

Time began: 6.00pm
Time ended: 6.25pm

COUNCIL CABINET
2 APRIL 2014

Present Councillor Bayliss (Chair)
 Councillors Afzal, Banwait, Rawson, Repton, Russell, Shanker
 and Tittley

In attendance Councillors Holmes and Jones

This record of decisions was published on 4 April 2014. 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.

196/13 Apologies

An apology for absence was received from Councillor Hickson.

197/13 Late Items Introduced by the Chair

There were no late items

198/13 Receipt of Petitions

There were no petitions received.

199/13 Identification of Urgent Items to which Call In will not apply

There were no items.

200/13 Declarations of Interest

There were no declarations of interest.

201/13 Minutes of the meeting held on 19 March 2014

The minutes of the meeting held on 19 March 2014 were agreed as correct record and signed by the Chair.

Key Decisions

202/13 Determined School Admission Arrangements for Maintained Voluntary Controlled Schools 2015/16

The Council Cabinet considered a report on the Determined School Admission Arrangements for Maintained Voluntary Controlled Schools 2015/16.

The Council was the Admissions Authority for all maintained and voluntary controlled schools within Derby City, therefore must comply with the statutory duty to consult on any changes to its admission arrangements on behalf of those schools before they are determined and published in the year preceding admission.

For the academic year 2015-2016, the consultation on admission arrangements must have been completed by 1 March 2014 and a decision taken on the proposed arrangements by 15 April 2014.

Derby's proposed admission arrangements as set out in Appendix 2 of the report was consulted on from 3 January 2014 until 28 February 2014 with the following groups and partners:-

- Diocese of Nottingham Education Service
- Church of England Diocesan Board
- Parents
- Community groups
- Derby's own admission authority schools (including Academies and Free Schools)
- Derbyshire County Council
- Nottingham City Council

No responses or concerns had been received to the proposed admission arrangements for maintained and voluntary controlled schools within Derby for the 2015-2016 academic year.

Options Considered

Given the increasing trend in pupil numbers, it was essential that permanent increases were made to admission numbers to ensure that the Council was able to meet its statutory obligations to provide sufficient school places within its boundary. If the proposals to permanently increase published admission numbers were rejected, it was possible that there would be a shortfall of school places in future years.

Decision

1. To approve the proposed admissions arrangements for Community and Voluntary Controlled infant, junior, primary and secondary schools as set out in Appendix 2 of the report as the determined (set) admission arrangements for the 2015 – 2016 academic year.
2. To agree the permanent increases and decrease in published admission numbers as set out in Annex 3 of the report.
3. To note the information provided regarding proposed school expansions detailed in paragraph 4.3 of the report.

Reasons

1. To ensure that fairness, equity and transparency was retained and that Derby was fully compliant with the mandatory requirements of the School Admissions Code 2012, School Admission Appeals Code 2012, relevant legislation and regulations.
2. Given the increasing trend in pupil numbers, it was essential that some increases were made to admission numbers to ensure that the Council was able to meet its statutory obligations to provide sufficient school places within its boundary.

203/13 2014/15 Planned Property Maintenance Work Programme

The Council Cabinet considered a report on 2014/15 Planned Property Maintenance Work Programme. The report set out the 2014/15 proposed planned property maintenance capital programme including the budget breakdown for each project. Those projects already individually budgeted for in the Capital Programme as part of the budget setting in January 2014 were not included in the report as these had been previously approved by Council Cabinet.

Funding had been prioritised against essential condition issues and health and safety requirements, including upgrading of fire alarms and emergency lighting systems, renewing life expired boilers, heating and air conditioning systems, replacement windows, re-roofing, structural repairs, kitchen upgrades and essential refurbishment.

The work programme was managed and monitored by the Property Board in line with the governance arrangements of the Strategic Asset Management Board.

A £200,000 revenue budget had been allocated which would address essential maintenance projects identified through the property rationalisation programme. This budget was substantially reduced from the 2013/14 budget level of £600,000 through budget reductions.

