

Time began 6.00pm
Time ended 7.30pm

COUNCIL CABINET

6 SEPTEMBER 2005

Present: Councillor Williamson – Chair
Councillors Bolton, Dhindsa, Hussain, Nath, Repton,
Roberts and Wynn

Also Present: Councillors Hickson and Jones

This record of decisions was published on 8 September 2005. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless a decision is called-in.

87/05 Apologies

Apologies for absence were received from Councillors Bayliss and Burgess.

88/05 Late items to be introduced by the Chair

There were no late items.

89/05 Identification of Urgent Items to which Call-In will not Apply

There were no urgent items.

90/05 Declarations of Interest

There were no declarations of interest.

91/05 Minutes of the Previous Meeting

The Part 1 minutes of the meetings held on 2 August 2005 were approved as a correct record and signed by the Chair.

Matters Referred to Council Cabinet

92/05 Sport, Sports Facilities and Physical Activity Strategy

The Council Cabinet considered a report from the Culture and Prosperity Commission on the sport, sports facilities and physical activity strategy. The Commission recognised that there was considerable work still to be done on

the options appraisal aspect of the Strategy, but felt that a thorough options appraisal would be needed in order to successfully implement the Council's Sport, Facilities and Physical Activity Strategy.

The Council Cabinet also considered a response to the Culture and Prosperity Commission which explained that the Council had commissioned a specialist company to carry out a detailed condition survey, to identify the level of investment required to modernise, improve and maintain sports centres. Once the survey was completed, a Sports Centre Development Plan would be produced that covered the various options open to the Council with regard to funding and the future delivery of services. The Culture and Prosperity Commission would be consulted on the Sports Centre Development Plan.

Decision

1. To note the Culture and Prosperity Commission's continued support for the principle of the strategy
2. To note that the Commission had some reservations over the implications of the options appraisal, particularly with regard to privatising leisure facilities
3. To involve the Commission in any site visits and other relevant evidence gathering sessions take place during the options appraisal process.

93/05 Waste Strategy

The Council Cabinet considered a minute extract from Council on 20 July 2005. Council resolved on the motion of Councillor Williamson to approve the minutes and recommendations of the Council Cabinet dated 14 June and 12 July 2005 subject to Minute No. 14/05 Waste Strategy being referred back to Council Cabinet for reconsideration.

The Council Cabinet also considered a report of the Planning and Environment Commission on the Waste Strategy. The Commission recognised the need to provide a facility to deal with the city's residual waste and did not disagree with the proposals outline in the report to the Council Cabinet on 14 June. The Commission considered that there could be difficulties with getting the public to accept the need for a disposal plant in the City and suggested that Council Cabinet should give particular consideration to the ways in which the public might be persuaded to accept the need for such an installation.

Decision

To give particular consideration to the ways in which the public might be informed of the need for a residual waste disposal plant in the city.

Key Decisions

94/05 Raynesway – Proposed Rosemound Development Site

The Council Cabinet considered a report on the variations to the Council's contractual arrangements with Rosemound for the development of the Raynesway site.

Options Considered

None involving the Council. The Developer could obtain material to build up levels and obtain rights to compensate for flooding provision from other landowners in the area.

Decision

To approve terms to vary the existing contractual arrangements as set out in the report in the confidential part of the agenda.

Reason

To account for proposed changes in the areas identified for development following studies undertaken by Rosemound Development Limited during the period allowed for submission of their planning application.

95/05 A514 Proposed Weight Restriction – Consideration of Objections

The Council Cabinet considered a report on A514 proposed weight restriction – consideration of objections. The report outlined the progress which had been made in progressing the A514 weight restriction agreed by Council in March 2005. Two objections had been raised which Cabinet needed to consider before deciding whether to proceed. Cabinet also had an option to choose whether to proceed with signing the City and County roads in advance of the A50 if the Highways Agency is not able to move as quickly as the local authorities.

Options Considered

None

Decisions

1. To overrule the objections from the Freight Transport Association and Mr Pratt of 175 Chellaston Road and they be informed accordingly.

2. To authorise the Director of Corporate Services to make the necessary Traffic Regulation Order as advertised, subject to the agreement of Derbyshire County Council
3. In the event of the Highways Agency not being able to proceed with the A50 signing, the implementation should be carried out in two phases.

