

Time began 6.30pm
Time ended 7:35pm

**COUNCIL CABINET
3 JULY 2007**

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

In attendance Councillor Care

This record of decisions was published on 5 July 2007. 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.

16/07 Apologies for Absence

An apology for absence was received from Councillor Banwait.

17/07 Late Items Introduced by the Chair

There were no late items.

18/07 Identification of Urgent Items to which Call-In will not apply

There were no items.

19/07 Declarations of Interest

Councillor Smalley declared a personal interest in Item 7 Home to School Transport. He stated that he had a child at school.

20/07 Minutes of the previous meetings held on 5 June 2007

The minutes of the meetings held on 5 June 2007 were confirmed as a correct record and signed by the Chair.

Matters Referred

21/07 Identification of Energy Use throughout the Council

The Council Cabinet considered a recommendation of the Commission on Identification of Energy Use throughout the Council.

Decision

To adopt the recommendations of the Commission, that the Council's building managers, energy champions, and green team members should jointly undertake a Council wide project to:

- a. Identify or confirm the location of all the gas and electricity meters in all the buildings occupied by the Council
- b. Carry out regular and frequent readings of the meters
- c. Feedback the meter readings to the Energy Manager so he can use them to compile a database showing energy use on a department by department, unit by unit basis.

Key Decisions

22/07 Home to School Transport

The Council Cabinet considered a report on Home to School Transport. As part of the Council's budget strategy for 2007-10, each department made proposals to save 10% of its budget. In the budget agreed by Council on 1 March 2007, the savings included income from introducing charges for transport to faith schools, and increasing the fares charged on other discretionary school transport. A formal consultation took place between 22 March and 20 April 2007. Copies of the consultation document were distributed to all pupils in city schools as well as other interested bodies.

Decision

To defer making a decision until the 31 July meeting in order to consider any comments of the Children and Young People Overview and Scrutiny Commission.

23/07 Establishment of a New Community Special School

The Council Cabinet considered a report on Establishment of a New Community Safety Special School. Following the approval of the Council's budget for 2007/08 and indicative budget for 2008/09, the report related to the proposal to establish a special school and make changes to the current Pupil Referral Unit facilities (PRU). At its meeting on 17 April 2007, Cabinet approved the publication of a statutory notice for this proposal. The two month statutory consultation period commenced on 24 April and to date no objections have been received. The report sought approval for the proposal and for it to be forwarded to the Office of the Schools Adjudicator. The Schools Adjudicator was responsible for the decision. The necessary prescribed information was currently being prepared to submit to the Schools Adjudicator setting out the key objectives of the proposal, as outlined in the

initial consultation document, together with information on the consultation process and other supplementary information.

The school would also operate a range of PRU facilities under an agreed service level agreement to ensure that the provision for these children was maintained.

Options Considered

None – There was a requirement to forward the proposal and the necessary prescribed information to the Schools Adjudicator for a decision.

Decision

1. To approve the proposal to establish a new Community Special School.
2. To agree to the proposal being sent to the Office of the Schools Adjudicator for a decision.

Reasons

Following the end of the two month statutory consultation period, there was a requirement to forward the proposal, together with the required prescribed information, to the Schools Adjudicator to enable a decision to be taken.

24/07 Revised Derby Cityscape Masterplan

The Council Cabinet considered a report on Revised Derby Cityscape Masterplan. In January 2005, Derby Cityscape published its first 'Masterplan' outlining its vision for the future of Derby City Centre. In February 2005, Cabinet resolved to adopt the Masterplan as a guide to the City Council's regeneration plans for the city centre and for it to be considered as a material consideration in determining relevant planning applications. The Masterplan, however, was not a static document and needed to be seen as a flexible framework capable of responding to changing market forces and continuing consultation.

With this in mind, in October 2006, Derby Cityscape published a revised Masterplan for public consultation to take account of current circumstances. This included changes to some of the original proposals that were no longer considered viable or appropriate. The Revised Masterplan also reflected work on other strategies such as the Council's 'City Centre Eastern Fringes Area Action Plan' and the Public Realm Strategy. Consultation took place until February 2007 and had resulted in a number of further changes, which were illustrated in Appendix 2. The Appendix also contained a schedule of the amendments to the original proposals. Appendix 3 summarised the comments made during the consultation exercise.

