDL) to the Revive Healthy Living charity (RHLC).

Following the submission of the succession plan to the DCLG and before a formal decision was given by them on its suitability, communication was received stating that the DCLG would no longer require succession plans to be approved by them and this was now a matter to be dealt with locally by the DDL and the accountable body – Derby City Council.

#### **Decision**

1. To approve the implementation on the Derwent Delivers Limited succession plan.
2. To agree to remove the contingent liabilities on Derwent Delivers Ltd (ie claw-back) and allow the company to be wound up.

MINUTES END