Reasons

1. From consideration of the objections and the alternative routes available, it can be concluded that the benefits of making the order outweigh the disadvantages.
2. As the Order covers part of the County Council's administrative area it is necessary to have their agreement.
3. So that Members could determine whether to implement the Order once the signing on non-trunk roads had been erected.

96/05 Capital Programme 2005/06 and 2006/07 Repairs to Multi Storey Car Parks

The Council Cabinet considered a report on Capital Programme 2005/06 and 2006/07: Repairs to Multi Story Car Parks. A programme of maintenance work was in progress in the multi storey car parks at Assembly Rooms, Bold Lane and Chapel Street and financial provision was made for this in the Council's capital programme for it to continue over the following three years. The report outlined the extent of the works which were necessary for the car parks to continue their value role in providing quality parking schemes to meet City Centre needs.

Options Considered

Allow the car park structures to deteriorate in condition until closure becomes necessary on safety grounds.

Decisions

1. To commit expenditure of £400k in each of the 2005/06 and 2006/07 financial years to fund an £800k contract of repair and refurbishment to multi storey car parks at Assembly Rooms, Bold Lane and Chapel Street.
2. To approve the outline works content for this urgent repairs contract which would be executed between October 2005 and September 2006.
3. To approve the scheme commencement for the Car Park Improvements scheme and delegate the award of the tender to the Director of Development and Cultural Services in consultation with the Director of Finance and the Director of Corporate Services.

Reasons

The works were necessary to arrest deterioration in the condition of the car parks and prolong their service lives. Delay will result in either increased repair costs or full closure on safety grounds at an early date.

97/05 6 Otter Street – Proposed Conservation Area Grant

The Council Cabinet considered a report on 6 Otter Street – Proposed Conservation Area Grant. The report detailed that an application for grant aid for window repairs at 6 Otter Street had been submitted, details of which were provided in the report.

Options Considered

None

Decision

To approve application for Conservation Area grant aid of up to £1,146.00 - or 25% of the actual costs, whichever is the lesser - towards the cost of repairs to windows at 6 Otter Street, Strutts Park Conservation Area, subject to the following conditions

- a. Standard conditions
- b. Repaired windows to be paint finished in white or off white.

Reason

The offer of grant assistance would make sure that repair works were carried out to a high standard and that they would help to preserve/enhance the special character of the Strutts Park Conservation Area.

98/05 Private Sector Housing Renewal Programme

The Council Cabinet considered a report on the Private Sector Housing Renewal Programme. The report set out the reasons for recommending a housing market renewal approach in the Rosehill area around the former Baseball Ground and the reasons for temporarily suspending any further area-based housing renewal activity outside Rosehill and the current Hartington Street and Osmaston areas of the city, pending the outcome of the baseline assessment and city-wide stock condition survey which would be completed by 2006.

Options Considered

None

Decision

1. To authorise the Director of Policy to develop and implement, subject to resources being made available by the Regional Housing Board, a housing market renewal pilot project to tackle low demand issues in the Rosehill area of the city.
2. With the exception of Rosehill and current renewal programmes in the Hartington Street and Osmaston areas of the city, to suspend any further area based housing renewal activity until the full outcome of a city-wide house condition survey is known.
3. To bring back a report to a future Cabinet meeting to approve the pilot project before it is submitted to the Regional Housing Board.
4. To refer the report to the Community Regeneration Commission.

Reasons

1. Research commissioned by the East Midlands Development Agency, in partnership with the East Midlands Regional Housing Board, has identified Rosehill as one of a number of areas in the region where the housing market is fragile and at risk of suffering low demand.
2. On the basis of this research and the Council's successful track record in delivering area focused housing renewal programmes, the Regional Housing Board has selected Derby, along with Mansfield and Bolsover, to participate in pilot market renewal projects, for which funding of up to £18.5m, over three local authority areas, will be made available in 2006-2008.
3. The findings of the research have emphasised the need to address the housing market and other issues affecting Rosehill. In particular, the area immediately surrounding the site of former Baseball Ground which itself is subject to major housing redevelopment proposals by the Walbrook Group.
4. In the short to medium term, the development and implementation of a market renewal initiative in Rosehill will require the diversion of resources away from proposed area based housing renewal programmes elsewhere in the city. However, these programmes were, in any event, already under review as a result of the introduction of the Government's Public Service Agreement – PSA – target to increase the proportion of decent homes in the private sector occupied by vulnerable groups.
5. The introduction of this target, which local authorities are expected to meet, is likely to change both the nature, extent and locality of area based housing renewal interventions in the future, as well as redefining priorities.