The most significant amendments included;

- Removal of the proposal for the Performing Arts Centre in North Riverside;
- Removal of proposals for major new housing development on the Derby Evening Telegraph and Trent Bus Depot sites;
- Expanding the proposals for Becket Well to include Debenhams;
- Extension of the Masterplan area to be consistent with the City Centre Eastern Fringes Area Action Plan and to include the St Helen's Street/King Street development site;
- Identification of the Council House as retained for civic use;
- Revised proposals for the Roundhouse to show proposals by Derby College.

Council officers had been involved in a series of discussions with Cityscape and were working closely with them to ensure that the Council's policies for planning, transport, culture and property had been taken into account. It should be recognised that the full implications of some of Cityscape's proposals would require further consultation with Council Officers, particularly in relation to highways, transportation, detailed design and implementation. This may result in further amendments to particular schemes over time. However, the broad principles of the Masterplan were considered appropriate for the regeneration of the city centre and should be supported by the Council.

Options Considered

1. Different options for development of the City centre had been considered by Cityscape through their consultation exercises and through discussions with the Council. The chosen proposals were considered the most appropriate and viable to promote to secure the regeneration of the City centre.
2. If the Council were to not support the broad principles of regeneration put forward in the Revised Masterplan, it would be more difficult for Derby Cityscape to help bring about the changes envisaged since developer and investor confidence may be undermined.

Decision

1. To consider the Revised Masterplan illustrated in Appendix 2 as a guide to the Council's regeneration plans the City Centre.
2. To authorise officers to continue to work with Derby Cityscape to develop and refine their proposals through consultation on other plans, including the Eastern Fringes Area Action Plan, programmes and strategies and through the detailed planning application processes.

3. That the Revised Derby Cityscape Masterplan can be taken into account as a material consideration in the determination of relevant planning applications.

Reasons

1. The Council, as a partner in Derby Cityscape Ltd, would wish to carry forward the Masterplan for the City Centre wherever possible.
2. The Masterplan provided a vision for the City Centre that may require more detailed work to implement. Council officers need to be involved in the preparation of these detailed plans.
3. The Council was entitled to take into consideration strategies and non-statutory plans of partnership bodies in the planning process, alongside statutory Local Development Documents, saved plans and other material considerations.

25/07 Highways Maintenance Term Contract Renewal

The Council Cabinet considered a report which stated that the existing Highways Maintenance Term Contract was due to terminate in August 2007. Arrangements for the negotiation of and signing a new contract between the Council and Alfred McAlpine were now approaching a conclusion. At the time of preparing the report, it was anticipated that signing of the contract would take place on Wednesday 18 July 2007. There were a comparatively small number of issues that would need to be resolved with Alfred McAlpine to the Council's satisfaction before the contract was finally signed. Where appropriate, these were referred to in the report.

Options Considered

To extend the current contract by 12 months and then procure a new contract. This option would not realise the benefits to be gained by entering into a new Partnership contract.

Decision

1. That, subject to satisfactory resolution of any outstanding issues to approve the Council entering into the Highways Maintenance Term Contract with Alfred McAlpine Government Services Limited.
2. That, the appropriate officers be authorised to resolve any outstanding issues, in order that those issues could be incorporated within the Contract as necessary without a requirement to submit a further report to Council Cabinet.
3. That should those issues not be resolved to the satisfaction of officers acting on behalf of the Council, arrangements for signing the contract should not be concluded, and

4. That a further report be presented to Council Cabinet at the earliest possible meeting.

Reasons

1. To ensure that the Council had a term contract that delivered best value for money.
2. Everything possible should be done to minimise the risk of delays in signing of the contract, in order to contain the Council's costs and help to ensure implementation of the Project in accordance with the Project Plan and Timetable.
3. The nature of this Project meant that sustaining progress with implementation could be dependent upon seasonal and associated weather conditions. Any delays at this stage could therefore be compounded and extended in subsequent stages of the Project, thereby delaying the benefits to the residents of the City.

26/07 The Modernisation of Learning Disability Day and Residential Services – Humbleton View

The Council Cabinet considered a report on the Modernisation of Learning Disability Day and Residential Services – Humbleton View. On 20 February 2007, Council Cabinet agreed to:

- Approve consultation on the closure of Humbleton View Day Centre whilst undertaking further detailed work on locating alternative community bases.
- Allocate resources from the enhanced repair and maintenance fund for the refurbishment of Wetherby Centre.

The purpose of the report was to give feedback on the consultation and to update Cabinet on planned moves from Humbleton View and the Wetherby Centre. The report also requested permission to undertake a detailed options appraisal and feasibility study on the strategic direction for the provision of day services for adults with learning disabilities in Derby, to include the re-provision of a building which would provide an appropriate environment for people with high support needs, autism and challenging behaviour.

