

Time began 6.00 pm
Time ended 7.10 pm

**COUNCIL CABINET
14 MARCH 2006**

Present Councillor Roberts - Chair
Councillors Bayliss, Bolton, Dhindsa, Hussain, Nath,
Repton and Wynn

In Attendance Councillors E Berry, Hickson and Jones

This record of decisions was published on 16 March 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.

279/05 Apologies

An apology for absence was received from Councillor Williamson.

280/05 Late Items Introduced by the Chair

There were no late items.

281/05 Identification of Urgent Items to which Call-In will not apply

It was reported, that as the following items had to be implemented with immediate effect, the Chair of the Scrutiny Management Commission had agreed that they could be treated as an urgent item and therefore not subject to call-in for the reasons outlined below:-

295/05 and 304/05 – Provision for Future Castleward Relocations

As the agreement with emda has to be concluded by the end of March 2006.

296/05 - Extension of the Gold Card Concessionary Travel Scheme for Elderly and Disabled People from April 2006

This scheme needed to be publicised as soon as possible before introduction of the scheme on 1 April 2006.

282/05 Declarations of Interest

Councillor Repton declared a personal and prejudicial interest in Minute number 288/05 as he is employed in the Mental Health Services. Councillors Dhindsa and Hickson declared a personal interest in Minute number 292/05 as they were Council appointed Directors of Derby Homes.

283/05 Minutes of the Previous Meeting

The minutes of the meeting held on 23 February 2006 and the Special Meeting on 1 March 2006 were confirmed as a correct record and signed by the Chair.

Matters Referred to Council Cabinet

284/05 Response of the Social Care and Health Commission on their Review of Primary Care Trusts in Derbyshire

The Council Cabinet considered the response of the Social Care and Health Commission on their Review of Primary Care Trusts – PCTs - in Derbyshire. Councillor E Berry presented the Commissions findings.

Decision

1. To support the proposal for the creation of a new single East Midlands Strategic Health Authority
2. To not support the creation of a new East Central Ambulance Service, co-terminus with GOEM and other regional boundaries.
3. To support the proposal for two Primary Care Trusts PCTs - in Derbyshire, one for Derby, with its boundary co-terminus with that of the City Council, and the other covering the rest of Derbyshire
4. To take all possible action to ensure that the reorganisation of the Derbyshire PCTs results in the creation of a PCT for Derby with its boundary co-terminus with that of the City Council

285/05 Children and Young People's Plan

The Council Cabinet considered recommendations from the Education Commission.

Decision

To note the comments of the Education Commission and accept the Children and young People's Plan.

286/05 2006-2008 Capital and Revenue Budget – Additional Spending on the Corporate Building Maintenance Programme

The Council Cabinet considered a report from the Scrutiny Management Commission detailing the Commission's recommendations on the Corporate Revenue and Capital buildings Programme.

Decision

To adopt the proposals relating to the Corporate Revenue and Capital Buildings Programme that were set out in the report by the Corporate Director – Resources entitled ‘Council Tax Setting for 2006/07 and Final Revenue and Capital Budget Proposals’.

Key Decisions

287/05 Housing Private Finance Initiative – PFI – Project: Approval of the Outline Business Case

The Council Cabinet considered a report on the Outline Business Case – OBC - for the housing Private Finance Initiative following its revision for resubmission to the governments Project Review Group – PRG for its meetings on 21 March 2006. The revisions proposed changes to the make-up of the Project, indicating a need for an increase in the level of the Council’s contribution. The Project Board and Team believed that, subject to the outcome of the PRG meeting, there was a danger that the Project might no longer represent the best option for the Council should the OBC not be approved.

Options Considered

1. To withdraw from the Project with immediate effect
2. To continue to seek approval of the Outline Business Case should the Project Review Group not approve it, or approve it with unrealistic/undeliverable conditions on 21 March 2006

Decision

1. To approve the increase in the Council’s contribution to the Project to £2m, with the need for any further increases to be the subject of separate reports to Cabinet.
2. To reconsider the Project’s future should the Outline Business Case – OBC - not be approved on 21 March 2006, or be approved with unrealistic conditions attached.
3. To consider a further report on the outcome of the Project Review Group meeting at the earliest opportunity

Reasons

1. An increase in the Council’s contribution would contribute to the financial viability of the Project, and was likely to be a key factor for Project Review Group approval. There was a clear expectation from

government that the level of the contribution should be set at the maximum affordable.

