

Time began 6.00 pm
Time ended 7.05 pm

**COUNCIL CABINET
5 SEPTEMBER 2006**

Present: Councillor Williamson (Chair)
Councillors Bolton Graves, Hussain, Latham, Nath,
Roberts, Smalley and Wynn

In attendance: Councillor Jones

This record of decisions was published on 7 September 2006. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

59/06 Apologies

An apology for absence was received from Councillor Hickson.

60/06 Late Items Introduced by the Chair

There were no late items.

61/06 Identification of Urgent Items to which Call-In will not apply

There were no items.

62/06 Declarations of Interest

Councillor Nath declared a personal and prejudicial interest in minute number 74/06 as his daughter worked one of the organisations mentioned in the report. Councillor Latham declared a personal and prejudicial interest in minute number 73/06 as her husband had worked with the St Helen's House Trust.

63/06 Minutes of the meeting held on 1 August 2006

The minutes of the meeting held on 1 August 2006 were confirmed as a correct record and signed by the Chair.

Key Decisions

64/06 Proposed Revised Consultation Strategy

The Council Cabinet considered a report on the Proposed Revised Consultation Strategy. The revised strategy provided an overview of current

consultation activities, proposed a number of key strategic objectives and key actions required to deliver a new corporate consultation strategy.

Options Considered

1. The Consultation Strategy was awarded a 'good' score in the CPA assessment in 2004. However the scrutiny review of community involvement and consultation suggested some improvement areas. A comprehensive search of other strategies and procedures in other councils suggested that the strategy, in itself, was compatible with these. However, some areas such as the review of Advisory Committees, the use of ICT and improved performance monitoring had been adopted within the strategy.
2. The main option to be considered was whether to bring the strategy into the City Council or retain the Derby City Partnership – DCP approach. Following a recommendation by the review to strengthen the role of the strategy within the council, it was agreed to bring the strategy 'in-house'. In the mean time the DCP had agreed to prepare an umbrella statement on community consultation.

Decision

To approve and adopt the revised Consultation Strategy with immediate effect taking into account suggested amendments made at the meeting.

Reason

To respond to the former Community Regeneration Commission topic review – Community Involvement and Consultation – and to produce a revised Consultation Strategy which reflected current best practice.

65/06 QUAD Approval of Construction Contract

The Council Cabinet considered a report on the QUAD Approval of Construction Contract. The report detailed the progress made so far and recommended that the Corporate Director of Corporate and Adult Social Services be authorised to sign the construction contract for the QUAD building, once assurances had been received that overall costs remained within budget.

Options Considered

1. This was the last in a series of key decisions to proceed with the QUAD project. At each point, the option existed to cancel the work. This would have entailed the loss of very significant investments from the Arts Council and the East Midlands Development Agency, together with a reduction in their confidence in Derby as a city with rising ambitions. It would have left Derby as the only city in the East Midlands without a major capital project in the cultural sector.

2. Development work on the project had considered a range of sites and building configurations and the Council could be certain that the current design hit the right balance between function and inspiration.

Decision

To authorise the Corporate Director of Corporate and Adult Social Services to sign the construction contract for the QUAD building, once assurances have been received that overall construction costs remain within budget.

Reasons

1. QUAD is expected to bring an estimated £4m of additional spend into the city each year. It would be home to visual arts exhibitions of the highest calibre and a dynamic centre for community arts programmes. Its cinemas would take up a special role in promoting a rich mix of classic, popular, overseas and art films tailored to the needs of Derby's public.
2. QUAD had attracted investment from Arts Council England, Derby and Derbyshire Economic Partnership, East Midlands Development Agency, EM Media, the European Union and this Council.
3. QUAD was part of a drive to strengthen the Market Place as a destination and the cultural heart of Derby.

66/06 The Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park

The Council Cabinet considered a report on The Roundhouse and associated Listed Buildings with adjoining land, Pride Park. Proposed terms for the sale of the Council's freehold interest in the Roundhouse and associated Listed Buildings and adjoining land at Pride Park were considered.

Options Considered

1. Reverting to previous selected developers.
2. Furthering discussions with previous under-bidders.
3. Consider interest from other developers who had shown intermittent interest over the last few years.
4. Routes potentially available through the URC, through its own operations or via emda or EP funding partners.
5. Re-advertise to seek any additional interested parties.
6. If approved by our funding partners, separate out the land for new-build development, sell these areas without packaging them with any obligations to deal with the Listed Buildings but ring-fence those receipts

into a special fund which would only be used for the purposes of refurbishing the Listed Buildings.