Options Considered

1. The original option to relocate all services to Wetherby Centre was opposed by a significant number of carers and staff and this option was therefore abandoned.
2. To do nothing could result in the emergency closure of the Humbleton View building, due to health and safety reasons, resulting in the

withdrawal of service with little or no notice. This would be unacceptable to staff, carers and people who use Humbleton View.

Decision

1. To approve closure of Humbleton View Day Centre by 31 March 2008.
2. To ensure everyone who is eligible has a post-closure care plan in place by the date of closure.
3. To continue with work currently under way to identify alternative community bases and to support staff and service users to move to these bases.
4. To commence options appraisal and feasibility study work on the strategic direction of day services, to include the re-provision of a building which would provide an appropriate environment for people with high support needs, autism and challenging behaviour.

Reasons

1. The closure of Humbleton View allowed for a wider range of day services to be introduced that were better able to meet the needs and aspirations both of some existing service users, and of younger people entering adulthood. Centre-based day care provision needed to be supplemented by a range of community based activities and opportunities, including supporting people to enter work and access community resources available to the rest of the citizens of Derby. There remained a role for centre-based provision as part of a range of opportunities, but Humbleton View was not fit for this purpose.
2. An options appraisal carried out in January 2007 concluded that the closure of Humbleton View, the re-location of services to alternative community bases and the temporary refurbishment of the Wetherby Centre was the preferred option in order to ensure that we could continue to meet the needs of vulnerable people and people with complex and high support needs, both now and in the future, as part of the modernisation programme.
3. In the report to Cabinet on 1 August 2006, it was confirmed that Humbleton View was not fit for purpose, had reached the end of its life and would eventually become unsafe and unusable.
4. It was necessary to finalise work to determine the strategic direction on the provision of day services and to plan for a new day / community facility which will provide an appropriate environment for people with high support needs, autism and challenging behaviour within the next 2-3 years.

5. A building survey on the Wetherby Centre concluded that the building would only be useable in its current condition for the next 4 – 5 years. The Wetherby Centre was not a suitable environment for delivering services to people with challenging behaviour or autism, so we currently delivered these services from other buildings which were also not fit for purpose.

In accordance with Procedure Rule A126, the Chair of the Adult Services and Health Commission had been advised that this item would be considered although not included in the Forward Plan.

27/07 East Midlands Centre of Excellence High Cost Placement Project (EMCO)

The Council Cabinet considered a report on East Midlands Centre of Excellence High Cost Placement Project (EMCE). The Council was one of the 9 partners in the EMCE High Cost Placement project. This was a regional commissioning project designed to commission approximately 100 placements over three years across the partnership, for adults with learning disabilities. The intention was that people who were currently placed at high cost elsewhere could have a service commissioned through this process resulting in some efficiencies. The partnership had completed the planning work which scoped the service specification and agreed the types of need this service would meet. A procurement exercise was now underway to secure one or more providers. This was being undertaken by the Eastern Shires Purchasing Organisation (ESPO). Work was also beginning in Derby to develop an Approved Provider List of learning disability providers so that we were in a position to quickly and effectively commission services in response to need for people who were not part of this project.

Options Considered

Local commissioning had also been considered alongside this project.

Decision

1. To authorise the sharing of information across partner organisations in order to meet the project objectives.
2. To agree progression to the next stage of the project whereby the Council committed to placing a number of individuals over a three year period through this project, on the understanding outlined in 3.2 of the report.

Reasons

1. This EMCE project had been in the planning stage for over a year, and this had gone well, resulting in a procurement process that was now underway. The tender was being undertaken by the Eastern Shires Purchasing Organisation (ESPO) on behalf of the partnership.

2. The tender advertised for providers that were able to provide approximately 100 places for adults with learning disabilities over a three year period. If divided equally this would equate to approximately 11 places for Derby City, about 4 per annum. Our involvement was on the understanding that: the places would be for people who were currently placed at high cost elsewhere; the newly commissioned service would offer efficiencies and there were no additional costs

In accordance with Procedure Rule A126, the Chair of the Adult Services and Health Commission had been advised that this item would be considered although not included in the Forward Plan.