2. Should the Outline Business Case not be approved before the end of the current financial year, the Project might require additional Private Finance Initiative credits.
3. The future of the Project would need to be reconsidered by Cabinet after the Project Review Group meeting.

288/05 Further Integration of Specialist Mental Health Services in Derbyshire – Confirmation of Arrangements in 2006/7

The Council Cabinet considered a report on Further Integration of Specialist Mental Health Services in Derbyshire. A public consultation had just been completed and the response indicated support for moving to Enhanced Integration, with a single organisation responsible for delivering specialist mental health services. Changes to the process for developing Foundation Trusts in the NHS meant that this option was not feasible at the present time. Progress on integration would continue through formalising the current partnership arrangements.

Options Considered

Given the circumstances in relation to Foundation Trusts, all of the partners, Derbyshire Mental Health Services NHS Trust, Derbyshire County Council and Derby City Council, agreed that formalising the current arrangements was the only option feasible at the present time.

Decision

1. To approve the suspension of work with Derbyshire Mental Health Services NHS Trust (DMHST) on the development of a pooled budget and the transfer of Council staff who provide specialist mental health services.
2. To approve work to consolidate and formalise the existing arrangements with DMHST for the management of the integrated specialist mental health services.

Reasons

1. Enhanced Integration was not feasible at the present time for the reasons given above.
2. Consolidating and formalising the existing arrangement would ensure that progress in developing more integrated services was maintained.

Having declared a personal and prejudicial interest in this item Councillor Repton left the meeting during its consideration.

289/05 Consultation on the Modernisation of Learning Disability Day and Residential Services

The Council Cabinet considered a report on the consultation on modernisation of learning disability day and residential services. The Government White Paper Valuing People (2001) and the Best Value Reviews of Day and Residential Services, completed in 2001, aimed to transform and modernise services for people with learning disabilities. The considered public consultation document explained Derby City Council's local interpretation of this and proposed a 'vision' to identify a range of linked developments over a four year period, which would achieve the Government's Modernisation agenda.

Options Considered

There was an option to leave the current services as they were. However, this was not feasible in the light of the new requirements of the Commission for Social Care Inspection, the Best Value Reviews of Residential and Day Services 2001 and the Valuing People recommendations. Derby City Council's existing buildings were not fit for purpose. The residential units did not meet CSCI standards and the day centres required significant upgrading. Current services needed to change if the Council was to meet the modernisation challenge and maintain people with high support needs at home longer and support their informal carers. Services needed to become more individualised and person-centred if the Council was to meet the aspirations of people with learning disabilities to play a full and valued part in the life of the community.

Decision

1. To commence consultation on the Derby City vision to reconfigure and improve Day and Residential Services for Adults with Learning Disabilities.
2. To present, following consultation, a feedback report to Cabinet, together with a proposed set of actions before any changes are implemented.

Reasons

1. Derby City Council had a duty to consult people and needed to ensure that everybody affected by the proposals had the opportunity to voice their opinion and make suggestions.

2. Following the Best Value Reviews, the learning disability service had regularly consulted and updated stakeholders about service changes. This practice needed to continue.
3. The principle of consultation fitted with Valuing People's priorities for choice and control, to ensure that people with learning disabilities were at the centre of everything that happened to them and about them.
4. Derby City Council wanted to work in partnership with people to obtain their views and opinions because this would assist the Council to shape future services and ensure that the Council planned for services that people needed and wanted.
5. Derby City Council had made a commitment to be open, transparent and honest in everything they did.

