

Time began: 6.00pm  
Time ended: 7.48pm

## **COUNCIL CABINET 15 MAY 2013**

Present Councillor Bayliss (Chair)  
Councillors Banwait, Dhindsa, Hussain, Rawson, Repton,  
Russell and Shanker

In attendance Councillors Holmes and Jones

This record of decisions was published 17 May 2013. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

### **202/12 Apologies**

There were no apologies for absence.

### **203/12 Late Items Introduced by the Chair**

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late item on the grounds that it should be considered as a matter of urgency on the basis that it related to items being considered at this meeting:

- Recommendations from the Neighbourhoods Overview and Scrutiny Board.

The Chair also referred to this being the last meeting for Councillors Dhindsa and Hussain as they were moving on to be Deputy Police and Crime Commissioner and Mayor respectively. The Council Cabinet thanked them for their contribution and wished them well for the future.

### **204/12 Receipt of Petitions**

There were no petitions received.

### **205/12 Identification of Urgent Items to which Call In will not apply**

There were no items.

### **206/12 Declarations of Interest**

There were no declarations of interest.

## 207/12 Minutes of the meeting held on 17 April 2013

The minutes of the meeting held on 17 April 2013 were agreed as correct record and signed by the Chair.

### Matters Referred

#### 208/12 Neighbourhoods Scrutiny Board Recommendations

The Council Cabinet considered a report which outlined the following recommendations from the Neighbourhoods Overview and Scrutiny Board relating to the items on 'changes to the refuse collections service' and the 'updates to the tree management policy'.

1. The Neighbourhoods Board recommended to Council Cabinet that if the trial removal of recycling collections with a move to a weekly black bin collection in some areas of the city is implemented, that the provision of local recycling facilities for those in affected areas that still want to recycle is included.
2. The Neighbourhoods Board recommended that Council Cabinet only consider the decision on the introduction of the CAVAT scheme for developer contributions and defer the decision on the update which allows private residents to pay for tree works on public land subject to certain criteria, until the board has had time to review the Tree Management Policy.

### Decision

To consider the recommendations along with reports set out in minutes nod 210/12 and 211/12 below.

### Key Decisions

#### 209/12 Alcohol Treatment System Retender – 2013 / 2014

The Council Cabinet considered a report on the Alcohol Treatment System Retender – 2013/2014. The requirement to have a local alcohol harm reduction strategy – and related -alcohol treatment system – was still statutory due to the un-repealed Crime and Disorder Reduction Act 1998 (despite its amendment in 2012). Equally a significant proportion of the Public Health ring fence grant allocated to Derby City was contingent on sustainable performance against outcome framework measures reflecting alcohol related-hospital admissions and successful exits from treatment.

Considering alcohol related hospital admissions in general (Derby and England - see graph in appendix 4 of the report) from 2005/6 to 2010 for Derby there was a steady and sometimes significant increase in admissions (from 1,500 in 2005 to 2,125 in June 2010). Whilst there was no direct causal evidence to support this, since the introduction of the new alcohol treatment system in April 2010 Derby had observed a

year on year dramatic decline in the number of alcohol related hospital admissions - from 2,125 in 2010 to 1,375 in December 2012 (an aggregate -14% decrease). The English national average had however increased by nearly 12% year on year.

Alcohol treatment in Derby clearly worked and we currently invest £1.6 million in an integrated system covering all aspects of treatment and prevention (see appendix 3 of the report). There remained a significant challenge to alcohol related harm as the city has nearly 6,000 dependant drinkers and over 30,000 binge drinkers. These individuals placed great strain on the wider health economy. These were defined in appendix 3 of the report.

As the alcohol treatment system also provided synergy for other vital activities in the city, namely housing related support interventions and the reduction of crime, it was essential that effective treatment was sustained in line with cross-party recommendations, legislation and the Derby Plan's long term vision.

Current contracts for alcohol services were due to expire on 31st March 2014. A retendering exercise to secure a new treatment system needed to take place throughout 2013 to meet our numerous requirements.

### **Options Considered**

1. Do nothing i.e. end all alcohol treatment. This was out of the question in reality due to the statutory obligations under the Crime Disorder Reduction Act 1998.
2. Reduce level of investment. This would in essence destabilise an already effective and efficient treatment model by reducing essential components. The model gained efficiency year on year indicating that to meet the challenge of the burgeoning alcohol problem the same level of investment is required to sustain the level of return on investment and gain. Zero growth - in actual terms was a reduction in investment and keeping the level of investment the same was equally a zero growth option.
3. Increase level of investment. This was not currently necessary due to the synergies and economies of scope and scale by having an aligned Drug treatment system and housing related support interventions

### **Decision**

1. To authorise the undertaking of a tendering exercise to deliver a new alcohol treatment system during 2013 – with no more than the same level of investment - so that new service delivery commenced on 1st April 2014.
2. To give delegated authority to the Strategic Director, Adults Health and Housing, following consultation with the Director of Public Health and the Cabinet Member for Adults Health and Housing to authorise the publication of the relevant tender documentation and to oversee the undertaking of the procurement exercise.

