

Time began 6.00pm
Time ended 8.30pm

**COUNCIL CABINET
6 APRIL 2004**

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

This record of decisions was published on 8 April 2004. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless a decision is called in.

383/03 Apologies

An apology for absence was received from Councillor Carr.

384/03 Late items to be introduced by the Chair

There were no late items.

385/03 Identification of Urgent Items to which Call In will not Apply

There were no urgent items.

386/03 Declarations of Interest

There were no declarations of interest.

387/03 Minutes of the previous meeting

The Part 1 minutes of the meeting held on 16 March 2004 were approved as a correct record and signed by the chair, subject to the last sentence in 341/03, Declarations of Interest, being amended to read:

'Councillor Care declared a personal interest in Minute No. 360/03, Joint Funding Commitments to the Social Care Voluntary Sector and Minute No. 361/03, Mainstream Funding for Social Care Voluntary and Community Organisations 2004/2005, as she was a member of the Littleover Live at Home Scheme, Supporters Committee.'

Matters Referred to Council Cabinet

388/03 Best Value Review of Development – Options Appraisal

The Council Cabinet considered a report from the Planning and Environment Commission, setting out the Commission's comments on the options appraisal element of the Best Value review of development, which was considered by the Commission at its meeting on 4 March 2004.

Decision

- 1 To approve the options for service improvement.
- 2 To agree that within the development service, particular emphasis should be given to the development of good electronic service access and electronic methods of consultation.
- 3 To agree that an adequate training budget should be provided.

389/03 Review of Culture in Derby – Final Report

Councillors Repton and Travis presented to Council Cabinet a report of the Culture and Prosperity Commission on a review of culture in Derby. The review commenced in July 2003, and took evidence from a large number of witnesses who were representative of the users and providers of Derby's cultural services. The report comprised an executive summary of the review and the Commission's recommendations, which were contained in Appendix 2 of the report. The full report had been circulated to the Council Cabinet Members in the form of a CD and was also available on the Council's website.

Councillor West welcomed the report and agreed to meet with Councillors Repton and Travis to discuss it further including the financial implications.

Decision

- 1 To welcome the report.
- 2 To ask the Director of Development and Cultural Services to report back to Cabinet on the report's recommendations following further discussions.

390/03 Derby Integrated Community Equipment Service

The Council Cabinet considered a report from the Social Care and Health Commission, setting out its recommendations to the Council Cabinet on the Council's procedure for ordering small value items of equipment for older and

disabled people. The report related specifically to the option for self-assessment for low-cost items and the administrative costs associated with such provision. It was noted that the recommendations did have financial implications which needed to be considered further.

Decision

- 1 To note the report.
- 2 To request the Director of Social Services to:
 - review the existing arrangements for assessing and providing minor technical aids, especially in instances where the cost of assessment was significantly higher than the cost of the equipment provided
 - track expenditure attributable to each organisation, at the point of ordering, to make sure that both organisations were contributing their fair share to the overall budget and in determining responsibility for funding any overspend.

Best Value

391/03 Service Access Review

The Council Cabinet considered a report from the Director of Corporate Services, setting out the recommendations identified by the Service Access Best Value Review Team. As part of the programme of Best Value review and in response to the findings of the Comprehensive Performance Assessment – CPA, the Council Cabinet agreed that a review of service access would be completed by February 2004. Following a staged inspection of the review, the Council Cabinet agreed a definition and revised scope for the review in August 2003, which was outlined in the report. The final report and the improvement plan was attached at Appendix 2 of the report.

Decision

- 1 To note the actions currently taking place on the Service Access Review
- 2 To refer the final report and improvement plan to the Scrutiny Management Commission for comment, and then refer the report, with comments, back to Council Cabinet for their approval.
- 3 To thank Joan Dryborough, Chair of the Derby CAB, for undertaking her role as a member of the Project Board.

Key Decisions

392/03 Determination of School Admission Arrangements 2005-2006

The Council Cabinet considered a report from the Director of Education which set out the admission arrangements for primary and secondary schools for 2005/06. The School Standards and Framework Act 1998, as amended by the Education Act 2002, required admission authorities to determine the admission arrangements annually with certain exceptions, and to consult other local admission authorities in the relevant area before doing so. The Council's relevant area was the Council's administrative area.