28/07 Direct Payments Rate Paid to Service Users

The Council Cabinet considered a report on Direct Payments Rate Paid to service users. A Direct Payment was a payment made to service users to allow them to purchase directly the care or support they had been assessed as requiring. This was in line with Government guidance on increased independence and choice for users of social care. The use of Direct Payments had proved very popular in Derby particularly amongst younger adults. Derby was a top performer in the region on the development of Direct Payments. Direct Payments could be used by the service user to purchase care or services from an independent sector provider, or could be used to purchase care or services provided by a personal assistant. Where care or services were provided by a personal assistant, the service user recruited and employed the assistant. This could be a friend or family member. At April 2007 Derby had a total of 280 Direct Payment service users who receive in total £2.1m per annum. Derby currently pays an hourly rate of £10.20 for Personal Care regardless of how the service user obtains the care. Most other local authorities had introduced different rates to reflect the different costs incurred dependent on whether the service was provided through a Personal Assistant or by an agency. The rate paid to service users who employed a Personal Assistant was higher than all of our neighbouring authorities. The rate paid to service users who purchased care from a Care Agency needed to be brought in line with the rate Derby procures home care from the independent sector.

Options Considered

Doing nothing and adopting practices of other authorities set out in Appendix 2.

Decision

1. To reduce the hourly rate from £10.20 to £9.00 where service users employ a Personal Assistant.
2. To increase the hourly rate from £10.20 to £10.52 where service users purchase care from a Care Agency.

3. The above to take immediate effect for new service users and from October 2007 for existing service users.
4. To offer help to any service users who may face difficulty in moving away from arrangements they have put in place.

Reasons

1. Prior to April 2007 our Direct Payment rate was aligned to the rate we pay the Independent Sector Agencies for the purchase of home care. The original decision for this was based on the assumption that most service users would use a Direct Payment to purchase care from an agency. Whilst some people did purchase their care from an agency it was far more common for people to directly employ their own personal assistant hence the 'profit' and agency overhead element in the rate was irrelevant.
2. The rate proposed was in line with our neighbouring local authorities for the employment of Personal Assistants.
3. The proposal did not reduce service, but it did reduce the hourly rate available to service users to employ their own personal assistants. In some cases it could result in the service user terminating contracts with existing personal assistants and hence a change to their care or support arrangements.

In accordance with Procedure Rule A126, the Chair of the Adult Service and Health Commission had been advised that this item would be considered although not included in the Forward Plan.

29/07 Springwood Leisure Centre and Library

The Council Cabinet considered a report on Springwood Leisure Centre and Library. The report updated Cabinet on the work that had been carried out on the development of Springwood Leisure Centre to form a new gym and library together with revised financial implications since Council approval of the initial scheme on 13 September 2006 and was included in the approved 2007/08 capital programme. The proposed new scheme showed that 40 additional fitness stations could now be accommodated on the site making 65 in total, which was a reduction of 35 on the original estimate of 100 fitness stations. The approved scheme included in 07/08 capital programme had a total cost of £1.172m, of which £1m for the cost of the new gym, was to be funded from self-financing prudential borrowing paid for from anticipated additional membership fee income. The estimated capital cost of the proposed new scheme was £1.262m, made up of £1.09m for the gym and £172k for the library. In order to remove the financial affordability risk based on the ambitious new membership targets included in the original scheme, it was prudent for the funding of the new scheme to be met from overall slippage within the approved capital programme. As it was anticipated that new

membership fees would increase gradually over time at the rate of 8 new members a month which would require additional employees and running costs for the new gym, there was a projected revenue budget deficit of £72k in 2008/09, £53k in 2009/10, £33k in 2010/11 and reducing to £2k in 2011/12. This amounted to £160k over the four year period and would be met from within Environmental Services revenue budgets. An additional £57k for ongoing running costs for the library from 2008/09 going forward would be funded through a corporate allocation and would be identified as a pressure in the 2008/11 budget strategy report scheduled for Cabinet on 31 July 2007.

Options Considered

1. Do nothing: this would prevent the development and improvement of the centre.
2. Library only: this would not be cost effective and could not be substantiated in terms of capital and running costs.

Decision

To recommend Council to approve:

1. the amendment to the 2007/08 capital programme for the Springwood Leisure Centre and Library at a revised cost of £1.262m to be funded from slippage within the overall approved capital programme.
2. the underwriting of the annual running cost deficit of the gym for the first four years amounting to £160k in total from within Environmental Services revenue budgets.
3. £57k corporate budget allocation for the Library running costs from 2008/9.
4. the commencement of the capital scheme as soon as possible.