Options Considered

None.

Decision

1. To approve the planned property maintenance programme for 2014/15 for capital projects as detailed in Appendix 2 of the report.
2. To delegate authority to the Strategic Directors of Neighbourhoods, Adults Health and Housing and Children and Young People, following consultation with the relevant Cabinet Member, to enable them to respond to changing priorities throughout the year by introducing new schemes or bringing forward the implementation of some schemes at the expense of others.
3. To note the reduction in the revenue maintenance projects budget. The budget would be utilised for essential maintenance only until the results of the Property Rationalisation Project were known.

Reasons

1. Approval of the work programme at the beginning of the 2014/15 financial year would allow effective planning and programming of the detailed work programme, with the objective of ensuring that the property maintenance projects were delivered on time and achieve value for money. Early approval of the programme would allow us to identify risks to the delivery of projects. We would be able to review and monitor risks to ensure they did not escalate and, where possible, were eliminated.
2. In the interests of the effective management of the programme, it was appropriate for the Strategic Directors of Neighbourhoods, Adults, Health and Housing and Children and Young People following consultation with the relevant Cabinet Member to review the programme and reallocate funding on the basis of the outcomes of investigations, feasibility studies and progress of other projects and changing health and safety priorities.
3. The current proposed maintenance programme needed to be flexible to accommodate the outcomes of decisions linked to the councils property rationalisation programme.

204/13 Authorisation to Bid for Homes and Communities Agency Grant

The Council Cabinet considered a report on Authorisation to Bid for Homes and Communities Agency Grant. To approve the submission of bids by Derby City Council, Derby Homes and any consortium including Derby City Council and/or Derby Homes to the Homes and Communities Agency for grant funding under the 2015-2018 Affordable Homes Programme.

To delegate to the Strategic Director of Adults, Health and Housing following consultation with the Cabinet Member for Housing and Advice Services, authority to settle the final detail of the schemes to be included within the bid, and the preferred bidding route and structure including as part of a bidding consortium.

To agree that the Council and Derby Homes collectively and individually or as part of a consortium may enter into agreement with the Homes and Communities Agency (HCA) to receive grant funding under the HCA 2015-2018 bid round subject to the scrutiny and approval of the Director of Legal and Democratic Services.

To agree that grant funded dwellings be let at affordable rent.

If required as part of the bidding process, to agree that the Strategic Director of Adults, Health and Housing following consultation with the Cabinet Member for Housing and Advice Services may approve the conversion of a limited number of existing properties from social to affordable rents, and the application of non-Right to Buy receipts from housing disposals as appropriate, to provide ring-fenced financial support for the grant bid as required by the Prospectus.

Options Considered

There was no benefit to the Council in not applying for the grant.

Decision

1. To approve the submission of bids by Derby City Council, Derby Homes and any consortium including Derby City Council and/or Derby Homes to the Homes and Communities Agency for grant funding under the 2015-2018 Affordable Homes Programme.
2. To delegate to the Strategic Director of Adults, Health and Housing following consultation with the Cabinet Member for Housing and Advice Services, authority to settle the final detail of the schemes to be included within the bid, and the preferred bidding route and structure including as part of a bidding consortium.
3. To agree that the Council and Derby Homes collectively and individually or as part of a consortium may enter into agreement with the Homes and Communities Agency (HCA) to receive grant funding under the HCA 2015-2018 bid round subject to the scrutiny and approval of the Director of Legal and Democratic Services.
4. To agree that grant funded dwellings be let at affordable rent.
5. If required as part of the bidding process, to agree that the Strategic Director of Adults, Health and Housing following consultation with the Cabinet Member for Housing and Advice Services may approve the conversion of a limited number of existing properties from social to affordable rents, and the application of non-Right to Buy receipts from housing disposals as

appropriate, to provide ring-fenced financial support for the grant bid as required by the Prospectus.

