

Time began	6.00pm
Time ended	8.30pm

COUNCIL CABINET 16 MARCH 2004

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

This record of decisions was published on 18 March 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.

338/03 Apologies

An apology for absence was received from Councillor P Hickson.

339/03 Late items to be introduced by the Chair

There were no late items.

340/03 Identification of Urgent Items to which Call In will not Apply

There were no urgent items.

341/03 Declarations of Interest.

Councillor Webb declared a personal and prejudicial 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 his father received services from Derbyshire Association for the Blind.

Councillor Burgess declared a personal interest in Minute No.361/03, Mainstream Funding for Social Care Voluntary and Community Organisations 2004/2005, as he had been appointed as Honorary Life President of Derby Children's Friendship Group.

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 Littleover Live at Home Scheme.

342/03 Minutes of previous meeting.

The Part 1 minutes of the meeting held on 24 February 2004 were approved as a correct record and signed by the chair.

Matters Referred to Council Cabinet

343/03 Best Value Review Support Services – Terms of Reference

Decision

To note that the Scrutiny Management Commission had made no comments on the Terms of Reference.

344/03 Draft Local Transport Plan Capital Programme 2004/05 to 2006/07

The Council Cabinet considered a report from the Planning and Environment Commission, setting out their comments on the Local Transport Plan Capital Programme following a presentation from the Head of Transport and Special Projects.

The Commission had no specific comments but were in general support of the programme and of the proposal to engage consultants to carry out a transport study of the Joint Local Transport Plan Area.

Decision

To note the report.

345/03 Draft Affordable Housing Supplementary Planning Guidance – Planning and Environment Commission

The Council Cabinet considered a report from the Planning and Environment Commission, setting out their comments on the Draft Affordable Housing Supplementary Planning Guidance following a presentation from the Head of Plans and Policies.

The Commission had no specific comments but asked that they be kept informed of the outcome of the consultation.

Decision

1. To note the report
2. To advise the Commission that they would be informed of the outcome of the consultation.

346/03 Draft Affordable Housing Supplementary Planning Guidance – Community Regeneration Commission

The Council Cabinet considered a report from the Community Regeneration Commission, setting out their comments on the Draft Affordable Housing Supplementary Planning Guidance following a presentation from the Head of Plans and Policies.

The Commission asked that the Guidance be amended to clearly state that the mixed siting of housing across a new housing development is essential and to achieve this, developers be expected to provide details of the location of affordable housing within the development at the outline planning application stage.

Decision

To note the report and ask the Director of Development and Cultural Services to amend the supplementary planning guidance to reflect the comments of the Community Regeneration Commission.

347/03 Heat Lease Storage Radiators

The Council Cabinet considered a report from the Community Regeneration Commission, setting out recommendations arising following a discussion of concerns over the use of storage heaters in houses occupied by Derby Homes Tenants.

At the request of the Commission, Derby Homes had prepared a report on concerns over the use of storage heaters, and setting out three options for the future.

The Commission recommended that Council Cabinet should:

- pursue the option of agreeing a 'one off' rental
- adopt a policy of replacing the storage heaters as the lease expires instead of after 15 years of use
- advance the start of the replacement programme by 12 months to 2005/06.

The Council Cabinet considered a report from the Director of Policy advising that the Derby Homes Board had supported the recommendations and that the 2005/06 capital programme would be reworked to accommodate bringing forward the replacement programme. It was likely that some non-decent homes related programmes of work would be rescheduled. The Director of Policy explained that Derby Homes could not determine levels of leasing or prudential borrowing to fund the programme as those were matters that were properly for the Council to decide. She confirmed that the implementation of the recommendations would not result in any additional prudential borrowing and that some technical issues relating to primary and secondary leasing still had to be agreed.

Decision

1. To thank the Community Regeneration Commission for bringing this matter to the attention of the Council and Derby Homes Board.
2. To welcome the decision made by the Derby Homes Board to accept the Commission's recommendations, as this would contribute to the Council's objective of reducing fuel poverty.

348/03 Together: Tackling Anti-Social Behaviour' National Action Plan.

The Council Cabinet considered a report from the Community Regeneration Commission, setting out recommendations arising following consideration of a presentation on the policy background and key points in 'Together: Tackling Anti-Social Behaviour', the Government's National Strategy and Action Plan.

The national document set out a range of practical steps regarding:

- tackling nuisance neighbours
- tackling beggars
- environmental crime
- putting victims and witnesses first.

The Commission recommended that the National Anti-Social Behaviour Action Plan be commended to Council Cabinet and that it be implemented locally with adequate funding to ensure its success.

Decision

1. To note the report and welcome the National Anti-Social Behaviour Action Plan.
2. To contribute to the Local Anti-Social Behaviour Action Plan currently being prepared by Derby Community Safety Partnership.

