

Time began	6.00 pm
Time ended	7.05 pm

COUNCIL CABINET
15 JUNE 2004

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

This record of decisions was published on 17 June 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.

458/03 Apologies

An apology for absence was received from Councillor E Berry.

459/03 Late items to be introduced by the Chair

There were no late items.

460/03 Identification of Urgent Items to which Call-In will not Apply

There were no urgent items.

461/03 Declarations of Interest

There were no declarations of interest.

462/03 Minutes of the previous meeting

The Part 1 minutes of the meeting held on 18 May 2004 were approved as a correct record and signed by the chair.

Matters Referred to Council Cabinet

463/03 Comments on the Supplementary Planning Guidance on the After-use of Sand and Gravel Sites

The Council Cabinet considered a report from the Planning and Environment Commission which had no comments to offer on the supplementary planning guidance on the after-use of sand and gravel sites.

Decision

To note the report.

464/03 Best Value Review of Bereavement Services – Terms of Reference Report

The Council Cabinet considered a report from the Planning and Environment Commission, which had no comments to offer on the Best Value Review of Bereavement Services – Terms of reference Report.

Decision

To note the report.

465/03 Best Value Review of Development – Final Report and Improvement Plan

The Council Cabinet received a report from the Planning and Environment Commission, which had no comments to offer on the Best Value Review of Development Final Report and Improvement Plan.

Decision

To note the report.

466/03 Best Value Review of Services to Road Users – Final Report and Improvement Plan

The Council Cabinet received a report from the Planning and Environment Commission, which had no comments to offer on the Best Value Review of Services to Road Users Final Report and Improvement Plan.

Decision

To note the report.

467/03 Home Energy Conservation – How's Derby Doing? Comments on the Draft Action Plan

The Council Cabinet considered a report from the Planning and Environment Commission responding to the report of the Environment and Sustainability Commission prepared following the draft action plan.

The Planning and Environment Commission recommended that:

- Council Cabinet approve the proposals set out in the draft action plan
- the Council lobby local MP's to support the Sustainable and Secure Buildings Bill and to request that current enforcement powers were updated so that the legislation could be properly enforced.

Decision

- 1 To note the report.
- 2 To ask the Director of Policy to establish progress made in the Sustainable and Secure Buildings Bill and if appropriate make representations as suggested by the Commission.

468/03 Derby Joint Local Transport Plan 2006 – 2011, LTP2 Draft Policy and Delivery Frameworks

The Council Cabinet considered a report from the Planning and Environment Commission setting out its recommendations on the Derby Joint Local Transport Plan 2006 – 2011, LTP2 Draft Policy and Delivery Frameworks. The Planning and Environment Commission received a presentation on 24 May 2004 from Christine Durrant, Head of Transportation and Special Projects, Development and Cultural Services. The Commission were in general agreement with the overall content of the report but had concerns about two specific points.

Commission members considered that the proposed 'transport vision' set out in paragraph 3.7 of the report was not likely to be achievable. Commission members also considered that the delivery strategy 3 – 'To deliver and manage an integrated sustainable transport system to reduce congestion' was not realistic. Therefore the Planning and Environment Commission recommended that the proposed transport vision and the delivery strategy three were redefined to make them more realistic and achievable.

Decision

- 1 To note the report.
- 2 To ask the Director of Development and Cultural Services to consider the comments of the Commission as part of the consultation on LTP2.

Key Decisions

469/03 Education Service Capital Projects 2004/05 – Phase 3

The Council Cabinet considered a report from the Director of Education, setting out details relating to Seed Challenge and Schools Access Initiative projects which were outlined in appendices two and four of the report. The Council Cabinet was also asked to approve the following financial procedure matters:

- design and tendering process for a double classroom extension at Brackensdale Junior School and the allocation for asbestos related work as shown in appendix 5a, from within the agreed block programme
- variations to the Capital Programme as set out in appendix 5b
- voluntary aided projects as shown in appendices 6a and 6b.