It was proposed that the current admission arrangements set out in pages 4 and 5 of the booklet 'Your Child's School in Derby 2004/05' primary and secondary respectively, should be adopted as the arrangements for 2005/06, subject to some minor amendments which were set out in the report. Following the re-measuring of all schools by the Valuation Office, on behalf of the Department for Education and Skills, the net capacity figures for schools were used to determine the published admission numbers, which were outlined in Appendix 2 of the report.

Options considered

No other options were considered.

Decision

To agree the proposed admission arrangements and published admission numbers for 2005-2006.

Reasons

The changes reflected the recommendations contained within the School Admissions Code of Practice that all secondary school admission authorities had a national school place of the date of 1 March 2005 and an earlier closing date for applications to secondary schools of 25 October 2004. The closing date for primary applications would be 11 February 2005.

393/03 Grants to Sports and Community Groups

The Council Cabinet considered a report from the Director of Education, which set out four applications for funding.

The Derby Phoenix Swimming Club applied for grant aid of £1,500, the details of which were given in Appendix 2 of the report.

Brackens Bowls Club made an application for grant aid of £1,268, as detailed in Appendix 3 of the report.

Two applications from voluntary community organisations were received from Chaddo Community Organisation for £4,000 and Oakwood Community Association for £1,300, the details of which were set out at Appendices 4 and 5 respectively.

Options considered

The application from the two voluntary sports organisations and from Oakwood Community Association, did not meet the necessary funding criteria for the National Lottery 'Awards for All Scheme'.

Chaddo Community Organisation had submitted an application to the New Deal for Communities and the Area Panel to part fund the project. The total cost of the project was estimated to be over £10,000.

Decision

- 1 To approve the application for grant aid to Derby Phoenix Swimming Club for £1,500.
- 2 To approve the application for grant aid to Brackens Bowls Club for £1,268.
- 3 To approve the application for grant aid to Chaddo Community Organisation for £4,000 and to Oakwood Community Association for £1,300.

Reasons

The organisations applying for grant aid met the Council's criteria and objectives for grant funding schemes.

394/03 Modelling the Cost of Care

The Council Cabinet considered a report from the Director of Social Services which set out progress in relation to modelling the cost of care. On 9 September 2003, the Council Cabinet agreed to adopt a process to model the cost of care and to invite the local associations representing residential and nursing care providers to nominate representatives to work with the Council on this matter. The report included a summary of the cost of care and the working papers.

It was noted that many of the assumptions in the model were still subject to further review. These included the rates used in the cost of capital calculation, where further advice was being sought. The model being taken into negotiations was not therefore a 'minimum cost' model, but an initial model to allow further discussions while issues were resolved. Actual rates emerging from negotiations could be higher or lower than those illustrated by the initial model. Any eventual decisions on fees would still be constrained by the ability of the Council to be able to afford to purchase care from providers under revised rates.

Options considered

- 1 The options to adopt a ready-made model were laid out in the report to the Council Cabinet on 9 September 2003 but none of these were recommended.
- 2 It was the intention to meet with the independent sector representatives and share with them the further work that had been done on modelling so that a way forward could be sought that was mutually acceptable to both parties.
- 3 Independent sector representatives could withdraw their co-operation with the modelling work, if a significant increase in fees was not granted either directly or as an outcome of adopting the agreed model.

Decision

- 1 To note the report.
- 2 To note the increasing pressure from the independent sector care home owners about fee levels.
- 3 To note the emerging issues in the independent home care sector.
- 4 To approve the approach to be taken into further negotiations with the independent sector.

Reasons

Purchasing of residential care for older people was a very important issue for the Social Services department. If the issues identified in the report were not addressed satisfactorily, the department may, in the longer term, have insufficient resources to place older people in need of residential care. This would have a damaging effect on those people affected and their carers. It would also lead to a negative impact on the health and social care system as a whole, for example, delayed discharges from hospital, with the potential for fines to be incurred under the reimbursement system.