349/03 Derby's Affordable Warmth Strategy – First Annual Progress Report

The Council Cabinet considered a report from the Community Regeneration Commission, setting out recommendations arising following consideration of progress made on the Affordable Warmth Strategy since it was launched in September 2002.

The Commission recommended that Council Cabinet

- welcome the progress report and good work described therein
- not cut the budget for this valuable service

- ensure the delivery of training for social workers and other key professionals to enable them to identify fuel poverty.

Decision

1. To welcome the Commission's response to the progress report.
2. To advise the Commission that there were no cuts made in the 2004/05 budget process to this particular budget.
3. To ask the Director of Policy to work with services to consider how to deliver appropriate training to front line workers.

350/03 Social Inclusion and the Physical Environment – Comments on the Council Cabinet Response

The Council Cabinet considered a report from the Community Regeneration Commission, setting out their comments on the Council Cabinet response to the topic review report on Social Inclusion and the Physical Environment.

The Council Cabinet was recommended to:

- reconsider their response to recommendation 9 and be asked to establish a Cabinet Committee
- accept that the Commission had evidence based reasons for making recommendation 10, namely examples of joined up working not taking place
- lobby central government on a cross-party basis to change the legislation to enable the Council to enter private property for the purpose of removing drugs litter and other associated threats to public health and safety
- commend the initiative of the Community Safety Partnership in removing drugs litter.

Decision

1. To confirm the original response to the Commission's recommendations.
2. To ask the Commission if there were any specific examples of lack of joined up working they wished to bring to the attention of the Council Cabinet..
3. To advise the Commission that the Council would make representations to government regarding changes to legislation to enable the Council to enter private property for the purpose of removing drugs litter and other associated threats to public health and safety.
4. To commend the initiative of the Community Safety Partnership in removing drugs litter.

351/03 Introductory Tenancies

The Council Cabinet considered a report from the Community Regeneration Commission, setting out their comments on Introductory Tenancies. The Commission noted the report on proposals to introduce introductory tenancies.

Decision

To note the report.

352/03 Draft Housing Capital Programme 2004/05

The Council Cabinet considered a report from the Community Regeneration Commission, setting out their comments on the Draft Housing Capital Programme 2004/05. The Commission expressed regret that £1 million of the money available for the region had been top sliced to support house-building schemes through Housing Associations. The Director of Policy confirmed that Council had not formally taken up this issue and confirmed that the shift in available funds had benefited other councils, notably Milton Keynes.

Decision

1. To note the report.
2. To ask the Director of Policy formally to express the Council's view that other authorities should not be penalised because of the government's wish to expand house building in the south of the region but should make extra funding available.

353/03 Education Asset Management Plan 2004-2005

The Council Cabinet considered a report from the Education Commission, setting out their comments on the Education Asset Management Plan. The Commission noted the Plan and recommended that it should be re-checked once the Council had learnt the results of Derby City Education Service – Expression of Interest 2006/07 for Building Schools for the Future and the Community.

Decision

To note the report and advise the Commission that the Plan would be re-checked once the Council had learnt the results of Derby City Education Service – Expression of Interest 2006/07 for Building Schools for the Future and the Community.

354/03 Best Value Review of Educational and Social Inclusion – Terms of Reference Report

The Council Cabinet considered a report from the Education Commission, setting out their comments on the Terms of Reference for the Best Value Review of Educational and Social Inclusion. The Commission endorsed the terms of reference.

Decision

To note the report.

Best Value

355/03 Implementation of Best Value Review of Learning Disability Residential Services

The Council Cabinet considered a report from the Director of Social Services, setting out proposals to implement the recommendations arising from the Best Value Review of Learning Disability Residential Services.

Decision

1. To note the appointment of a Project Manager, for a period of two years to implement the reconfiguration of in-house residential services for people with Learning Disabilities.
2. To approve the outline project plan.
3. To approve a process of consultation with service users and staff about the proposed changes.

356/03 Street Cleaning Best Value Review – Improvement Plan Progress Report.

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out progress made on the service improvement plan prepared following the Best Value Review of Street Cleaning Services.

Decision

To note progress made on the improvement plan.

Key Decisions

357/03 St Helen's House

The Council Cabinet considered a joint report from the Directors of Corporate Services and Education, setting out proposals to prepare a Development and Conservation Brief as the first step in the marketing of St Helen's House site for disposal.

The building, currently used for the Adult Learning Service, needed significant repairs with some rooms already closed for safety reasons. The cost of refurbishing the building, including access for disabled people, had been estimated at £5 million.

It was confirmed that a group of Members and Officers had met in February to carry out an option appraisal with the object of determining whether the Council had a sustainable use for the buildings. The Group concluded that, while there was no sustainable use for the building, the heritage of the building should be protected through preparing a Development and Conservation Brief.