Decision

To approve the Terms set out within the report contained within the confidential part of the agenda.

Reasons

1. To achieve a suitable reuse for these Listed Buildings
2. To complete the successful Pride Park project.

67/06 Review of Housing Capital Programme Facilitation Fund

The Council Cabinet considered a report on the Review of Housing Capital Programme Facilitation Fund. The Government response to the review carried out by Sir Peter Gershon required all local authorities to make efficiency savings of at least 2.5% per annum over the three year period of the Spending Review 2004. Over the last 12 months officers from the Council had been considering how these savings could be achieved in the context of the part of the Housing Capital Programme invested in new affordable housing – the Facilitation Fund. In essence this had involved trying to identify a 'stretch' or efficiency saving for the Housing Capital Programme by a reduction in the cost or an increase in the longer term value of what the Council achieved. The report outlined the options considered by officers and concluded that the following changes be made:

- grant conditions be put on grant offers made to social housing providers, and a change be made to the timing of payments
- land sold by the Council for the purpose of social housing would generally be on a long leasehold basis, and
- the Council would secure the freehold interest of the affordable housing land on S106 sites.

Options Considered

Do nothing. Bearing in mind the need for the Council to be seen to be reacting positively to the Gershon Review, this was not considered to be a viable option.

Decision

That Cabinet agree to the following changes:

1. grant conditions be put on grant offers made to social housing providers, and a change be made to the timing of payments
2. land sold by the Council for the purpose of social housing will generally be on a long leasehold basis
3. the Council will secure the freehold interest of the affordable housing land on S106 sites.

Reason

The adoption of the changes outlined in the report would, in the long term, provide increased value for money from the Facilitation Fund.

68/06 Derby's Affordable Housing Programme 2006-08

The Council Cabinet considered a report on Derby's Affordable Housing Programme 2006-08. The report outlined the schemes funded by the Housing Corporation from the National Affordable Housing Programme – NAHP – 2006-08 and the funding from the Council's Facilitation Fund in 2006-07, as detailed in Appendix 2 of the report. In Derby's case 14 bids to the Housing Corporation, amounting to £9.37M, were successful which would deliver 334 affordable properties. Affordable housing had been supported by the Housing Corporation at a number of schemes in Derby, including the Baseball Ground, Derby University Mickleover Campus and at King Street, as shown in Appendix 2 of the report.

Options considered

No other options were considered.

Decision

1. To note the schemes to be funded by the Housing Corporation from the National Affordable Housing Programme – NAHP – 2006-08.
2. To approve the use of the Council's Facilitation Fund in 2006/7 as outlined in paragraph 3 of the Director's report.

Reasons

1. To advise Members of the outcome of the bid round for Housing Corporation funding in 2006-08
2. To enable the affordable housing at the Baseball Ground to be delivered, and the remaining tenants at Britannia Court, and the Derbyshire and Isle of Wright Blocks to be decanted out to allow the flats to be developed.

69/06 Highway Winter Service

The Council Cabinet considered a report on Highway Winter Service. The report outlined the proposed strategy for the provision of the Highway Winter Service which enabled the Council to maintain the highways for which it was responsible, during periods of adverse weather.

Options considered

1. No change in existing provision. This was unacceptable as the risk of the Council being taken to court for not fulfilling its legal obligations was too great. The Plan was a balance between not gritting at all and covering 100% of the network. The new legislation and the recommendations of the various bodies with regard to the provision of the service were taken into account and the new Plan prepared to provide a minimum risk to the Council at an acceptable cost.
2. Salt was a harmful material for the environment and its use had to be balanced against the damage it could cause. Salting was only carried out when freezing conditions were forecast and at the minimum rates necessary to achieve the objective of preventing the formation of ice. The spreading rates could not be lowered as the salt would be ineffective and there would probably be an increase in accidents caused by ice.
3. Other materials such as Urea to prevent the formation of ice were considered. These types of materials were prohibitively expensive for treating the whole network and their use was discounted. The environmental effects of urea could be serious under some conditions.
4. Salt usage could be reduced by using some specialist methods of application such as pre-wetting but these solutions were not established as best practice at the current time. However research was being carried out into alternative methods of application but no results had so far been published.

Decision

1. To approve the Highway Winter Service Plan.
2. To approve the Highway Winter Service Treatment Routes set out in the Plan.
3. To approve the pre treatment of footways in the City Centre and those leading into the City Centre.
4. To grant authority to the Cabinet Member for Planning and Transportation and the Corporate Director, Regeneration and Community to jointly authorise ongoing necessary amendments to the

Priority Gritting Routes, subject to the Plan being reconsidered by Cabinet after a period not exceeding five years.