395/03 Community Cohesion Action Plan

The Council Cabinet received a report from the Director of Policy which set out a proposal to produce a Community Cohesion Action Plan for the city as a Derby City Partnership document. The report stated that community cohesion incorporated and went beyond the concept of race equality and social inclusion. Government guidance to local authorities in December 2000 addressed how Community Cohesion Strategies should fit with other plans and strategies.

The Race Relations Amendment Act 2000 introduced new positive and enforceable duty on public authorities to promote race equality. This required local authorities to have due regard to the need, in everything they do, to:

- tackle racial discrimination
- promote equal opportunity
- promote good relations between people from different racial groups

The report set out the definition of Community Cohesion, the purpose of the Partnership's Community Cohesion Action Plan, the government's approach and progress to date in Derby and the Council's contribution to Community Cohesion.

Options considered

- 1 To produce a stand alone Community Cohesion Strategy for the Council. This would have enabled the Council to identify its core activities and its potential impact on Community Cohesion. However, it would not have enabled the Council to deal with health, or law and order issues.
- 2 To produce a strategy document based on the information presented in the Minority Ethnic Communities Advisory Committee reports by departmental officers on functions identified in the Community Cohesion Guidance. This would also exclude issues dealt with at partnership level.

Decision

- 1 To approve the proposal to produce a Community Cohesion Action Plan for the city, as a Derby City Partnership document.
- 2 To request the Director of Policy to refer the Derby City Partnership Action Plan, when prepared, to the relevant Overview and Scrutiny Commissions before it is passed to Council Cabinet for adoption.

Reasons

- 1 An integrated approach to issues of equality and adversity had been nationally recognised as achieving better results.
- 2 The Community Cohesion Action Plan, like the Community Safety Strategy, had implications for other key partners such as the police and the health service and therefore could be dealt with collectively at partnership level.
- 3 The government had recognised the importance of Local Strategic Partnerships – LSPs and encouraged the development of positive relationships between partners, in order to work together and tackle problems of community life.

396/03 Derby and Derbyshire Joint Powered Two Wheelers Strategy

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out a powered two wheelers strategy. This had been developed jointly by Derby City and Derbyshire County Councils, in close liaison with the Derbyshire Motorcycle Forum in response to the government's white paper, 'A New Deal for Transport: Better for Everyone'.

Councillor Care asked that the format of the strategy be improved before it was distributed.

Options considered

- 1 The Council was not obliged to develop a specific strategy for powered two wheelers. This option was, however, not proposed because:
 - the government in its white paper had made a specific reference to the contribution that powered two wheelers could make towards an integrated transport policy and the council therefore needed to take account of this
 - the Council already had in place specific policies for other modes of transport such as walking, cycling and public transport and therefore it would appear logical to continue this process for those modes not yet covered
 - powered two wheelers can provide an alternative means of transport where public transport was limited and walking and cycling were impractical
 - the Council already had a target to reduce the number of people killed or seriously injured on roads. This strategy would help to achieve that aim by improving safety standards particularly for vulnerable users such as powered two wheeler riders.

Decision

To approve the joint Derby City Council and Derbyshire County Council Powered Two Wheelers Strategy.

Reasons

The strategy had been developed in response to the government's white paper 'A New Deal for Transport: Better for Everyone', which highlighted the contribution that powered two wheelers such as motorcycles, scooters and mopeds could make towards an integrated transport policy.

397/03 Derby and Derbyshire Joint Bus Information Strategy

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out the Bus Information Strategy. The main aim of the Strategy was to improve the availability, accessibility and quality of bus information for people in Derby and Derbyshire, so that they would know what bus services were available to them to meet their travel needs. The strategy continued the approach, which the City and County Councils had used in the development of their joint Local Transport Plan - LTP. It also recognised the fact that many of the bus services in the area crossed the boundary between the city and county and therefore it would be logical to present information on these services in a consistent way.

Options considered

- 1 The Council was already legally obliged to provide certain information such as that provided through the national Traveline service but there were other items where this was not the case. For example, the Council could stop producing printed bus information timetables and books and leave operators to do the job. This option was not being proposed because:
 - the Council already had in place a well established and highly regarded system for gathering and producing some of the information requirements proposed, this included the Council website which had details of bus services in the city
 - there were some areas in the City and County where nobody would be interested in providing information
 - some operators lacked the ability or resources to do the job
 - the Council had a clear role of promoting city-wide services irrespective of operator networks
 - it would be difficult to make sure all the operators applied a similar standard everywhere
 - the existing system helped the council to raise awareness of public transport services and achieve its LTP targets.