Reasons

1. Commitment had already been made to the project as part of the approved Corporate Plan 2007 -2010 as part of the Council's Corporate priorities.
2. Reinforces health and literacy strategies of the Council.
3. The proposed change to the capital scheme requires a formal change to the approved Capital programme.
4. The additional revenue expenditure for both the gym and the library requires formal approval.

In accordance with Procedure Rule A126, the Chair of the Community

Commission had been advised that this item would be considered although not included in the Forward Plan.

Contract and Financial Procedure Matters

30/07 Contract and Financial Procedure Matters

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:

- Revenue budget 2007/8 transfers between Environmental Services department and Corporate Adult Services and Regeneration and Community departments, following transfer of operational responsibilities.
- A school budget deficit 2007/8 at Grampian Primary School.
- Corporate reserve of £52k to be earmarked for revenue costs of further work to progress the Accommodation Strategy.

Decision

1. To approve the £40,000 revenue budget transfer from Environmental Services, Sport and Leisure to Corporate and Adult Services, Property Services for day to day repairs of the Leisure Centres.
2. To approve the £3,000 revenue budget transfer from Environmental Services, Parks to Regeneration and Community, Leisure Events for litter clear up costs after events.
3. To approve the £406,898 revenue budget transfer from Corporate Adult Services, Property Services to Environmental Services for the cleaning of ex County properties.
4. To approve the £27,130 revenue budget transfer from Regeneration and Community to Environmental Services for accommodation costs associated with the Waste Client staff moving from Saxon House to Stores Road.
5. To approve a school budget deficit of £21,103 for 2007/8 for Grampian Primary School.
6. To approve the earmarking of £52k from corporate reserves for the Accommodation Strategy, revenue implementations costs.

31/07 Corporate and Financial Planning 2008-11

The Council Cabinet considered a report on Corporate and Financial Planning 2008-11. The report presented the proposed process and timetable for developing the Council's Corporate Plan and Budget for 2008-11, which would promote greater integration of planning and budgets at all levels. In January 2007, the Council Cabinet approved the six Corporate Priorities for 2007- 10, as shown in **Appendix 2**. As in previous years, the Priorities formed the basis for corporate planning and resource allocation through the Budget process. Going forward, it was proposed to retain these Corporate Priorities for 2008/09 and 2009/10. The three-year Budget would be updated on this basis, with indicative estimates for 2010/11 prepared on the basis of the existing Priorities. It was likely that a more fundamental review of both priorities and budget implications would be required in 2009/10 to reflect changes emerging from the White Paper 'Strong Prosperous Communities' which could have a significant impact on our Community Strategy, Local Area Agreement and our overall performance framework.

Decision

1. To confirm the Corporate Priorities 2007-10, as approved by Council Cabinet in January 2007, as the basis for corporate and financial planning in 2008-11.
2. To agree the integrated process and timetable for the development of the Council's Corporate Plan, service business plans and budgets for 2008/09 to 2010/11.
3. To refer this report to the Scrutiny Management Commission for information and comment.

32/07 Transforming Area Panels into Neighbourhood Forums.

The Council Cabinet considered a report which stated that a review of the current arrangements for Area and Neighbourhood working had taken place following Council's decision in May 2006 to deliver more strategic management at a neighbourhood level. This had included an examination of Area Panels and the new neighbourhood management arrangements introduced in the priority neighbourhoods.

The conclusion of the review, was that a comprehensive new framework should now be introduced which replaced Area Panels with Neighbourhood Forums in each of the Council's 17 wards.

Decision

To recommend Council

1. To approve in principle the transformation from Area Panels into Neighbourhood Forums as part of the new framework for neighbourhood working.
2. To agree that within the rollout to new wards the basic structure within each ward would include a Neighbourhood Board of partner and resident representatives, led by elected members, and a Neighbourhood Forum open to all residents. Any supplementary resident engagement mechanisms would be agreed by each Neighbourhood Board.
3. To ask the Community Overview and Scrutiny Commission for its views on the implementation of these arrangements.
4. To ask officers to report to Council Cabinet on whether ward based neighbourhood arrangements should be integrated with the area management arrangements being developed for Children and Young People's Services.
5. To ask officers to report back to Council Cabinet and Council in September 2007 with details of the constitutional and financial implications.
6. To agree that, subject to Council's agreement of the final proposals, the final round of Area Panels would be in September 2007 with the new Neighbourhood Partnership Boards and Neighbourhood Forums being implemented throughout October and November 2007.

MINUTES END