## Reasons

1. An effective alcohol treatment system was both a statutory requirement (indirectly as part of a mandated local harm reduction strategy) and an example of best-value, spend to save practice. The approach taken in Derby since 2010 had demonstrated that continuing to provide treatment in this way reduced the economic burden to the city, reduced crime and antisocial behaviour and also improved the health and wellbeing of our residents
2. Derby's central government allocation – the Public Health grant – was currently contingent on the city providing effective alcohol treatment and achieving performance against the respective Public Health outcome framework measures.

## 210/12 Changes to Refuse Collection Services

The Council Cabinet considered a report on Changes to Refuse Collection Services. The Council Cabinet also considered the recommendations from the Neighbourhoods Board on changes to the refuse collection service. Following the 2013/14 National Budget Settlement the significant reductions required in the Council Budget had necessitated the need for a review of discretionary services. The collection of garden waste was discretionary and although the Council recognised the value of this collection the need to balance the budget had had to take priority. One option would be to stop the service altogether, however in recognition of the value residents place on the brown bin collection rather than simply stopping the service the Council had given the option for residents to still receive a collection on a chargeable basis. The Council also continued to campaign for more funding for Derby so that services could be maintained through the Fair Deal for Derby Campaign.

As part of the budget review for 2013-14 and 2014-15, Waste Management analysed the financial impact of introducing a charging policy for the collection of garden waste.

At present garden waste was co-mingled with food waste and composted at Vital Earth's 'In Vessel Composting Plant' at Ashbourne, Derbyshire.

It was recognised that not everyone in the city would take up this service if a charge was applied. Also, whilst some garden waste would migrate into the black bin, garden waste could also be home composted in larger quantities as well as migrating to the Raynesway Household Waste and Recycling Centre. A collection service for unwanted brown bins would also be offered from October 2013 to January 2014.

It was recognised that some areas within the inner city were not suited to the full recycling collection scheme. Properties that were rented to students typically had a high turnover of tenants and had limited access to the rear of the property, making it difficult for residents to manage their waste and remove their bins from the street.

A food and garden waste collection service currently operated for the full year. Following the garden growing season (typically April to September), garden waste tonnages and the number of brown bins presented for collection decreased.

## Options Considered

Do nothing, would not yield any savings in support of the Councils budgetary targets for the next 2 years.

## Decision

1. To accept the recommendation from the Neighbourhoods Board and go ahead with the trial subject to consultation with the Neighbourhood Boards.
2. To introduce a charging scheme for the collection of garden waste as described in the report, from 24 March 2014.
3. To operate the service over 32 weeks on an alternate weekly basis.
4. To cease the current brown bin collections on Friday 25 October 2013. This would give Waste Management a resource to be deployed removing brown bins from residents that did not wish to join the scheme. This would also include the collection of blue 140 litre bins which would be surplus to requirement.
5. To introduce a weekly residual waste collection service from Monday 28 October 2013 and withdraw the brown and blue bin collection services, within four areas of Derby, identified as not suited to the Councils current refuse recycling services due to the design of properties, high turnover of occupiers, lack of storage for recycling bins, and high levels of contamination, fly tipping and street litter. This service would be restricted to those properties that were shown on the maps and street listings attached to the report.

## Reasons

1. The City council has to make some difficult choices in reducing its budgets over the coming years.
2. There was a power to charge for the collection of garden waste under the Controlled Waste Regulations 2012.
3. Around 30% of Local Authorities already charged for the collection of garden waste.
4. In contributing to the City's budget savings, income from householders wishing to take part in the scheme would offset the expenditure of providing waste collection services in the City. It was anticipated that this proposal would save the Council around £1.2 million per year.
5. The proposed introduction of a weekly black bin collection service in the four areas that had been identified would:
  - enable residents in those areas to manage their waste more

effectively

- reduce fly tipping
- reduce contaminated recycling bins
- reduce side waste

6. By stopping the collection of garden waste from Monday 28 October 2013, this would enable the Waste Management Division to offer a citywide collection service for unwanted brown and blue bins.

## 211/12 Updates to the Tree Management Policy

The Council Cabinet considered a report on Updates to the Tree Management Policy. The Council Cabinet also considered recommendations from the Neighbourhoods Board on the updates to the tree management policy. Two updates to the Council's Tree Management Policy were proposed aimed at clarifying the Council's position on issues that had arisen in relation to the management and maintenance of trees around the city.