6. A baseline assessment to establish the proportion of decent private sector homes occupied vulnerable households in Derby is currently under way, and will be verified by a city-wide stock condition survey. This will be completed by March 2006.

99/05 Emergency Care Strategy for Southern Derbyshire 2005-2008

The Council Cabinet considered a report on Emergency Care Strategy for Southern Derbyshire 2005-2008.

Options Considered

The Southern Derbyshire community was required to produce an Emergency Care Strategy by the Department of Health.

Decisions

1. To approve the Emergency Care Strategy for Southern Derbyshire.
2. To note the work taking place across the Council in support of the Strategy.

Reason

All agencies involved in the Southern Derbyshire NHS Emergency Care Network Board are seeking to sign off of the Emergency Care Strategy by their Boards and Cabinets.

100/05 Consultation on the Future Arrangements for the Management and Delivery of Services for People with Learning Disabilities in Derby and Derbyshire

The Council Cabinet considered a report on Consultation on the Future Arrangements for the Management and Delivery of Services for People with Learning Disabilities in Derby and Derbyshire.

Options Considered

Further integration of services is a long-established commitment of all the partner organisations. The preferred option is explained in the consultation document.

Decision

To undertake a public consultation process about the integration of Local Authority and Specialist NHS services for people with learning disabilities.

Reason

As public authorities, the statutory organisations involved have a duty to consult properly and fully on proposed organisational changes.

101/05 Re-designation of Derby's Special Schools

The Council Cabinet considered a report on the re-designation of Derby's Special Schools. The report gave details on the consultation which had been carried out on the proposal to re-designate four of Derby's Special Schools, St Giles', St Andrew's, St Clare's and St Martins.

Options Considered

The decision to withdraw the proposals for re-designation of St Martins and St Clare's will allow for further consultation and consideration of alternative options.

Decision

1. To approve the publication of statutory notices for the re-designation of Special Schools.
2. To agree the re-designation of St Giles' Special School from Moderate Learning Difficulties for pupils aged 4 – 11 years, to St Giles' Community Special School for pupils aged 4 – 11 years with Complex, Moderate Learning Difficulties and Severe Learning Difficulties and Autism.
3. To agree the re-designation of St Andrew's Special School from Severe Learning Difficulties for pupils aged 4 – 19 years to St Andrew's Community Special School for pupils aged 11 – 19 years with Severe Learning Difficulties and Autism.
4. To delegate to the Director of Education the power to determine these proposals if there are no objections raised during the statutory notice period.
5. To defer proposals for St Martins and St Clare's Special Schools, pending further development work.
6. To welcome the comments of the Education Commission.

Reasons

1. The four special schools listed above have remained unchanged in their registered designation with DfES since Derby City became a unitary authority in 1997.
2. Changing the designation of St Andrew's and St Giles' schools will make sure that parents and carers have the right information about the schools and are therefore able to make informed decisions when stating a preference for a school for their child.

102/05 Grants to Sports and Community Groups

The Council Cabinet considered a report on grants to sports and community Groups. The report covered applications for grant aid to two voluntary sports organisations:

- Derbyshire Association for the Blind – grant aid of £1,000 towards the cost of training and supporting visually impaired people to carry out access audits at the Council's sports centres.
- Mandela Juniors Netball Team – grant aid of £1,000 towards the cost of establishing a junior netball team and encourage up to 20 young girls from a variety of backgrounds to become involved in junior netball activity.

Options Considered

1. The Regeneration Co-ordinator in the External Funding Unit of Derby City Partnership was consulted on the grant applications. It was considered that the projects do not meet necessary funding criteria for the National Lottery 'Awards for All Scheme' and that no other source of funding was currently available.
2. The Council's Access Officer was consulted on the application and no funding was currently available.

Decision

1. To award a grant of £1,000 to the Derbyshire Association for the Blind.
2. To award a grant of £1,000 to the Mandela Juniors Netball Team.