Decision

- 1 To approve the joint Derby City Council and Derbyshire County Council Bus Information Strategy.
- 2 To approve future year progression of the strategy, subject to funding arrangements being identified.

Reasons

The Council, under the terms of the Transport Act 2000, was required to produce a Bus Information Strategy to “determine what local bus information should be made available” to the public and the way it should be made available. The strategy fulfilled this obligation.

398/03 Connecting Derby – Approval of the Design and Associated Matters

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out the result of the public consultation of the Connecting Derby Scheme. The consultation focused on four main issues:

- the Five Lamps and King Street Link Road Scheme
- ideas for bus lanes and priorities on Duffield Road and Kedleston Road
- feedback on traffic management and calming features installed in Strutt’s park and Darley Abbey
- proposals for changes in St Michael’s Lane.

It was reported that 14,000 people were invited to various events and, of the 700 questionnaires which were distributed, 274 responses were received within the consultation period. The purpose of the report was to provide feedback on those results to both Members and the public. Following the Council Cabinet’s recommendation of one scheme, officers would work up a planning application for consideration by Planning Control Committee later in the year. Computer projections and accident statistics would be included in the information required for the Planning application.

It was noted that Bob Laxton MP was very concerned about the loss of 40 West Avenue.

Officers and Councillor Care suggested a number of amendments to the Compulsory Purchase Orders. These would be considered at a future meeting of Council Cabinet.

Options considered

- 1 A number of options were considered before the Council approved the City Centre Transportation Strategy in June 2000. Since that time, the design had been subject to extensive consultation and, wherever possible, had been amended to incorporate the views of the people concerned.
- 2 The detailed options considered in relation to the Five Lamps and King Street Link Junctions and St Michael’s Lane were reported and assessed within Appendices A and B in the report.

- 3 The option of abandoning all or parts of Connecting Derby and Five Lamps junction had been considered. However, this option was not recommended as delivery of the scheme was fundamental if Derby was to move forward and deliver the integrated transport system that the city needed to support its vision and objectives.

Decision

- 1 To note the results of the King Street and Five Lamps area consultation process, as summarised in Appendix A to the report.
- 2 To note and approve the proposed actions, set out in paragraphs 3.5 to 3.7 of the report, in relation to bus priorities, Strutt's Park and Darley Abbey.
- 3 To approve in principle the proposed Option 1 design, as shown in Appendix B to the report, for the Five Lamps and King Street Link Road scheme, to be taken forward within the overall design for the completion of the Connecting Derby Project.
- 4 To approve in principle, the proposal to make St Michael's Lane one-way from Sowter Road to the 'pinch' point at the corner of Christchurch Court, leaving the remainder as two-way.
- 5 To approve in principle, the overall design and associated traffic management measures for the remainder of the Connecting Derby Project so that a Planning Application could be submitted in late April / May 2004, with the associated traffic management orders being progressed at an appropriate time thereafter.
- 6 Subject to approval of funding, to approve making Compulsory Purchase Orders for all interests and/or new rights in the land required for the completion of the Connecting Derby Project, as shown on drawings numbered AS/CPO/01B and AS/CPO/02A-09A, pursuant to Sections 239, 240, 249 and 250 of the Highways Act 1980.
- 7 Subject to approval of funding, to approve making any necessary Side Road Orders required for the completion of the Connecting Derby Project pursuant to Sections 14, 124 and 125 of the Highways Act 1980.

Reasons

- 1 It was important that feedback was provided on the results of the consultation process to both Members and the public, so that people were made aware of the range of views that have been expressed.
- 2 Subject to Members approving in principle, an option to take forward for Five Lamps and the King Street Link Road Scheme, the proposal for St Michael's Lane and the remaining proposals for the completion of Connecting Derby Project, the scheme was ready to move forward to the next stage. A planning application, supported by a detailed environmental statement, needed to be made in order to progress the project and to meet timescales agreed with

government. Traffic Regulation Orders will need to be progressed in due course to implement some of the traffic management measures included in the scheme.