The issues to be addressed were :-

- Private residents funding tree works on public land
- The adoption of the Capital Asset Value of Amenity Trees (CAVAT) as the Council's approved method of valuing trees under threat

### Options Considered

In relation to the CAVAT proposal, other valuation systems were available, but for the reasons outlined in sections 4.9 to 4.11 of the report, CAVAT was the preferred option.

### Decision

1. To reject the recommendation for the Neighbourhoods Board.
2. To allow Neighbourhood Boards and private residents to pay for tree works on public land including the replacement of trees subject to certain criteria
3. To adopt CAVAT as the Council's approved method of applying a value to amenity trees.

### Reasons

1. Increasingly, due to the National budget reductions the Council would not be in a position to fund work on residential trees that was considered low priority. Providing that it met the necessary criteria, allowing Neighbourhood Boards and/or residents to fund the work may alleviate the frustration of residents, resolve disputes and ease pressure on Council budgets.

2. The adoption of CAVAT would avoid any doubt by developers as to the method to be used by the Council for the valuation of trees and would enable the Council to justify their valuations. It was a system that was widely accepted by developers and utility companies.

## 212/12     Review of Trading Standards Buy with Confidence Scheme

The Council Cabinet considered a report on a Review of the Trading Standards Buy with Confidence Scheme. The report reviewed progress with the council's approved trader scheme and considered options for more rigorous scrutiny of applications for membership and renewal of membership.

### **Options Considered**

1. The council was under no obligation to operate an approved trader scheme. However, the option of withdrawing from the BWC scheme at this stage would expose the council to potential claims from all scheme members, maximising potential financial and reputational risks.

### **Decision**

1. To approve the proposed changes in the membership application process.
2. To target future publicity and promotion of the scheme at the home improvement and motor trade sectors only, as these were the sectors that the public raised most concerns about and that were most frequently cited for rogue trading.
3. To decline new applications received for membership or renewal of membership from businesses offering goods or services that failed the community interest test and incurred a risk to the council's (or business members') reputation by association.

### **Reasons**

1. To ensure that all applications received an appropriate level of scrutiny prior to approval
2. To ensure that membership of the scheme focussed on those business sectors that were the most common source of consumer complaints i.e. the home improvement and motor trades
3. To protect the reputation of the council and other business members of the scheme.

## 213/12     Property Disposal Programme 2013-16

The Council Cabinet considered a report on Property Disposal Programme 2013-16. As part of the Property Rationalisation project the current list of properties for disposal had been reviewed and the report sought approval for this consolidated list of properties and to progress with their disposal. The report also set out an anticipated property disposal schedule for these properties over the next three years, bearing in mind the complexities associated with some of the properties concerned. However, it was proposed that the properties be disposed of as quickly as practical, taking advantage of any opportunities that may arise.

The Disposal Programme had identified 58 properties for disposal, of which 36 were identified for immediate disposal.

The disposal of the properties identified in the program could potentially generate capital receipts in excess of £5m.

### **Options Considered**

Seeking approval for individual transactions would be inefficient, and could delay the execution of the disposal programme.

### **Decision**

1. To approve the consolidated list of properties for disposal, as set out in Appendix 2 of the report.
2. To delegate authority to the Chief Executive, following consultation with the Leader of the Council to approve the disposal of the properties including negotiating suitable terms for the disposal.
3. To receive a report at Council Cabinet on a quarterly basis setting out what actions had been taken under 2 above.
4. To note that any capital receipts generated would be applied in accordance with the corporate capital receipts policy.

### **Reasons**

1. To allow the disposal process to commence on the properties contained in the agreed disposal programme.
2. To provide a balance between the need to dispose of properties as quickly as possible against the need to seek Council Cabinet's approval to individual property sales.
3. To allow the timings of the sale to be varied to enable the Council to react promptly to changing market conditions and to deal effectively with complexities that might arise with some of the properties.

## **214/12 The Future Arrangements for Council Housing**



The Council Cabinet considered a report on The Future Arrangements for Council Housing. Derby City Council established Derby Homes, its Arms-Length Management Organisation (ALMO) in 2002 so that the Council could apply for government money to bring council homes up to the Decent Homes Standard (DHS). As a result, the Council invested around £97m from the government to carry out decent homes investment in council housing. This was completed in 2006. The Council also invested a further £7m in improvements to communal areas.

The Council renewed its management agreement, under the previous administration, with Derby Homes which runs from 2012 to 2022 with a break clause at year five. The rationale for this was that Derby Homes was a well-performing ALMO and should be allowed to continue.

Since that agreement was renewed there had been four key changes that impact on this decision:

1. A new arrangement for the financing of council housing with far greater local control and the opportunity to undertake long term investment
2. A strong ambition by the Council to build new affordable housing in Derby
3. A worsening financial climate for local government which had prompted the Council to vigorously scrutinise all arrangements to ensure they achieved best value for the council tax payers of Derby.
4. A renewed Right to Buy offer from the national Government with generous discount levels that could have an adverse impact on the HRA Business Plan and result in a net reduction in council housing.