The report also identified alternative accommodation to be used by the Adult Learning Service pending the closure of St Helen's House at the end of the current academic year.

The Council Cabinet considered a report from the Culture and Prosperity Commission setting out their comments on the proposals. The Commission recommended that Council Cabinet:

- delay the decision to market St Helen's House and consider the proposal for the creation of a Charitable Trust outlined by Peter Steer and John Farnsworth to the Culture and Prosperity Commission meeting on 15 March 2004
- allow Peter Steer and John Farnsworth's group the time that they needed to carry out their feasibility studies
- consider the outcome of the feasibility studies and on the basis of the information they contain decide whether to market St Helen's House or to transfer it to a Charitable Trust.

The Commission suggested that the transfer of St Helen's House to a Charitable Trust could enable the restoration of the premises and its retention as a centre for education, vocation and recreation for the people of Derby.

Options Considered

As set out in appendix 2 to the report

Decision

1. To authorise the Director of Corporate Services to arrange for the preparation of a Development and Conservation Brief and to discuss the proposals for the creation of a trust to manage St Helen's House.
2. To report the results of the discussions to Council Cabinet prior to making any further decision on the St Helen's House site.
3. To note the proposals for the relocation of the Adult Learning Service currently being delivered from St Helen's House, pending its closure at the end of the 2004 academic year.

Reasons

1. The buildings on the site needed extensive repair and refurbishment. The Council had no sustainable use for the buildings. To make sure that they were brought back into beneficial use, future proposals for the property should be progressed on the basis of a Development and Conservation Brief.
2. The proposals for relocating the Adult Learning Services would make better use of existing under-used facilities and met the needs of service users.

358/03 Disposal of Land at Greenwood Avenue, Chaddesden

The Council Cabinet considered a report from the Director of Corporate Services, setting out proposals to sell land at Greenwood Avenue, Chaddesden to the Home Housing Association. The Director of Corporate Services reported that the ward Councillors did not object to the proposals.

Options Considered

The only other options available would have been to leave the site as it was, or to grass it over to form more public open space. Both would have resulted in a financial cost to the Council and there was already adequate public open space in the location.

Decision

To authorise the Director of Corporate Services to finalise the sale of the Greenwood Avenue site to the Home Housing Association.

Reasons

To allow the acceptance of a bid for the reuse of the site.

359/03 Commissioning of care services within Derby for people with learning disabilities currently living at Aston Hall Hospital

The Council Cabinet considered a report from the Director of Social Services, setting out proposals to enter into a contract for the care services for people moving out of Aston Hall Hospital.

'Valuing People' the national White Paper for people with Learning Disabilities set out targets for the closure of long stay hospitals for people with learning disabilities. As a consequence of the closure of Aston Hall Hospital, the Council has been led the commissioning of alternative accommodation and support for 14 people who had elected to be resettled in Derby.

Options Considered

The closure of Aston Hall Hospital was a Government requirement. A range of options to provide alternative accommodation and support have been appraised before arriving at the chosen model.

Decision

1. To approve the proposal to enter into a contract for the care services for people moving out of Aston Hall Hospital.
2. To enter into partnership agreements with Greater Derby Primary Care Trust on the terms set out in the report to commission care services for 14 people with learning disabilities currently living at Aston Hall Hospital.
3. To authorise the Director of Social Services, in consultation with the Council Cabinet Member for Social Care, to approve the award of contract for care services to Turning Point, the successful tenderer, subject to the successful conclusion of the partnership arrangements.
4. To waive contract procedure rule C15.5 to include the fourth group of people not included in the original tender

Reasons

The closure of Aston Hall Hospital is a government requirement. The proposed services will provide high levels of support to people in their own tenancies, and so reflect the values and principles set out in the Government White Paper. Although these services were specifically for people moving out of Aston Hall Hospital, the development provides an opportunity to commission much needed services that will meet the future needs of other people with learning disabilities in Derby.

360/03 Joint Funding Commitments to the Social Care Voluntary Sector 2004/05

The Council Cabinet considered a report from the Director of Social Services, setting out proposals for the Joint Funding Programme for 2004/05.

Councillor Webb left the meeting during consideration of this item.

Options Considered

No alternative options were considered.

Decision

To approve the arrangements and financial commitment for schemes receiving Joint Funding for 2004/2005 as detailed in appendix 2 of this report.

Reasons

1. These were joint commitments between Greater Derby Primary Care Trust, Central Derby Primary Care Trust, and in some cases Derbyshire County Council, which were first supported through the Joint Finance programme with Southern Derbyshire Health Authority.
2. The recommendations for 2004/2005 were uplifted in line with inflation only.

361/03 Mainstream Funding for Social Care Voluntary and Community Organisations 2004/05

The Council Cabinet considered a report from the Director of Social Services, setting out proposals for the allocation of mainstream funding to be paid to voluntary organisations for 2004/05.