- 3 Some land not in the ownership of the Council would be required in order to secure the implementation of Connecting Derby. Single ownership was required to enable the development to succeed. Compulsory Purchases would enable certainty for programming. There may also be circumstances in which the Council would need to create new rights over land in order to secure the implementation of Connecting Derby.
- 4 In order to secure the implementation of the Connecting Derby Scheme, Side Road Orders would be necessary to stop up, divert, improve, raise, lower and otherwise alter highway that crosses or enters the route of a classified road that was required for improving or which was to be used in connection with improving a highway and to stop up private means of access to premises and to provide new means of access to premises.

399/03 Publicity for Telecommunications Proposals Public Speaking at Planning Control Committee

The Council Cabinet considered a report from the Director of Development and Cultural Services setting out an amendment to the policy for publicity for telecommunications proposals. The changes were as a result of the legislative changes that had taken place since 1998, when the Council's adopted policy for publicity arrangements was adopted. The procedural changes included the introduction of statutory publicity and government guidance for the consideration of proposals.

The report also stated that there had been an increase in public interest in the increasing number of such proposals.

Options considered

There were no other options considered.

Decision

- 1 To approve the amendment to the policy for publicity for telecommunications proposals.
- 2 To approve the extension of public speaking at Planning Control Committee to include proposals for prior notification.

Reasons

To widen the publicity for telecommunications proposals so that local residents in particular were aware of proposals and so that their views could be taken into consideration in the planning process.

400/03 Supplementary Planning Guidance on the after-use of Sand and Gravel Sites

The Council Cabinet considered a report from the Director of Development and Cultural Services which set out the basis for carrying out public consultation and the purpose of the Supplementary Planning Guidance – SPG.

Options considered

There were no other options considered.

Decision

- 1 To approve the draft Supplementary Planning Guidance on the after-use of sand and gravel sites in the Trent Valley as a basis for carrying out public consultation and to authorise the consultation as outlined in the report.
- 2 To refer the report to the Planning and Environment Overview and Scrutiny Commission for consideration.
- 3 To request the Overview and Scrutiny Commission to report its comments back to a future meeting of the Council Cabinet along with the results of the consultation.

Reasons

To enable the consultation on the SPG as required by legislation.

401/03 Quad Development Director Appointment and Architectural Competition Result

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out details of the appointment of a Development Director of the Quad project, and the Quad judging panel's choice of Architect. The Director of Development and Cultural Services undertook to report back to a future meeting of Council Cabinet with an update on funding for the next stage of the project before the Director of Development and Architect were appointed.

Options considered

There were no other options considered.

Decision

- 1 To agree to the appointment of a Development Director for the Quad project as outlined in the report.

- 2 To authorise officers to enter into further discussion with Field, Clegg and Bradley, Architects for the building.
- 3 To prepare a brief on the outputs desired for the Council for consideration by Council Cabinet before any final decision is made on the Commission.

Reasons

- 1 The appointment of a Development Director would signal a new phase in Quad. For the first time, there will be a full-time officer in charge. This would enable intensive work on funding, partnership development and design.
- 2 A judging panel had been at work analysing the merits of the alternative designs put forward by six architectural practices. Two weeks of consultation took place with members of the public at a mobile exhibition on Derby's Cornmarket. As a result of the technical scoring and the public reaction, Field, Clegg and Bradley were recommended.

402/03 Amendments to Riverlights Development Agreement

The Council Cabinet considered a joint report from the Directors of Development and Cultural Services and Corporate Services, setting out a brief summary of the development and sale agreement between Derby City Council and MetroHolst Riverlights Limited and Metropolitan and District Developments Limited. The summary included the following agreements:

- if fifteen preconditions were fulfilled, the Council would be obliged to grant a 150 year lease of the site to the Developer at a peppercorn rent
- after the grant of the lease, the Developer would construct the development including a new bus station and an improved road system near the site at its own cost
- when the development was completed, the Council would be granted a peppercorn lease of the new bus station for approximately 150 years
- after the developer had recovered their costs incurred in the development and taken a priority return of 15% of development costs, further profits would be shared equally between the parties.