Reasons

The organisations applying for grant aid meet the Council's conditions, rules and financial regulations for grant funding schemes, as detail in Section 3 of the Grants for Voluntary and Community Groups information pack.

103/05 Re-inspection of the Adult Learning Service

The Council Cabinet considered a report on the re-inspection of the adult learning service. The report outlined the outcomes of the re-inspection of the Adult Learning Service and the draft post-inspection action plan.

Options Considered

The Adult Learning Service was required to submit a post-inspection action plan.

Decision

1. To recommend Council to approve the draft post inspection action plan subject to the comments of the Education Commission.
2. To authorise the Director of Education in consultation with the Cabinet Member for Children's and Education Services to finalise the post inspection action plan.

Reasons

The Adult Learning Service was re-inspected by ALI in the week beginning 16 May 2005. The report summarised the outcomes of that inspection and sets out the actions for improvements.

Best Value

104/05 Best Value Review of Development – Improvement Plan

The Council Cabinet considered a report on the Best Value Review of Development – Improvement Plan. The report gave a summary of the progress made so far in the implementation of the actions identified in the Plan.

Decision

To note the report on progress with the implementation of the Development Improvement Plan.

Budget and Policy Framework

105/05 Waste Strategy - Procurement

The Council Cabinet considered a report giving details about the need to find ways of dealing with residual waste, in order to avoid serious financial penalties in the future, but also to meet the Councils environmental objectives.

Options Considered

None

Decision

To recommend Council

1. To approve the proposal to procure a treatment plant to deal with residual waste subject to a further investigation into the viability of utilising Private Finance Initiative – PFI – credits.
2. To agree to the Council working closely with Derbyshire County Council to procure a waste treatment plant sited in or near to Derby and sharing costs proportionally and approves the placing of the necessary notices advertising a procurement process.
3. To note the reports of the consultants recommending this preferred procurement strategy
4. To note that a similar report was submitted to Derbyshire County Council Cabinet on 16 August 2005. The County Council approved the report subject to some minor amendments concerning the powers of various officers to trade in Landfill Allowance Trading Scheme – LATS.
5. To approve the delegation of powers to the Project Board as set out in part 2 of the report.

Reasons

To enable the Council to make suitable arrangements to deal with residual waste in the City.

106/05 City of Derby Local Plan Review – Responses to the Inspector’s Recommendations and Proposed Modifications to the Plan

The Council Cabinet considered a report on the City of Derby Local Plan Review – Responses to the Inspector’s Recommendations and Proposed Modifications to the Plan. It was reported that the Council had a duty to keep its statutory plans up-to-date and had been progressing a review of the City of Derby Local Plan over a five year period.

Options Considered

No other options were considered.

Decision

To recommend Council

1. To approve the Schedule of Modifications, Maps, Inspector recommendations not accepted and Inspector recommendations accepted but not leading to modifications as set out in Schedules 1 – 4 as set out in the report
2. To authorise the Director of Development and Cultural Services to make the necessary arrangements to place these on Deposit.
3. To authorise the Director of Development and Cultural Services to approve any further minor textual and/or technical changes to the proposed modifications to be placed on deposit.
4. To note the contents of appendices 3 and 4 of the report and to have regard to these in reaching decisions on recommendations relating to them.
5. To note the comments of the Planning and Environment Commission and response to these as set out in Appendix 5 of the report.

Reasons

Detailed reasons for the recommended responses and proposed modifications were given in an Appendix to the Report and in the Schedules.

107/05 Abolition of Home Care Charges

The Council Cabinet considered a report on the abolition of home care charges.

Options Considered

No other options have been considered.

Decisions

To recommend Council to agree to

1. Abolish Home Care charges from 1 October 2005.
2. Find savings equivalent to the net income losses of £913k as part of the 2006/07 budget process, above those already planned, and to fund the part year losses in 2005/06 from corporate under-spending.

Reasons

1. To make sure that vulnerable people in need are not deterred by the charges from accessing the service.
2. To enable a higher number of service users to receive this service, maximising their independence, enabling them to remain in their own home and reducing the need for residential care.
3. To eliminate the postcode lottery between Derby and Derbyshire residents who are already receiving a free service.

108/05 Treasury Management – Annual Report and Update

The Council Cabinet considered a report on Treasury Management – Annual Report and Update. The report detailed the outturn position for 2004/05 for the prudential indicators and updated the Treasury Management Strategy.