Councillor Webb left the meeting during consideration of this item.

Options Considered

No alternative options were considered.

Decision

To approve the grants set out in Appendices 2, 3 and 5 of this report.

Reasons

1. Each year, voluntary organisations are invited to apply for funding through the mainstream programme for a continuation of the funding they are currently receiving. We monitor and review the services that these organisations

provide throughout the year so the continuation of their funding is dependent on this as well as on the grant application process.

2. The Council has agreed to inflate voluntary sector funding for 2004/2005 at a rate of 3% on the 2003/2004 rate. Some organisations have requested less than the 3% uplift. Where this was the case, the recommendation is for the amount requested. Some are recommended for a higher amount because of specific circumstances. These are set out in the supporting information. Mainstream funding is therefore recommended at the levels shown in the attached Appendices for 2004/2005.
3. All organisations funded through the mainstream programme have now moved on to three year Funding Agreements. Appendix 2 details those organisations already on a three year agreement that does not yet need renewing, Appendix 3 details the organisations that will receive a new three year agreement in April 2004.

362/03 High View School – Collaborative Re-Start

The Council Cabinet considered a report from the Director of Education, setting out details of objections received following the publication of Statutory notices proposing the collaborate re-start of High View School and Technology Centre. One objection had been received.

Options Considered

1. One other option was considered by Cabinet on 13 January 2004: to close and reopen in August / September 2005, rather than 2004. It was considered, however, that this would unnecessarily prolong the process and be a potential barrier to planning for the future and to implementation.
2. The Council could decide not to proceed with the collaborative re-start aspect of the overall plan, and bring about changes through internal restructuring. This would be inconsistent with the scale of transformation needed to bring about the necessary rapid improvement. The DfES also has clear expectations about the changes that are required to make sure that national floor targets are reached.

Decision

To recommend to the School Organisation Committee the collaborative re-start of High View School and Technology Centre, with closure on 31 August and reopening on 1 September 2004.

Reasons

1. Council Cabinet approved on 13 January 2004 the publication of statutory notices proposing the collaborative restart as part of a wider package of measures to bring about urgent and substantial improvements in the performance of the school.

2. One objection was received during the statutory period. During earlier consultation there was support for the proposal

363/03 Sure Start Sustainability Funding

The Council Cabinet considered a report from the Director of Education, setting out proposed conditions for awarding SureStart Sustainability Funding as recommended by the Early Years Development and Childcare Partnership.

Options Considered

The Council could have turned down the sustainability funding but this could result in loss of childcare places in the city against a climate of expansion of childcare opportunities.

Decision

To agree the conditions for awarding SureStart Sustainability Funding as recommended by the Early Years Development and Childcare Partnership.

Reasons

1. The Council is the accountable body for the Early Years Development and Childcare Partnership.
2. The Council has been awarded the grant from the SureStart Unit to sustain established neighbourhood nursery places, out of school places and individual childminders in areas of disadvantage, including pockets of disadvantage and for the ongoing support of childminder networks in all areas of the City.
3. The Early Years Development and Childcare Partnership must recommend appropriate guidance and criteria for allocation of the grant funding for Cabinet approval, as the accountable body.

364/03 Castle Nursery School Developments and Charging Policy Childcare

The Council Cabinet considered a report from the Director of Education, setting out proposals to give Castle Nursery School the opportunity to keep its maintained nursery school status and to provide childcare facilities for those children receiving Foundation Stage 1 education.

The Early Years Strategy and Children's Centre Plan considered by the Council Cabinet on 28 October 2003 included proposals to close Castle Nursery School. The Council Cabinet was of the view that other options should be explored before reaching a decision on the school's long-term future. As a result of this, the governing body of the school had submitted a development plan, which

demonstrated that the school could be sustainable by introducing childcare places paid for by parents.

To progress this option, the Council had developed a charging policy to cover the cost of child care to be used at Castle Nursery School and at the nine new children's centres, and to be recommended to the governing bodies for use within maintained schools.

Options Considered

1. The private sector had expressed an interest in buying or leasing Castle Nursery School in order to develop daycare, particularly for parents working in the city. Under these circumstances, the nursery would continue to provide funded Foundation Stage 1 education places for the few children living in the immediate vicinity. If Castle Nursery School's development plan failed to make the school sustainable, this option could be revisited at a later date. However, if left too late, the private sector may find alternative suitable accommodation within the city.
2. Discussions have begun with the NHS Trust responsible for the Derbyshire Royal Infirmary – DRI - which has expressed an interest in pursuing a partnership arrangement for the provision of childcare places across the age range from babies to pre-school. The Trust was in the process of discussing with officers the possibility of making a capital investment towards the development of the school site in return for a guaranteed number of places, possibly ten, at an agreed rate for a period of about five years. This could involve extending the nursery day from 7.00am until 7.00pm to accommodate shift patterns of DRI staff.
3. The Council could maintain Castle Nursery School as a full daycare nursery, working in partnership with the NHS Trust, and introduce employee childcare provision providing all year round childcare for its staff with Foundation Stage education for local children.
4. Any of these options would only be financially viable if Castle Nursery School had been closed as a maintained nursery school and re-opened as a childcare provision offering funded nursery education places.