290/05 Policy Statement on Climate Change

The Council Cabinet considered a report on the policy statement on climate change. In order for the Council to address the issue of climate change in a co-ordinated and consistent way, the adoption of a policy statement formed the first logical step. Members were very supportive of the approach but suggested that to encourage public involvement it would be useful if the ideas behind the statement could be presented in less technical language.

Options Considered

The option of relying solely on the paragraph devoted to climate change in the revised Environmental Policy to raise the profile and importance of this issue, was considered. It was acknowledged that the magnitude of the issue requires a more detailed and dedicated policy statement to clearly set out the Council's intention in this area.

Decision

To approve the policy statement on climate change as outlined in Appendix 2 of the report subject to any minor changes resulting from the consideration of consultation responses being delegated to the Cabinet Member for the Environment and Direct Services for approval prior to the declarations publication.

Reasons

The adoption of the policy statement provided a useful strategic platform to develop a comprehensive programme of activities to address the issue of climate change in a co-ordinated and logical way.

291/05 Proposed Car Parking Charges Increases

The Council Cabinet considered a report on Proposed Car Parking Charges Increases. The Council reviewed its car parking charges annually. It was reported at the meeting that no formal representations had been received.

Options Considered

All other options for increasing car parking charges were considered. These included relating existing charge levels through to increases above those proposed.

Decision

To authorise the introduction of revised car parking charges as set out in Appendix 2 of the report. The charges to take effect from 27 March 2006.

Reasons

1. The proposed increase in parking charges was consistent with the Council's transport policies to reduce dependence on the car.
2. Increasing parking charges would help support other services and help to ensure that levels of subsidy offered to public transport, for example, were maintained.

292/05 Annual Arts Grants 2006/7

The Council Cabinet considered a report on Annual Arts Grants for 2006/7. A total of 15 organisations applied for Arts Grants in 2006/7. All of these were organisations which received Arts Grants in 2005/6. This year's applications were assessed in the light of financial pressures faced by the Council as a whole. In these circumstances it was not sensible to recommend a level of spending above that in 2005/6. Within this limitation, the question was whether to keep to last year's pattern or to seek major changes. Any change would have undermined the viability of one or more of our prime cultural organisations.

Options Considered

Each application was considered on its merits but a balanced approach was thought to be most appropriate in the circumstances.

Decision

To approve the allocation of Arts Grants for 2006/2007 at 2005/2006 levels as detailed in the report.

Reasons

1. Arts grants achieved two important objectives:
 - The first was to sustain organisations which provided continuity in the calendar of arts opportunities in the city.
 - The second was to nurture new organisations as they build up their expertise and capacity. This was an investment in the future cultural life of Derby. The small grants pot would still allow the Council to provide limited support for emerging organisations.
2. In almost every case the grants made by the Council were used as match funding to apply for further finance from external sources. Increasingly, the grants had been directed where they would maximise this total income for arts activity.
3. Keeping grants at 2005/2006 levels was necessary to meet the corporate budget objectives for 2006/2007.

293/05 Display of Election Posters in the Highway

The Council Cabinet considered a report on the display of Election Posters in the Highway. Since becoming a unitary authority in 1997 the Council had operated a policy allowing the erection of election posters on lamp columns, subject to conditions but in recent years the arrangements had been abused.

Options Considered

Attempts to encourage adherence to the guidance had previously failed to ensure 100% compliance.

Decision

To abandon the current policy allowing the erection of election posters on lamp columns.

Reasons

Abuse of the current arrangements and failure to comply with conditions issued had brought the policy into disrepute.

294/05 Private Finance Initiative – PFI – Street Lighting

The Council Cabinet considered a report on Private Finance Initiative – PFI – Street Lighting. Following receipt and evaluation of the Best and Final Offer – BaFO - Bids, the Council Cabinet needed to select one Bidder as Preferred Bidder and progress the scheme to completion. The report also provided an

update of the affordability position resulting from the BaFO submission based on the best priced bid.

Options Considered

None in addition to the analysis of options contained within the Outline Business Case, which were set out in detail within the Cabinet Report on 17 May 2005. The result of the options appraisal identified that the PFI Fast Track approach was the only route that would deliver project objectives and achieve best value for money.