Decision

1. To note the actual Prudential Indicators in respect of 2004/05 outturn as outlined in Appendix 2 and summarised at Appendix 5 of the report.
2. To approve the Annual Report in respect of Treasury Management activity for 2004/05 as outline in Appendix 3 of the report.
3. To approve the revisions to the updates to the 2005/06 Treasury Management Strategy as detailed in Appendix 4 of the report.

109/05 Supporting People Budget

The Council Cabinet considered a report on the Supporting People Budget. The report set out details of and reasons for the projected funding for the projected shortfall within the Supporting People budget in 2005/06 – 2007/08, an action plan for 2006/07 and 2007/08 to bring expenditure in line with government grant which covers service reviews, a new type of contract and a strategic review process.

Decision

1. To note the projected funding shortfall within the Supporting People budget in 2005/06 and future years.
2. To recommend Council to agree that a further £520,000 be set aside from corporate forecast underspends 2005/06 and corporate reserves.
3. To recommend Council to earmark, on an ongoing basis from 2006/07,

£250,000 of the Council's indicative budget contingency for external funding losses to migrate the impact of the reduction in the Supporting People budget on the Council's general fund budget. This could be used either as an alternative source of funding to support schemes or to assist in funding the consequential impact on other council services if schemes were to cease.

4. To plan on the basis that further decision will be taken place by the Supporting People Commissioning Board to reduce the scale of the programme and overspend by at least £14,000 in 2005/06 as a part year, based on the existing programme of reviews, and to ask the Commissioning Board to deliver this.
5. To agree the continued delegation of authority on spending decisions to the Supporting People Commissioning Board on the basis that the Board will:
 - complete a strategic review process, with the teams created working to a brief to reduce spending in specific areas to target levels of £10.198m in 2006/07 and £9.688m in 2007/08
 - resolve to make across the board reductions in funding from 2006/07 to the extent that insufficient specific funding reductions may otherwise be made in time through the strategic review process
 - consult with providers about the scale of service reductions and across the board funding reductions as a result of the cuts in external funding to the Supporting People programme, and serve the necessary notices in time to make sure that either targeted or across the board reductions can take place as necessary from April 2006.
6. To encourage partner organisations to make similar provision from their core budgets from 2006/07 to mitigate the impact of the reduction in Supporting People programme funding.
7. To note the intention to bring a further report to Cabinet later in 2005 that sets out progress in implementing the action plan in detail and considers further the actions necessary to minimise risks.
8. To consider with partners and providers potential lobbying of the Government in view of the scale of the cuts in Supporting People funding to Derby and those projected to 2007/08.

Contract and Financial Procedure Matters

110/05 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report setting out a number of contract and financial procedure matters.

Decision

1. To note the initial potential year end variances emerging from early monitoring of the 2005/06 revenue budget.
2. To approve a licensed deficit for Lees Brook Community Sports College.
3. To agree to subscribe to the IDeA Marketplace e-procurement solution and to approve the funding of the first year's costs from the Building on Excellence budget, with future years to be met from savings.
4. To recommend Council to approve the use of prudential borrowing to finance the purchase of St Paul's House and St Matthew's House for a combined cost of £1.47m including costs, and the addition to the capital programme.
5. To approve Capita as the preferred supplier for supply and implementation of the replacement Revenue and Benefits system, and annual support and maintenance for a minimum period of 5 years, and approve unsupported borrowing of £735k.
6. To approve the write-off of an outstanding debt for £18,179.92 at Appendix 5 of the report.
7. To note the further allocation of priority repair and maintenance schemes from the additional £500,000 repair and maintenance budget included in the 2005/06 approved revenue budget as detailed at Appendix 6 of the report.
8. To approve changes to the approve 2005/06 capital programme and capital scheme commencements, as detailed in Appendix 7 of the report.

111/05 Exclusion of Press and Public

To exclude the press and public from the meeting during discussion of the following item, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of part 1 of schedule 12A of Section 100(A) of the Local Government Act 1972.

Key Decision

112/05 Raynesway – Proposed Rosemound Development Site

The Council Cabinet considered a report setting out exempt information relating to Raynesway – Proposed Rosemound Development Site.

Decision

To note the report.

MINUTES END