The development which the Developer was required to construct was specifically set out in the agreement and included a multiplex cinema. UCI Cinemas had withdrawn their interest and there was little or no chance of the Developer being able to let the proposed multiplex cinema.

Options considered

There were no other options considered.

Decision

To approve the amendments to the Riverlights Development Agreement as outlined in the report.

Reasons

The Development Agreement needed to reflect the new uses introduced into the scheme and the timescales needed updating.

Performance Monitoring

403/03 Derby Pointer Panel – November 2003

The Council Cabinet considered a report from the Director of Policy, which set out the results of November 2003 Derby Pointer questionnaire and the Service Managers' Improvement Plans. The Panel was refreshed in September 2003 and 300 Panel members who had not responded to questionnaires, or who had reached the end of their three year membership, were removed and replaced with new Panel members.

A questionnaire was sent out on 21 November 2003 to 1,170 Derby Pointer Panel members, of which 50.5% responded. The results reported in the document represented replies received from 592 respondents and was considered accurate to within a confidence interval of +/- 2.8%. The topics covered in the questionnaire were:

- Assembly Rooms and Guildhall Theatre
- street lighting
- sports and leisure
- crime and crime prevention
- Area panels.

A full summary of the key results was given in appendix 2 of the report.

Decision

- 1 To note the results of November 2003 Derby Pointer questionnaire and the Service Managers' Improvement Plan.
- 2 To note that the results and proposed service improvements would be reported to Panel members in the next 'Panel News' newsletter, which would be sent with the next questionnaire in June 2004.

404/03 Derby Homes' Performance Monitoring – Third Quarter 2003/04

The Council Cabinet considered a report from the Director of Policy which set out Derby Homes' 2003/04 Third Quarter performance.

Councillor Burgess congratulated Derby Homes on securing funding for the Derby Homes Pride programme.

Decision

- 1 To note Derby Homes' 2003/04 Third Quarter Performance.
- 2 To note the release of the contingency fund to Derby Homes.
- 3 To note the audit reservation put on BV66a, rent collected as a percentage of rent due and BV185 responsive repair appointments made and kept.
- 4 To note Derby Homes' responsibility to continue to deliver Best Value and the requirement to update monitoring protocols within the 2004/05 Delivery Plan to take into account the current Support Services Review.

Contract and Financial Procedure Matters

405/03 Financial and Contract Procedure Matters Report

The Council Cabinet considered a joint report from the Directors of Finance and Corporate Services on a number of financial and contract procedure matters. The report sought approval of additional capital up to a cost of £215,000 as part of the demolition of the Hastings buildings at the Village Site. It also included details of additional remedial work following disturbance of asbestos at Silverhill Primary School and a proposed increase in school meal charges by 5 pence from September 2004, which would result in the cost of a meal being £1.35 at primary schools and £1.50 at secondary schools. In an addendum to the report, approval was sought for a virement from the corporate contingency budget in the Chief Executive's department to the Education department for 2004/2005, and a late revenue budget adjustment for the insurance recharge to the Education department for 2004/2005.

Decision

- 1 To approve the addition and commencement of a new capital scheme to demolish the Hastings buildings at the Village Site at a cost of up to £215,000 to be funded by capital receipts generated from land disposals of the site.
- 2 To approve, in relation to Silverhill Primary School:

- a general waiver of Finance and Contract Procedure Rules for urgent remedial work, subject to monthly progress reports on cost implications to the Director of Finance and Director of Education
 - initial underwriting of the costs from the Education Capital Programme and revenue budget as required, pending a further report to the Council Cabinet to confirm costs and funding once more detail was known.
- 3 To approve an increase to the cost of school meals of five pence from September 2004.
 - 4 To approve a revenue budget virement of £126,000 from the corporate contingency budget in the Chief Executive's department to the Education department for 2004/2005.
 - 5 To approve a late revenue budget adjustment to increase the insurance recharge to the Education department by £400,000 for 2004/5, funded by an appropriation from the insurance earmarked reserve.

MINUTES END