Decision

1. To allow Castle Nursery School to retain its maintained nursery school status and be given the opportunity to provide childcare facilities for those children receiving Foundation Stage 1 education, applying the new charging policy to cover the costs of childcare.
2. To adopt a charging policy, shown in Appendix 2 of the report for the nine new children's centres and was recommended to school governing bodies for childcare within maintained schools, including nursery schools.

3. To start to review the sustainability of Castle Nursery School from October 2004.

Reasons

1. The governors of Castle Nursery School had put together a development plan, aiming to demonstrate that the school could be sustainable if it is able to expand its provision to include childcare.
2. If the school failed to attract enough pupils from April 2004, there was an underspend within the school's 2003/04 grants to be carried forward to sustain it for the financial year 2004/05.
3. Childcare costs could not be met from the Education Formula Spending Share. Childcare was one aspect of an extended school and funding for it should be separated from the school's delegated budget. A consistent charging policy would need to be developed for the Council's new children's centres. The proposed charging policy would reflect realistic local childcare costs necessary to secure sustainability. This was a recommendation, not a requirement as school governors would make the final decision.

365/03 Business Improvement Districts - BIDs

The Council Cabinet considered a joint report from the Directors of Finance and Development and Cultural Services, setting out proposals to take forward the possibility of developing Business Improvement Districts in Derby. The report considered the legislative background and how BIDs could be developed in Derby

Options Considered

An alternative would be for the Council to take a reactive stance, simply waiting for any BID proposals to be put forward for ballot and only then to consider the administrative and policy implications. It was difficult to see any merit in such an approach. It would be contrary to the Council's community leadership role and priorities for change and would also risk administrative problems. The Council could also incur net costs under such an approach, if it had to implement a BID developed exclusively by local businesses, and had not taken advantage of the external funding currently available in order to secure it for later development.

Decision

1. To consult local businesses over the potential to develop Business Improvement Districts in Derby.
2. To make an application for funding to assist in the consultation process and, if appropriate, the development of Business Improvement District.

Reasons

To make sure that any options put forward to establish a Business Improvement District in Derby are likely to meet business requirements and be viable, and to ensure open consultation.

366/03 Derby Compact Forum Budget – Grant to Derby CVS

The Council Cabinet considered a report from the Director of Policy, setting out proposals to reallocate £5,580 from the Community Grants Budget 2003/04 to support the Derby Compact.

The funding had been allocated to the Racial Harassment Project but this had remained unspent. Derby Racial Equality Council had not applied for funding for the project this year.

The 'one off' grant would assist the Derby CVS in supporting the work of the Compact Forum

Options Considered

There were no other sources of available funding to support the Derby Compact.

Decision

To approve the reallocation of £5,580 Community Grants Budget 2003/04 from the Racial Harassment Project to Derby CVS to support the Derby Compact, as a 'one-off' grant.

Reasons

The amount of £5,580 of 2003/04 Community Grants Budget was likely to remain unallocated. There was no budget allocated for any costs for the Derby Compact Forum. Reallocation to Derby CVS will assist them with the start-up costs of Compact Forum work for the Voluntary Sector.

367/03 Annual Art Grants

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out proposals to award grant assistance to the main arts providers in the City. Each year, the arts organisations are invited to submit an application for grant assistance. The applications outline each organisation's objectives and programme plan for the coming year and are supported by a copy of their Business Plan and Annual accounts.

The report set out the level of grant requested and the recommendations of officers following discussions with the Cabinet Member for Leisure and Culture.

Councillor West declared a personal interest in this item as he had been appointed by the Council as a member of the Board of three of the organisations requesting grant assistance.

Options Considered

1. To increase all grants by 3% inflation, which would not allow any funds for new clients, such as MACE / Carnival
2. All grants remain at a standstill, which would put increasing pressure on the larger organisations, as their service costs and contractor fees increased at an annual rate of 6-8%
3. Cease the small arts grants fund. This would eliminate scope for helping smaller emerging organisations. New initiatives would not be funded and a leverage opportunity would be lost.

Decision

To approve the allocation of Arts Grants for 2004/2005 as detailed in the report.