Reasons

1. To enable the Council provide the Highway Winter Service in accordance with current legislation.
2. To enable the Council to comply with the general requirements of and meet the response and treatment times as recommended by the Code of Practice for Highway Maintenance Management, July 2005 "Well Maintained Highways".
3. To enable the Council to meet the requirements of the Local Transport Plan.

70/06 Inner Ring Road Stages 3 and 5 and Five Lamps – Surplus Land

The Council Cabinet considered a report on the Inner Ring Road Stages 3 and 5 and Five Lamps – Surplus Land. It was reported that to ensure that land not required for the Connecting Derby Project and which was currently reserved for highway use for Stages 3 and 5 of the Inner Ring Road and for highway improvements within the Five Lamps area may be released for other purposes it is necessary to rescind the reservation order on the land. The land concerned and currently reserved for highway use was not included in the City of Derby Local Plan which was adopted January 2006.

Options considered

There were no other options considered.

Decision

To authorise the Director of Regeneration and Community to rescind the reservation currently in place on the land that is currently reserved for the completion of the Inner Ring Road Stages 3 and 5 for highway works within the Five Lamp area and is not required for the Connecting Derby Project.

Reasons

1. Land that is reserved for highway use cannot be developed and is therefore potentially subject to blight.
2. Land that is currently reserved for highway use within 200m of any property which has been subject to a Local Land Charges Search (a search) carried out by the Council on behalf of prospective purchases of land has to be declared by the City Council.

71/06 City Centre Eastern Fringes Area Action Plan – 'Preferred Option' Report for Public Consultation

The Council Cabinet considered a report on City Centre Eastern Fringes Area Action Plan – 'Preferred Option' Report for Public Consultation.

Options considered

During the informal consultation process, a range of alternative options were considered. These alternatives were included in the Preferred Options document.

Decision

1. To agree the policy content of the 'Preferred Options' Report, as set out in Appendix 2 of the report, for public consultation, subject to minor drafting amendments.
2. To agree the content of the full 'Preferred Options Report' for consultation, as set out in Appendix 3 of the report subject to the detailed finalisation of the text.
3. To delegate authority to the Director of Regeneration and Community to finalise the text and format of the 'Preferred Options Report', the Sustainability Appraisal Report and the Statement of Consultation for the purpose of publishing all documents for a 6 week consultation period.

Reasons

The Town and Country Planning (Local Development) (England) Regulations 2004 require the Council to publish a Preferred Options Report and associated Sustainability Appraisal and other supporting documents for a 6 week consultation period, as part of the process of preparing an Area Action Plan.

72/06 Railway Conservation Area Appraisal & Management Proposals

The Council Cabinet considered a report on the Railway Conservation Area Appraisal and Management Proposals.

Options considered

There were no alternatives to the factual analysis of the character of the Conservation Area. During the informal consultation process on the Area Action Plan, a range of alternative options were considered for sites within the Conservation Area. These alternatives were included in the Preferred Options document.

Decision

1. To agree the content of the Railway Conservation Area Appraisal for public consultation.
2. To delegate authority to the Director of Regeneration and Community to agree the final text and format of the Railway Conservation Area Appraisal and Management Plan for publication and consultation.
3. Subject to these amendments, to authorise the publication of the Railway Conservation Area Appraisal and Management Plan for a 6-week consultation period by the end of September 2006.

Reasons

To progress the Railway Conservation Area Appraisal and Management Proposals in parallel with the City Centre Eastern Fringes Action Plan and to help meet the requirements of the newly created Best Value Performance Indicator relating to conservation areas (BV 219).

Having declared a personal and prejudicial interest, Councillor Latham left the meeting during consideration of the following item

73/06 St Helen's House

The Council Cabinet considered a report on St Helen's House. It was reported that the Council had received St Helen's House Trust's proposals, together with bids from private developers. The report detailed the bids received and asked Council Cabinet to consider the how to progress the matter.

Options considered

There were no other options considered

Decision

1. To invite the two developers to work up their proposals prior to presentations to a panel of members and officers.
2. To invite a representative of the Trust to take a seat on the panel.
3. To invite the panel to make a recommendation to Cabinet to appoint a preferred developer.
4. To hold the proposals from the Trust in reserve pending the outcome of the preferred developer's proposals.

5. To limit the indemnity given to the Trust for developing their Feasibility Stage 2 proposals to costs incurred to date (approximately £18,000)

Reasons

1. The study carried out by the Trust's consultants did not evidence that their proposals are sustainable.
2. The developers need to go through a selection process.
3. The Trust would not be required to incur further expenditure on their own proposals.