Reasons

1. HCA grant funding would assist the delivery of affordable housing in the city. Delivery of affordable housing was a key priority for the Council and delivery was measured through National Indicator 155.
2. The letting of properties at an affordable rent level, rather than social rent, was part of the HCA's bidding criteria.
3. The Prospectus required that Registered Providers demonstrate their contribution to their bid programme through ringfencing additional revenue generated through conversions from social to affordable rent, and capital receipts generated from land or asset disposals. Advice on the implications for local authorities was being sought.
4. Bidding as part of a consortium may enhance the City Council and Derby Homes' bidding profile.

205/13 Implications of the Disposal of Land at Raynesway for Alvaston Bypass Extension Proposals

The Council Cabinet considered a report on Implications of the Disposal of Land at Raynesway for Alvaston Bypass Extension Proposals. The principal and route of the proposed Alvaston Bypass Extension (ABE) had been protected in successive development plans since at least the Local Plan for Southern Derby (1994). The aim of the scheme had been to relieve traffic congestion in Alvaston District Centre by creating a link between the A6/Raynesway junction and London Road. The protected route included land currently owned by the Council.

The route was protected under Policy T2b of the City of Derby Local Plan Review (CDLPR). This stated that proposals which might prejudice the implementation of the road would not be permitted.

In May 2013, Members considered a report on Property Disposal Programme 2013/16. This included the possible disposal of land which would be required for the ABE. Any disposal of the land was likely to lead to development proposals that would prejudice the implementation of the road scheme. This would be at odds with the intentions of the Council's Development Plan. However, there appeared to be little or no prospect of delivering the road for the foreseeable future.

This could create a significant amount of uncertainty which could impact on the ability of the Council to dispose of the land in the short to medium term. Ultimately, this could lead to a situation where adherence to the CDLPR could deter new commercial development and a receipt for the land, but would still not provide any certainty of delivering the road or its potential benefits. It was considered that the disposal of the

land for commercial development had the potential to provide more immediate benefits for the City in terms of job creation and sustainable economic growth. While this would mean losing the potential benefits the ABE might provide, the lack of certainty over its implementation suggests that this may be an acceptable risk to take.

As such, Members were asked to confirm that the Council was no longer committed to implementing the ABE proposal and that no objection on the grounds of prejudicing the implementation of the road would be made to any subsequent planning application. This would provide some comfort and clarity for any parties interested in the acquisition of the land and for the Council in terms of long term strategy development.

Options Considered

1. Disposing of the land but retaining an option to deliver the road in the future:

This option would not provide any certainty to the developer but could lead to the possibility of blight, particularly if the current situation regarding the delivery of the road persisted. There was also no certainty about exactly what land would need to be retained.

2. Maintaining ownership:

This would maintain the option of delivering the road into the future. However, this would hold back industrial development on the site and not realise a receipt for the Council in the short term.

Decision

1. To agree not to pursue the delivery of the Alvaston Bypass Extension as defined in the City of Derby Local Plan Review (Policy T2b).
2. To seek the removal of the above scheme from the Council's Local Plan, through the review process currently being undertaken.

Reasons

1. To provide comfort that suitable development of land would not be prejudiced by Policy T2b of the Local Plan Review.
2. To provide long term strategic certainty and clarity.

206/13 Integrated Drug and Alcohol Treatment System
Retender

The Council Cabinet considered a report on Integrated Drug and Alcohol Treatment System Retender. In May 2013, Council Cabinet approved the tendering of Derby's alcohol treatment system. Following a procurement process undertaken during 2013/14 contracts were successfully awarded to two providers (DCC LiveWell and ADS) in respect of two components of delivery.

Due to external factors the community alcohol treatment service tender lot was not awarded. Consequently, an interim arrangement (a contractual extension of some of the existing treatment components – along with newly awarded elements) had been put in place for 2014/15 to ensure residents of Derby could still access ongoing support.