Decision

1. To select Balfour Beatty as the Preferred Bidder and progress to contract completion
2. To note the latest affordability position.

Reasons

To enable the project to progress in accordance with the agreed programme.

295/05 Provision for Future Castleward Relocations

The Council Cabinet considered a report on the Provision for Future Castleward Relocation which detailed that there was an opportunity to make provision for many of the businesses which would need to relocate from Castleward when Cityscape's vision for that area was implemented by the Council acquiring a site to accommodate relocations. East Midlands Development Agency – emda - had identified funds this financial year which could assist this process and their officers were simultaneously seeking Board approvals. The Terms proposed were set out within the confidential report.

Options Considered

emda's agent was commissioned by them to research the options available. None of the other possibilities offered the same advantages nor could any be brought forward within the required timescale.

Decision

To authorise the entering into a funding agreement with East Midlands Development Agency – emda - and the related acquisition of land.

Reasons

1. To make provision for businesses which would need to relocate from Castleward when Cityscape's vision for that area was delivered.

2. To respond to the potential opportunity to use funds available this financial year.

296/05 Extension of the Gold Card Concessionary Travel Scheme for Elderly and Disabled People from April 2006

The Council Cabinet considered a report on the Extension of the Gold Card Concessionary Travel Scheme for Elderly and Disabled People from April 2006. In the 2005 budget the Chancellor announced the introduction of “free local bus travel” from April 2006 for over 60’s and disabled people in England. Derby City Council along with Derbyshire County Council and the various borough and district councils in Derbyshire was part of the Gold Card bus concessionary fares scheme for elderly and disabled people, which offered holders a range of benefits above the existing minimum requirements. Cabinet considered amending the existing Gold Card scheme to allow the Council to meet the new statutory responsibilities to provide free bus travel after 9.30am within Derby and to go beyond these to:

- retain the additional benefits of the present scheme for half fare travel before 9.30am
- extend free bus travel after 9.30am to apply also to travel across Derbyshire and to routes that finish outside of the County boundaries.

The enhanced scheme was being proposed to apply for 2006/7 only. Its provisions would be reviewed for 2007/8 as future affordability becomes clearer.

Options Considered

The provision of free local bus travel for the over 60’s and disabled people was a statutory requirement from April 2006. The option of free travel being provided only within the district or unitary authority boundaries had been examined but had been rejected because of the practical complexities and the desire of the different partners to maintain a countywide scheme.

Decision

1. To approve amendments to the existing Gold Card concessionary travel scheme for elderly and disabled people so that it meets the new statutory minimum government concessionary fare scheme requirement from April 2006, continues to offer the additional benefits provided in the current scheme and extends these to provide additional new benefits including free travel across Derbyshire.
2. To note that the cost of the countywide scheme is uncertain beyond 2006/7 and that the extent of the enhanced provisions will need to be kept open for review for 2007/8 in the context of affordability.

Reasons

Approval of the amendments would allow the Council to meet its statutory requirements to provide free local bus travel whilst continuing to offer the enhanced provisions enjoyed under the existing scheme.

Budget and Policy Framework

297/05 Refreshing Derby's Local Area Agreement

The Council Cabinet considered a report on Refreshing Derby's Local Area Agreement which detailed the final draft of the Local Area Agreement LAA. Derby's refreshed LAA for 2006 covered four areas of activity or blocks:

- Children and Young People
- Economic Development and Enterprise
- Healthier Communities and Older People
- Safer and Stronger Communities.

Future governance arrangements for the LAA were being considered as part of the Derby City Partnership review to be concluded at the end of March 2006.

Decision

1. To approve the final draft Local Area Agreement as the basis for agreement with the Government.
2. To confirm the delegated authority to the Chief Executive, in consultation with the Leader of the council and the Director of Regeneration and Community, to conclude negotiations on behalf of the Council and its partners to this agreement.
3. To note the role of the Council as the accountable body for the agreement and the governance arrangements necessary to support this role.
4. To note the further work to be undertaken with Derby City Partnership to develop appropriate governance arrangements to enable partners to work towards agreed outcomes under a 'single pot' and that these arrangements will be subject to further Cabinet approval.
5. To approve, subject to the agreement of Derby City Partnership and the need for Cabinet agreement to any later changes, the initial conditions to apply to disbursements by the Council of pooled LAA funds in 2006-07, as set out in the attached report.