Options Considered

- 1 There was no option, but to prioritise Seed Challenge funding in accordance with the Department for Education and Skills – DfES - funding criteria.
- 2 There was no option but to prioritise the Schools Access Initiative funding to improve access to mainstream schools in accordance with DfES funding criteria.
- 3 Capital Projects to be funded from New Deals for Schools – NDS - modernisation funding has to be prioritised in accordance with the Asset Management Plan – AMP - Local Policy Statement and statement of priorities. The representative AMP Schools Improvement Group had considered projects with input from Property Services.
- 4 Voluntary aided projects needed to be prioritised in accordance with the AMP Statement of Priorities and Local Policy Statement. This was specific funding for projects in aided schools.

Decision

- 1 To approve the Seed Challenge and Schools Access Initiative projects as outlined in the report.

2 To approve the following financial procedure matters:

- design and tendering process for a double classroom extension at Brackensdale Junior School and the allocation for asbestos related work as shown in appendix 5a, from within the agreed block programme, the latter subject to establishing whether survey work could be funded from the Capital Programme.
- variations to the Capital Programme as set out in appendix 5b
- voluntary aided projects as shown in appendices 6a and 6b.

Reasons

- 1 The Seed Challenge projects were in line with the requirements of Seed Challenge funding.
- 2 The proposed schemes shown in Appendix 4 related to use of Schools Access Initiative funding to assist the integration of children, parents, community users and staff with impaired mobility into mainstream schools. The Disability Discrimination Act (DDA) as amended by the Special Educational Needs (SEN) and Disability Act 2001, places a duty on all schools and Local Education Authorities (LEAs) to plan to increase over time the accessibility of schools for disabled pupils.
- 3 The proposed scheme at Brackensdale Junior School related to the junior phase of provision of autistic children already established at Brackensdale Infant School. The project has been prioritised in accordance with the Asset Management Planning (AMP) Local Policy Statement and Statement of Priorities, as required for DfES funding streams.
- 4 LEAs were required to co-ordinate the Voluntary Aided schools capital programme in conjunction with the Catholic Diocese and Church of England Diocese.

470/03 Air Quality – Update and Screening Assessment

The Council Cabinet considered a report from the Director of Corporate Services, setting out the outcome of the Update and Screening Assessment report on the City's Air Quality. The Executive Survey of the Update and Screening Assessment report was attached at Appendix 2.

Options Considered

There were no other options considered.

Decision

- 1 To note the outcome of the Update and Screening Assessment report.

- 2 To approve proposals for statutory public consultation on the assessment report.
- 3 To refer the report to the Planning and Environment Commission for consideration.

Reasons

- 1 The Update and Screening Assessment report highlighted several road junctions in the city where air quality needed further detailed scrutiny to determine whether or not the Council needed to declare further 'air quality management areas', or revise boundaries to the existing ones.
- 2 The Council was statutorily required to make the report open for public consultation.

471/03 Street Lighting Private Finance Initiative, PFI – Outline Business Case

The Council Cabinet considered a joint report from the Directors of Development and Cultural Services and Finance, setting out the Outline Business Case – OBC for the Street Lighting PFI, which would be submitted to the Department for Transport – DfT. The Council's bid for £32.47 M of PFI credits was approved in full on 19 December 2003 and the preparation of the OBC was approved by the Council Cabinet on 24 February 2004 and the subsequent timetable for the submission approved on 27 April 2004.

An addendum to the report was circulated at the meeting setting out further information on the affordability of the proposed PFI. Since the expression of interest, factors outside the Council's control had led to an adverse affordability position as the cost of capital investment had risen above inflation.

Options Considered

There were no other options considered

Decision

To approve the OBC for the Street Lighting PFI, subject to formal approval by the Board and to apply to the DfT for additional PFI credits totalling £1.26m to address the affordability gap.

Reasons

This would enable the OBC to be submitted to the Department for Transport in accordance with the agreed programme.

472/03 Land at London Road/Clifton Street – Derby Southern Derbyshire Acute Hospitals NHS Trust

The Council Cabinet considered a report from the Director of Corporate Services, which set out a request of the Trust for a further extension of the development period.

The Trust considered that the continued use of the London Road/Clifton Street site was necessary and at the end of that period the land would be vacated, together with a considerable area of other land. Previous extensions of the development clause had noted that no further extensions should be permitted. However, with the Trust committed to the City Hospital development and a completion date established, it was considered that a further extension would remove the necessity for a yearly extension, and would save both legal expenses and time. The report set out a number of implications which needed to be borne in mind when considering the request from the Trust, which included the planning, highway and housing implications.