The current adult drug treatment contracts were due to expire in March 2015 and opportunity now existed to tender for an integrated drug and alcohol treatment system with an aspiration of delivering efficiency savings through economies of scale and scope.

The adult drug treatment funding comprised of directly commissioned support services and additional funding relating to the cost of medications, prescriptions and associated activities.

The requirement to provide adult drug and alcohol treatment services was a statutory responsibility un-repealed within the Crime and Disorder Reduction Act 1998. Furthermore from a Public Health perspective, individuals requiring support from substance misuse services represented the most deprived groups in the city. Treatment services not only contributed to the health and wellbeing of deprived groups but also to reduced offending (estimates of 22,000 crimes per year saved in Derby) and to greater community cohesion, supporting elements of the Derby Plan.

Current contracts for drug and the interim alcohol services expire on 31st March 2015. A retendering exercise to secure a new treatment system needed to take place throughout 2014 to meet our numerous requirements.

Funding for drug and alcohol services constituted part of the Public Health ring-fenced grant allocation. The component of funding related to these services was calculated on a performance framework. In order to maintain existing levels of funding it was imperative funding for these services continued and similarly, that they continued to perform to a high level.

Options Considered

1. Do nothing i.e. end all drug and alcohol treatment. This was out of the question in reality due to the statutory obligations under the Crime Disorder Reduction Act 1998. Furthermore individuals who were in receipt of treatment and support had a duty of care to continue to receive support, therefore it was not possible to cease all activity without incurring the realistic option of litigation.

2. Reduce level of investment. This would in essence destabilise an already effective and efficient treatment model by reducing essential components. The model gained efficiency year on year indicating that to meet the challenge of the burgeoning alcohol problem the same level of investment was required to sustain the level of return on investment and gain. Zero growth - in actual terms was a reduction in investment and keeping the level of investment the same was equally a zero growth option.
3. Increase level of investment. This was not currently necessary due to the synergies and economies of scope and scale by having an integrated drug and alcohol treatment system.

Decision

1. To authorise the undertaking of a tendering exercise to deliver a new integrated drug and alcohol treatment system during 2014 – with no more than the same level of investment - so that new service delivery commences on 1st April 2015
2. To utilise the integrated model to strive to explore opportunities which may exist to offer efficiency savings to Public Health and consequently to the Council.
3. To give delegated authority to the Director of Public Health and the Strategic Director of Adults Health and Housing following consultation with the Cabinet Member for Adults and Health, to authorise the publication of relevant tender documentation and to oversee the undertaking of the procurement exercise.

Reasons

1. An effective drug and alcohol treatment was both a statutory requirement and an example of best value spend to save practice. The investment yield a saving of £2.50 for every £1 spend by the Council per annum, as a result of reduced hospital admissions, reduce crime and improved community cohesion to benefit all residents.
2. Derby's central government allocation – the Public Health grant – was currently contingent on the city providing effective alcohol treatment and achieving performance against the respective Public Health outcome framework measures

The Council Cabinet considered a report on Sexual Health Services – Service Review and Retender for Service Provision 2015/16. As of April 2013, Derby City Council was responsible for the commissioning of comprehensive, open access, sexual health services and ensuring provision of these services was a statutory responsibility. These services provided the testing and treatment of Sexually Transmitted Infections (STIs) and contraception services and advice and were free at the point of delivery for the benefit of all people present in their area.

Derby City performs well on the rate of long acting contraceptive methods prescribed via GPs; chlamydia diagnosis in 15-24 year olds (all settings); and uptake of HIV testing. Teenage pregnancy rates in the city were in decline. However, there remained challenges in improving the sexual health of the population of Derby, particularly within the most deprived areas of the City.

Derby City Council currently invested in sexual health services covering all aspects of targeted health promotion, treatment and prevention. These were currently contracted through a range of providers including Derby Hospitals Foundation Trust (Genito-urinary medicine: GUM), Derbyshire Community Health Service (Contraception and Sexual Health Service: CASH), General Practices, Pharmacies, the University of Derby, Derby City Council CYP department and the voluntary sector.