Derby Playhouse	£400,742
Q Arts	£115,575
Derby Dance Centre	£114,460
Metro Cinema	£53,743
ViVA	£19,600
MACE	£5,000
Caribbean Carnival	£2,000
First Movement	£8,000
Derby Concert Promoters	£5,000
Derby Jazz	£5,700
inc. £900 small arts grant	
Surtal Asian Arts	£2,121
Derby Chamber Music	£1,060

Reasons

1. The provision of arts enhances the quality of life in the City. The arts promote social inclusion and celebrate cultural diversity and contribute to the social, economic and environmental regeneration.
2. The greatest impact for the Arts Grants in 2004/5 would be to make sure that the partners in the Quad project are secure encourage the emerging festival activity in the City

368/03 Local Development Framework

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out imminent changes being made by the Government to

the statutory planning system which would affect the Council's key policy framework during 2004/05.

The Planning and Compulsory Purchase Bill was expected to receive Royal Assent in June 2004. The Council had to carry out work in advance on the preparation of a Local Development Scheme which would include:

- a proposed three year project plan of all the local development documents to be contained in the Local Development Framework
- proposals for saving any plans from the current planning system

The Council would also need to prepare a draft Statement of Community Involvement setting out proposals for engaging the local community in the preparation of local development documents and handling of significant planning applications.

It was reported that the Planning and Environment Commission had welcomed suggestions that key documents would be part of the Council's Budget and Policy Framework.

Options Considered

None.

Decision

1. To note the imminent changes being made by the Government to the statutory planning system which will affect the Council's key policy framework during 2004/5.
2. To note the views of the Planning and Environment Commission on the proposals.
3. To request the Director of Development and Cultural Services to initiate preparation of the Statement of Community Involvement, in consultation with the Director of Policy.
4. To confirm that joint Mineral and Waste Local Plans should continue to be prepared with the Derbyshire County Council.
5. To ask the Director of Development and Cultural Services to organise briefing sessions for councillors on the proposals in the 2004/05 municipal year.

Reasons

1. The Planning and Compulsory Purchase Bill would receive Royal Assent in June 2004 and would fundamentally change the nature and preparation of development plans.

2. The report was referred to the Planning and Environment Commission for comment.
3. The Statement of Community Investment would be a central part of the new Framework but would require considerable preparatory work as it was a new type of document.

369/03 Rear Extensions to Dwelling Houses – Proposed Change to the City Council’s Non-Statutory ‘45° Policy’

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out proposals to amend the Council’s Non-Statutory ‘45°’. The policy is a development control policy used to gauge the acceptable depth of rear two story extensions and first floor extensions to residential properties.

Using models, Councillor Care, the Cabinet Member for Planning, Transportation and Environment demonstrated the possible effect of the proposed changes.

Options Considered

None

Decision

1. To defer consideration of the proposed changes
2. To ask the Planning Control Committee to reconsider the whether the policy should be amended following consideration of Councillor Care’s presentation.

Reasons

To make sure that before any changes are made to the Council’s 45° policy to accords with more recent guidelines on the assessment of extensions to residential properties, the Planning Control Committee are fully aware of the potential consequences of a change.

370/03 Townscape Heritage Initiative – Report on Progress to Date and Indicative Grant Allocations for 2004/05.

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out progress made on the Townscape Heritage Initiative – THI - programme since it started in March 2002 and setting out an expected programme of target properties and projects for 2004/05.

Revised appendices 3 and 4 were circulated at the meeting.

Options Considered

None

Decision

1. To approve the expected programme of target properties and projects for 2004/5 shown in Appendix 3.
2. To approve the list of reserve projects shown in Appendix 4, which could be brought forward if any target properties did not, or could not, proceed within the time allowed.
3. To delegate powers to the Director of Development and Cultural Services, in consultation with the Cabinet Member for Planning & Environment, to add further projects to the reserve list if required, subject to the agreement of the Heritage Lottery Fund.
4. To authorise the Director of Development and Cultural Services, to award grant to each target property or project and reserve schemes, up to a maximum of 10% greater than the amount specified in this report as the 'anticipated grant award'.
5. To ask the Director of Development and Cultural Services to bring back to Council Cabinet more information on the St Werburgh's Church proposals before awarding grant assistance.

Reasons

1. Applicants for THI grants were required to submit a large amount of detailed information with their applications which took several months to produce. The current process, which included the requirement for Council Cabinet approval for every application, built in an additional time delay which proved to be a deterrent to some applicants.
2. The THI grant allocation period would end in March 2005, which meant that we needed to streamline the process where possible to ensure all grants could be awarded in this period.
3. Approval to delegate powers to award grants would provide greater flexibility and speed up the process in order to fully utilise the external funding available.

Budget and Policy Framework

371/03 Derby Joint Local Transport Plan – Report of Capital Settlement Expenditure and Related Work Programmes for 2004/05

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out the proposed allocation of the 2004/05 Local Transport Plan funds.