Contract and Financial Procedure Matters

Having declared a personal and prejudicial interest, Councillor Nath left the meeting during consideration of the following item

74/06 Contract and Financial Procedure Matters Report

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:

- revisions to Regeneration and Community department revenue and capital budgets for the source and application of additional external funding
- transfer to an earmarked revenue reserve from existing revenue budgets to secure funds for the libraries management computer system being implemented in partnership with the County Council, and the negotiation of a service level agreement - SLA - with the County Council
- the waiver of contract procedure rule – CPR – 15 tendering requirements to purchase street lighting lanterns directly from Balfour Beatty up to a total value of £100,000
- the intention to submit in the Council's name two expression of interest bids and one full application bid to emda totalling £4.225m in relation to Cityscape, subject to a future report back to Cabinet before actual bid submission
- revisions to Children and Young People's department revenue budgets for the source and application of additional external funding.

Decision

1. To approve revisions to existing Regeneration and Community department 2006/7 revenue and capital budgets for additional external funding, as set out in Section 1 of the supporting information, consistent with the proposed uses and conditions of the additional funding.
2. To approve a transfer of £55,000 in 2006/7 and £28,000 in 2007/8 to a departmental earmarked reserve from existing libraries revenue budgets for the implementation costs of the new libraries management computer system, and to authorise the Corporate Director of Resources and Housing to negotiate a Service Level Agreement with the County Council and to authorise the Corporate Director CASS to authorise the agreement as negotiated.
3. To waive, under CPR6, CPR15 tendering requirements and approve the purchase of street lighting lanterns direct from Balfour Beatty up to a total value of £100,000.
4. To approve, in principle, the intention to submit in the Council's name two expression of interest bids and one full application bid to emda totalling £4.225m in relation to Cityscape, subject to a future report back to Cabinet before actual bid submission.
5. To approve revisions to existing Children and Young People's department 2006/7 revenue budgets for additional external funding, as set out in section 5 of the supporting information, consistent with the proposed uses and conditions of the additional funding.

75/06 Capital Programme Update 2006/7

The Council Cabinet considered a report detailing proposed changes to the Capital Programme for 2006/7 – 2008/9.

Decision

1. To recommend Council to approve a revised capital programme for 2006/76 to 2008/9 as set out in the report, with the 2007/8 and 2008/9 programme having indicative status consistent with previous Cabinet decisions, other than where full scheme commencement approval has been given.
2. To note the results of monitoring progress in delivery of this capital programme.
3. To approve the full commencement of the capital schemes listed in Appendix 6 of the report.

4. To note debt restructuring activity undertaken during 2006/7 to date and the ongoing revenue budget savings generated.
5. To recommend Council to approve a revised set of prudential indicators as listed in appendix 7 of the report, including revisions to the affordability indicators, the capital financing requirement, the operational boundary and the authorised limit on borrowing, and the limits on non-specified investments above one year's duration.

76/06 Revenue Budget Monitoring 2006/7

The Council Cabinet considered a report on Revenue Budget Monitoring 2006/7 which set out the Council's latest spending position for 2006/7.

Decision

1. To note the latest monitoring position in respect of the 2006/7 General Fund budgets.
2. To agree the list of risk budgets to be subject to more detailed monitoring by Cabinet Members.
3. To note the latest position on reserves.
4. To approve the change in use for the service reserves as shown in Appendix 5 of the report.

Performance Management

77/06 Council Performance Monitoring – 2006/07 Quarter 1

The Council Cabinet considered a report on Council Performance Monitoring – 2006/07 Quarter 1.

Decision

1. To note the performance of the Council against the targets included in its 2006/07 Best Value Performance Plan and 2006-09 Corporate Plan, falling due to be reported in the first quarter.
2. To give particular attention to those areas where the forecast year-end performance is currently below target and the action being taken to address this.

78/06 Local Area Agreement Performance Monitoring – 2006/07 Quarter 1

The Council Cabinet considered a report on Local Area Agreement Performance Monitoring – 2006/07 Quarter 1.

Decision

1. To note the performance of the LAA indicators against the 2006-07 targets including the Local Public Service Agreement targets.
2. To give particular attention to those areas where forecast performance is below target, particularly those that are red – more than 5% adverse to target.

Exclusion of the Press and Public

79/06 Exclusion of the Press and Public

Decision

To exclude the press and public from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of Section 100 (A) of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Key Decision

80/06 The Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park

The Council Cabinet considered a report concerning the Roundhouse and Associated Listed Buildings with Adjoining Land, Pride Park.

MINUTES END