Although Derby City currently provided good, quality services, Derby's Sexual Health Needs Assessment indicated wide variation in both coverage and access, which had prompted the Public Health Directorate to undertake a review of existing services. This would involve engagement with stakeholders, benchmarking services against peers, reviewing national policy and evidence based practice. There would also be a review of cost effectiveness, projection mapping and an estimate of future costs. It was envisaged that this process would be completed by the end of May 2014 and would inform the vision and future development of an integrated sexual health system.

The future strategic vision was for an integrated sexual health system, that was informed by both national sexual health policy and a commitment to provide community needs- based services, where people could access a range of services in one location; driving up standards, whilst securing better value for money. Currently Public Health was an associate commissioner, with local NHS Commissioners, to two main contracts (DHFT/GUM and Derbyshire Community Health Services/CASH), which would expire on 31st March 2015. A retendering exercise to secure a new integrated sexual health system needed to take place throughout 2014 to ensure new services were in place for April 2015.

Derbyshire County Council Public Health were also procuring sexual health services to commence from 2015. Agreeing a joint procurement framework and collaborating on the process would make best use of resources, maximise market stimulation, reduce the pressure on potential suppliers to complete separate bids (which may lower the quality of bids received or result in a failure to bid at all). A reduction in the quality or failure to bid would result in a further costly procurement exercise and may lead to a disruption to services. However, Derby City Public Health and Derbyshire

County Council Public Health Departments intended to retain separate contracting arrangements with the successful provider(s).

Options Considered

1. Do nothing i.e. no sexual health service provision. This was out of the question in reality due to the statutory obligations under the Health and Social Care Act 2012.
2. Continue as now i.e. a range of different providers. As an associate to the two main current contracts this would mean our ability to influence any changes/negotiating power to improve services on behalf of city residents would remain reduced. In addition, not moving towards an integrated system would enable us to make efficiency savings over time. This was also a more expensive option in terms of the resources required to procure several new services.
3. Reduce level of investment. This would, in essence destabilise the current offer and services available by reducing essential components, likely to increase overall costs in the long term if secondary care was required. The integrated model should gain efficiency year on year indicating that to meet the challenge of the rise in poor sexual health, the same level of investment was required to sustain the level of return on investment and gain.
4. Increase level of investment. This was not currently necessary due to the synergies and economies of scope and scale by having an integrated sexual health system.

Decision

1. To agree to undertaking a joint procurement framework alongside Derbyshire County Council. Derby City Council would retain separate contracting arrangements and service specification but the joint process would ensure efficiencies were achieved in the process.
2. To authorise the undertaking of a tendering exercise to deliver a new sexual health system during 2014 – with the level of investment being in line with the agreed budget and not exceeding current investment, and with service delivery to commence on 1st April 2015.
3. To delegate authority to the Director of Public Health and the Strategic Director of Adults Health and Housing, following consultation with the Cabinet Member for Adults and Health, to authorise the publication of relevant tender documentation and to oversee the undertaking of the procurement exercise.

Reasons

1. An effective, open access sexual health system was both a statutory requirement and an example of best-value invest to save practice.

2. The Public Health grant as part of Derby's central government allocation was contingent on the city providing an effective sexual health system. This system must be able to support better performance against the national indicators set out in the Public Health Outcomes Framework, namely:
 1. Reducing under 18 conceptions
 2. Increasing chlamydia diagnoses in the 15 – 24 age group
 3. Reducing late diagnosis of HIV.

Budget and Policy Framework

208/13 Apprenticeship and Traineeship in Derby City Council

The Council Cabinet considered a report on Apprenticeship and Traineeship in Derby City Council. The introduction of a Traineeship programme would increase opportunities for young people who needed additional support and training in order to secure an apprenticeship.

Consideration should be given to increasing the number of apprenticeship places and creating a traineeship programme within Derby City Council to help young people into employment and develop a skilled and motivated workforce for the future.