Minor amendments to appendices A and B1 were circulated at the meeting.

Decision

1. To approve the allocation of the 2004/05 LTP funds between Integrated Transport, Roads and Bridge Maintenance and Connecting Derby.
2. To approve the 2004/05 LTP preparation pool of Integrated Transport schemes as shown in Appendix A, and to approve the revenue spend on maintenance schemes as shown in Appendix B.
3. To delegate powers to the Director of Development and Cultural Services, in consultation with the Cabinet Member with responsibility for Transportation to set scheme implementation priorities as further detailed investigations and appraisals are undertaken.
4. To authorise the Director of Development and Cultural Services to invite tenders or quotations and to place orders as necessary to implement the 2004/05 Local Transport Plan programme.
5. To delegate powers to the Director of Development and Cultural Services in conjunction with the Cabinet Member with responsibility for Transportation to approve the detail of the 2004 LTP Annual Progress Report.

Performance Monitoring

372/03 Inspection of the Adult Learning Service

The Council Cabinet considered a report from the Director of Education, setting out the outcome of the Adult Learning Inspection and work carried out to produce an action plan.

The Adult Learning Service had been inspected by the Adult Learning Inspectorate in the week commencing 12 January 2004.

Decision

1. To note the outcomes of the Adult Learning Inspection and the work so far on the action plan.
2. To refer the report and the action plan to the Education Commission, prior to submission to the Adult Learning Inspectorate.
3. To receive a further report prior to the submission of the final action plan.
4. To support a review of provision of adult learning with partners in the city.

Following consideration of this matter, Councillor Burgess left the meeting. In the absence of the Vice Chair, Councillor Webb was appointed to chair the rest of the meeting

373/03 Services to Older People in the African Caribbean Community

The Council Cabinet considered a report from the Director of Social Services, setting out proposals to continue funding the Hadhari Supported Luncheon Club until October 2004.

On 7 October 2003, the Council Cabinet agreed to enter into a service level agreement for six months with Hadhari for the provision of a supported luncheon club for African and Caribbean elders. Continuation of the agreement beyond six months was dependent on Hadhari being able to increase the number of people receiving the service for the same level of funding, or reducing their running costs.

Although not all the targets had been met there was evidence that after three months in operation Hadhari was on track to meet most of the requirements of services by October 2004.

Decision

1. To note the contents of the report.
2. To approve continuing funding of the Hadhari Supported Luncheon Club until October 2004.
3. To commission a further review of the service in April 2004 to audit compliance with the recommendations of the review report.
4. To refer the report to the Minority Ethnic Communities Advisory Committee.

374/03 Performance Management Review – Third Quarter 2003/04

The Council Cabinet considered a report from the Director of Finance, which provided a summary of the Council's performance up to and including the third quarter of the year against the outcomes promised in the 2003/06 Corporate Plan, the targets in its Local Public Service Agreement and Best Value Performance Indicators.

Decision

1. To note the performance of the Council against the targets included in its 2003/04 Performance Plan.
2. To give particular attention to areas where performance was forecast to be below target at the end of the year and the action being taken to address this, and to those areas where targets were likely to be exceeded.

375/03 Education Development Plan – EDP- Evaluation and Performance in Schools

The Council Cabinet considered a report from the Director of Education, setting out progress made on the Education Development Plan, performance in schools and attendance data.

Decision

1. To note current progress on the Education Development Plan, performance in schools and attendance data.
2. To refer the report to the Education Commission for comment.

376/03 The Victoria Climbié inquiry – Performance Report

The Council Cabinet considered a report from the Director of Social Services, setting out progress made following the Victoria Climbié self audit report and external evaluation.

The Director stated that whilst the report was positive about the position in Derby in relation to the six standards she had significant concerns about the level of social work vacancies in those teams responsible for ongoing child protection work and work with children looked after, which were at a level which impacted on the service's ability to carry out all the work to the required standard.

Decision

To note the progress made following the Victoria Climbié Inquiry self audit report and external evaluation, presented to the Council Cabinet in August 2003.

Contract and Finance Procedure Matters

377/03 Financial and Contract Procedure Matters Report

The Council Cabinet considered a joint report from the Directors of Finance and Corporate Services, setting out the following financial and contract procedure matters:

- School Licensed Deficits
- Education Department Revenue Budget 2004/05
- Education Capital Programme 2004/05
- Pump Priming Fund Bid – City Centre Electronic Signboard

Decision

1. To note the increased deficit of Alvaston Junior Community School and inform the school that it must make significant progress in reducing the deficit in 2004/05, so that a sustainable and balanced budget can be reached by the end of 2005/06.
2. To approve an increase in the approved deficit of Sinfin Community School from £31,711 to £71,000 for 2003/04 and to request monthly monitoring returns from the school while it remains in deficit.
3. To amend the Education Department 2004/5 revenue budget to take account of additional Standards Fund allocations.
4. To formally approve commencement of the first phase of the 2004/5 Education capital programme, consisting of the schemes listed in Appendix 2.
5. To approve a new capital scheme for a City Centre Electronic Signboard at a cost of £84,500.
6. To approve a pump priming fund bid of £54,500 for the Electronic Signboard, to be repaid over a maximum of five years and with any shortfall being met from within either the existing Development and Cultural Services revenue budget or a contribution from the City Centre Management Team.
7. To approve the release of £30,000 from the City Centre Management reserve to fund the balance of the capital cost of the Electronic Signboard, subject also to the approval by the City Centre Management Team Board.