Contract and Financial Procedure Matters

298/05 Contract and Financial Procedure Matters

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

- Sports and Leisure Funding Officer

Decision

To approve the establishment of a funding officer post for the Sports and Leisure Section on a fixed term two year contract, funding by an appropriation of £63,000 from corporate revenue reserves to the Environmental Services Department for this specific purpose.

299/05 Capital Programme and Resource Monitoring 2005/6

The Council Cabinet considered the 2005/6 Capital Programme and the latest monitoring position. The 2005/6 programme was updated as part of the 2006/7 budget process at Cabinet on 21 February 2006. Following detailed monitoring the 2005/6 programme required further change. Financial Procedure Rules required Cabinet approval for the commencement of schemes in excess of £100,000. One scheme was included in the report for approval.

Decision

1. To approve the changes to the 2005/6 capital programme as detailed in Table 4 of the report and the consequential changes to the 2006/7 capital programme.
2. To note the latest monitoring position.
3. To approve the commencement of schemes over £100,000.

300/05 Award of Social Care Movement and Handling Training Contract

The Council Cabinet considered a report on the award of social care movement and handling contract. The Council had an obligation under Health and Safety legislation and National Minimum Standards for Care to provide training to its staff in the movement and handling of Service Users. An external specialist company currently provided this training. The contract for this training had expired so it was essential that a new contract be awarded as soon as is possible. The Workforce Learning and Development section had completed a full tendering exercise and had made the decision that the

preferred provider was Handling, Movement and Ergonomics Limited. This was also the existing provider.

Decision

To approve the award of a contract to Handling, Movement and Ergonomics Limited to provide Movement and Handling Training to the Council's Social Care workforce on the basis of a 4+1 years contract at £50,000 per year.

301/05 "New Raynesway"

The Council Cabinet considered a report on "New Raynesway". The report asked the Council to reconsidered further variations to the terms for the sale of the Council's interest on the east side of Raynesway, to account for a number of issues which had emerged during the Planning process and subsequently through officers' dealings with the previously authorised revisions to the existing Agreement. The revised Terms proposed were set out within the confidential report.

Decision

To rescind the approval given by Cabinet on 6 September 2005 and to authorise revised Terms to be documented with Rosemound Developments Ltd for the Council's land ownership interest on the east side of Raynesway.

Forming Partnerships

302/05 The White Paper; Your Health, Your Care, Your Say

The Council Cabinet considered a report on The White Paper: Your Health, Your Care, Your Say. The report detailed the implications of the White Paper for the Council's and partner agencies' roles. The White Paper 'Your Health, Your Care, Your Say' took forward the previous Green Paper 'Independence, Wellbeing and Choice' and brought together some of the themes of national policy in relation to older people, economic inclusion as well as generic health and social care policy.

Decision

1. To note the implications of the White Paper for the Council's and partner agencies' roles.
2. To agree the organisation of a stakeholder conference to promote the White Paper and Derby's response and to invite the members of the Social Care and health Commission to attend.

3. To refer to the NHS and Derby City Council Partnership Board to support the joint task of taking forward the reforms, subject to decisions being referred back to our governance structures when required.

303/05 Exclusion of Press and Public

Decision

To exclude the press and public from the meeting during discussion of the following items on the grounds that they 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 Decisions

304/05 Provision for Future Castleward Relocations

The Council Cabinet considered and approved the exempt report relating to entering into a funding agreement with *emda* and the related acquisition of land.

Decision

To approve the recommendations in the report.

Contract and Financial Procedure Matters

305/05 “New Raynesway”

The Council Cabinet considered exempt information relating to the revised terms for the sale of the Council’s interest on the east side of Raynesway.

MINUTES END