By offering apprenticeships directly, the Council was reducing youth unemployment and offering young people the chance to improve their skills and career prospects. Most of the council's apprentices progress into either higher vocational training or employment. The Council would also be seen as example to other employers in the city by increasing its commitment to apprenticeships.

Decision

1. To approve 25 traineeship places across the council in 2014/15. There would be no additional cost to the Council as this programme was fully funded through the Education Funding Agency and the Skills Funding Agency.
2. To increase the number of apprenticeships from fifty to one hundred places between April 2014 and October 2015 subject to the availability of additional resources.
3. To set and monitor targets for the number of young people from under-represented groups recruited to traineeships and apprenticeships each year and to guarantee an apprenticeship or traineeship is offered to every care leaver who was eligible.
4. To promote the benefits of apprenticeship and traineeship programmes across the council to councillors, staff and young people.

5. To provide leadership to realise opportunities for apprentices and trainees. Directors should set out plans to achieve agreed target numbers within their teams and report progress to cabinet members and Chief Officers Group twice yearly in April and October.

209/13 Adult Learning Service Course Fees

The Council Cabinet considered a report on Adult Learning Service Course Fees. 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 funding received from the Skills Funding Agency was allocated in two categories Adult Skills and Community Learning. The Adult Skills funding was paid at rates per individual learner and was standardised for all providers. The Community Learning allocation was paid as a block grant to the city council. The indicative allocation of funding for community learning is £1,584,845 which was the same as the current year's allocation.

A new Community Development programme would be offered in 2014/15 to attract new learners from under-represented groups in line with the Council Plan priorities.

Decision

1. To approve an amended fee structure for the 2014/15 academic year from 1 August 2014 to 31 July 2015.

Contract and Financial Procedure Matters

210/13 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:

- Acceptance of Department for Education funding
- Write off of bad debts
- Transfer to reserves
- Adjustment to the Treasury Management strategy
- Technical adjustment to the 2014/15 budget

Decision

1. To approve the allocation of an additional £289,049 received from the Department for Works and Pensions to the Children and Young People's revenue budget in 2014/15 as detailed in section 4 of the report.

2. To approve the write off of residential care bad debts in the Adults, Health and Housing directorate as detailed in section 5 of the report.
3. To approve the transfer to reserves detailed in section 6 of the report.
4. To recommend Council to amend to the Treasury Management Strategy regarding borrowing facilities as detailed in section 7 of the report.
5. To reallocate budgets held corporately for the Pay Strategy to individual directorates as detailed in section 8 of the report.

211/13 Procurement of an Income Management System

The Council Cabinet considered a report on Procurement of an Income Management System. The contract for the Council's current Income Management System with Capita Software Services terminates on 31 March 2015. This provided the opportunity to review where and how payments were currently received by the Council and how we would want to operate income management functions in the future.

A number of options had been explored and these were outlined in the attached business case, which was considered under the confidential part of this agenda. It was proposed that an OJEU compliant procurement exercise via a framework agreement be undertaken to invite bids for the provision of a cost effective, functionality rich Income Management System.

Decision

1. To approve the procurement of a replacement Income Management System as outlined in the business case.
2. To approve additional funding of £140,000 be assigned to the project from the budget risk reserve to support the procurement and implementation of the replacement Income Management System.

212/13 Exclusion of Press and Public

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

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

Key Decisions

213/13 Integrated Drug and Alcohol Treatment System Retender

The Council Cabinet considered exempt information in relation to the Integrated Drug and Alcohol Treatment System Retender.

214/13 Sexual Health Services – Service Review and Retender for Service

The Council Cabinet considered exempt information in relation to the Sexual Health Services – Service Review and Retender for Service.

Contract and Financial Procedure Matters

215/13 Procurement of an Income Management System

The Council Cabinet considered exempt information in relation to the business case for the Procurement of an Income Management System.

MINUTES END