Options Considered

- 1 Extend the development covenant to February 2009.
- 2 Extend the development covenant to coincide with the opening of the Accident and Emergency facility. This would not be the preferred option, as it did not give a definitive date for the end of the development covenant. The opening of the facility could be subject to unforeseen delays.
- 3 Not to extend the development covenant.

The re-purchase covenant would come into effect on 1 July 2004 and be enforceable for the next two years. It was anticipated that the Trust would strongly object to the Council exercising the option. The Council was aware that the site would be required by the Trust up to December 2008 to accommodate the car parking needs of the Derbyshire Royal Infirmary whilst the transfer of services took place.

The Council would have to make a capital provision for the re-purchase of the site and find a suitable developer to offset the capital costs. There were other requirements to be fulfilled, including planning and highway requirements.

Decision

To authorise the Director of Corporate Services to extend the development covenant to 23 December 2008 and the re-purchasing covenant for a period of two years from 23 December 2008.

Reasons

- 1 The site shown edged black on drawing number 2452/22A was sold to the Southern Derbyshire Acute NHS Trust ('the Trust') by the Council on 1 December 1987, and is being used as a temporary car park. It was a condition of the original sale that, if the site were not developed for a specified use within a specified time period, the Council would have the option of re-purchasing the land at its open market value at that date. The use specified has changed a number of times, currently being for a Palliative Care Hospice.
- 2 Over the past few years, the Trust's development covenant and the Council's subsequent re-purchasing covenant have been extended by agreement on a number of occasions. The current position is that the Trust's development covenant is due to expire on 30 June 2004, and the Council can exercise the option to re-purchase from 1 July 2004 to 30 June 2006.

473/03 Grouped Schools Private Finance Initiative – Phased Opening of the Schools

The Council Cabinet considered a report from the Director of Corporate Services, setting out the recommendations of the Project Board on the phased construction and opening of the schools. The Council Cabinet gave consideration to the options available and were further advised by the Director of Education on the educational issues affecting the decision.

Options Considered

Alternative phasing options for the secondary schools were considered.

Decision

To confirm the placing of High View School in the first phase, and Merrill College in the second phase of the schools PFI construction programme.

Reasons

This solution offered the most effective construction programme.

Contract and Financial Procedure Matters

474/03 Financial Procedure Matters Report

The Council Cabinet considered a joint report from the Directors of Finance and Corporate Services, setting out a number of financial matters which required Council Cabinet approval. A revised report was circulated at the meeting.

Decision

- 1 To approve an addition of £16.1 m to the Public Sector Housing Capital programme for 2004/05.
- 2 To approve a £350,000 allocation to individual schemes from the e-Derby budget as detailed at paragraph 2.2.
- 3 To approve the acceptance of a tender other than the lowest from Foundation Software Solutions to supply the central pupil database and admissions module
- 4 To approve the increase of £41,000 to the approved cost for the demolition of the Hastings Building following the tender process
- 5 To approve the waiving of contract procedure rules to award a contract to the Children's University for the Gifted and Talented Summer School 2004.
- 6 To approve a revenue budget virement of £15,000 from Education department sport and leisure to Corporate Services department property services.
- 7 To approve amendments to the limits applying to investments in certain building societies, as detailed in paragraph 2.7.5 and to note that the results of a more comprehensive review of investment limits would be reported to a future Council Cabinet meeting.

475/03 Capita Contract Extension Proposal

The Council Cabinet considered a report from the Director of Finance, setting out details of the proposal to extend the original contract with Capita, which was due to run until October 2005 after a two year extension had been agreed in April 2003. It was noted that Capita had originally tabled proposals for a five year extension but they were rejected as the Council was still developing its e-Derby strategy. It considered that it was unable to commit to the extended timescales without a clearer vision of where it wanted to be in the future and the effect that may have had on the way the IT services would be delivered.

However, it was agreed to consider a future extension, once the e-Derby Strategy document had been completed, which was now the case. Capita had tabled

proposals for a further three year extension, which would extend the contract to October 2008, the maximum allowed under the original contract provisions.

Decision

- 1 To approve in principle Capita's extension proposals.
- 2 To delegate responsibility to the Directors of Finance and Corporate Services to agree the final terms and conditions of the extension agreement.

MINUTES END