378/03 Capital Programme 2003/04 Monitoring Update

The Council Cabinet considered a report from the Director of Finance, setting out the latest 2003/04 capital programme monitoring position, including potential year-end variances and proposed treatment.

Decision

1. To note the latest 2003/04 capital programme monitoring position, including potential year end variances and proposed treatment as detailed in Appendix 2.
2. To approve the changes to the latest capital programme and financing as detailed in Appendix 3.
3. To approve the 2003/2004 Local Transport Plan – LTP - capital scheme cost variations requiring Council Cabinet approval as shown in Appendix 4.
4. To ask the Director of Finance to report back to Council Cabinet on proposals for the future preparation and monitoring of the Capital Programme.
5. To note the 2003/2004 LTP capital scheme spend variations approved under delegated powers by the Director of Development and Cultural Services as shown in Appendix 5.

379/03 Young Carers Service in Derby

The Council Cabinet considered a report from the Director of Social Services, setting out proposals to waive Contract Procedure Rule C15 to extend an existing contract with National Children's Homes - NCH - to provide a Young Carers service in Derby by one year.

Decision

1. To agree to extend an existing contract with the NCH to provide a Young Carers service in Derby by one year.
2. Under Contract Procedure Rules C6, to waive Contracts Procedure Rule C15 relating to the requirement to obtain tenders.

380/03 Exclusion of the Press and Public

To exclude the press and public from the meeting during discussion of the following items on the grounds that they include the likely disclosure of exempt information as defined in paragraphs 1, 9 and 11 of Part 1 of Schedule 12A of Section 100 (A) of the Local Government Act 1972.

Key Decisions

381/03 Property Terms

The Council Cabinet considered a report from the Director of Corporate Services, setting out offers received in respect of the disposal of land at Greenwood Avenue, Chaddesden (Minute no. 358/03 refers).

Decision

To note the report

382/03 Repositioning of Policy Directorate Services

The Council Cabinet considered a report from the Director of Policy, setting out proposals to carry out a minor restructuring of the Policy Directorate. The report included proposals to mainstream equality services within the Council and focusing work on the community cohesion agenda within the Derby City Partnership.

It was also proposed that “Equalities Impact” would be introduced into the list of Appendix 1 implications to be considered by report authors.

Options Considered

1. To retain the Equalities Unit as an entity reporting to the Assistant Director – Human Resources and Diversity.
2. To retain the Equalities Unit and to locate the Council's Access Team – currently in Development and Cultural Services – within the Unit.
3. To retain the responsibility for community cohesion within the Council at a lower level within the Community Policy Division – Area and Neighbourhood Team.
4. To retain the responsibility for community cohesion within the Council with a senior post reporting directly to the Assistant Director – Community Policy.

Decision

1. To approve mainstreaming equality services within the Council and focus work on the community cohesion agenda within Derby City Partnership.
2. To endorse the re-introduction of “Equalities impact” into the list of Appendix 1 implications which had to be considered by report authors as part of the proposals to mainstream equalities.
3. To note that the repositioning did not include the review of Learning to Work requested by the Council Cabinet as part of the budget process for 2005/06. This fundamental review was programmed to start in June / July.
4. To refer the proposal to the Scrutiny Management Commission and the three equality advisory committees for their comments and to consider these on 27 April 2004.

Reasons

After an initial period of adjustment within the Directorate, the organisational arrangements were reviewed with the aim of addressing several major themes, which linked to the core objectives, which included:

- mainstreaming
- bringing resources together to provide more focused, integrated and seamless services
- concentrating on priority areas of service and redirecting resources to reshape services in these areas
- increasing corporate capacity to deal more effectively with key equality and diversity issues
- establishing a sound performance management regime in which we can focus more clearly on equality and diversity objectives and measure our achievement against national and local indicators
- specific services taking more responsibility for progressing the Council's equalities related priorities that are integral to their functions
- providing greater clarity of focus for employees, members of the public and external organisations
- stimulating and promoting innovation through a team work culture that brings together different skills, knowledge and experiences
- enabling Director and Assistant Directors to focus on strategic issues.

MINUTES END