An options appraisal had been undertaken involving council officers and Derby Homes' representatives to consider the merits of different models for providing the housing management, repairs and maintenance and development of new council houses.

It considered four main options:

- Keep the ALMO as it is
- The "Council-owned housing company" – essentially a revised version of the ALMO
- Bring the whole operation in house
- Bring housing management in-house but leave the repairs and maintenance function external as a trading company

In One Nation Localism – how Labour Councils were delivering fairness in tough times, Labour Councils had shown their determination to find new ways of delivering on our party's enduring values. New challenges required new thinking and the report therefore proposed a new model for council housing that harnessed the best of local government and the ALMO. This option sat between Option 2 (the Council Owned Housing Company) and Option 3 (bring back in-house). This was referred to as the Partnership model and the detail of this option was set out in paragraphs 4.15-4.19 of the report.

## **Options Considered**

The Council could consider a stock transfer but this was eliminated as a possible option because of the manifesto commitment to keep council housing with the Council.

## **Decision**

1. To adopt, in principle, the Partnership model as the preferred model for the delivery of council housing in Derby.
2. To agree a comprehensive approach to the integration of support services to maximise efficiencies for the benefit of council tenants and council tax payers.
3. To place a moratorium on any changes in the current configuration of support services in Derby Homes.
4. To review the efficacy of the new governance arrangements after six months.
5. To inform the Secretary of State of the revised arrangements.
6. To request the Monitoring Officer to amend the Constitution through the Annual Meeting process.

## **Reasons**

The Partnership model was the recommended option because:

- a) It achieved good value for money in the long term, providing immediate savings to the General Fund and Housing Revenue Account.
- b) It offered a new model of integration – by integrating the housing functions of the Council and the ALMO there would be a more holistic approach to Housing issues for tenants and general residents.
- c) Further savings would be generated through an integrated customer contact function and through an integrated back office.
- d) It created a direct relationship between the Cabinet Member and tenants thereby offering greater accountability.
- e) It provided opportunities to maintain the level of housing stock.

## **Budget and Policy Framework**

215/12     Adult Learning Course Fees 2013/14

The Council Cabinet considered a report on Adult Learning Course Fees 2013/14. Learners on Derby City Council adult learning courses were required to pay course fees. The course fee structure was based on learners' ability to pay according to their income and the level of subsidy received from the Skills Funding Agency.

The indicative allocation of funding for community learning known as the Adult Safeguarded Learning funding had been set at £1,579,229 for 2013/14 which was the same as the current year's allocation.

Minor changes were proposed to support the purposes and objectives of community learning by increasing the fee for specialist courses by fifty pence per hour whilst introducing free taster courses for those who had not previously engaged in learning.

English for Speakers of Other Languages (ESOL) Courses would be increased by 50 pence per hour but would remain at £1 per hour cheaper than all other Adult Skills courses.

### **Decision**

To approve the amended fee structure for the 2013/14 academic year from 1 August 2013 to 31 July 2014.

## **Contract and Financial Procedure Matters**

### **216/12 Contract and Financial Procedure Matters**

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial procedure rules:

- Changes to the current 2013/14 – 2015/16 capital programme
- Approval of Derby Homes to act as the main contractor for the refurbishment of Oakvale House
- Approval of a licensed deficit for Cavendish Close Junior School in 2012/13

### **Decision**

1. To approve changes and additions to the capital programme as set out in Appendix 2 and highlighted in section 4 of the report.
2. To note the revised capital programme for 2013/14 in table 1 (paragraph 4.1) and the revised indicative programme for 2013/14-2015/16 as shown in table 2 (paragraph 4.5) of the report.
3. To approve Derby Homes to act as the main contractor for the refurbishment of Oakvale House as detailed in section 6 of the report.
4. To approve a licensed deficit in 2012/13 for Cavendish Close Junior School of £25,000 as detailed in section 7 of the report.

# Performance

## 217/12 School Improvement Progress Report

The Council Cabinet considered a report on School Improvement Progress. The report presented an update of school improvement since February 2013.

Education improvement was judged in terms of pupil outcomes, (progress and attainment), and in terms of Ofsted judgements. In addition, Senior School Improvement Officers categorise all schools on a termly basis based on the criteria and triggers outlined in the Derby Winners Strategy.

This provided a clear overview of the performance of all Derby schools and academies and enabled early intervention where schools were at risk of failure.

All data from 2012 examinations had now been validated. This showed improvements at all key stages and a significant reduction in the number of schools below the national floor standard. Higher results at KS2 and KS4 were outstripped by some national improvements, but comparisons with similar areas showed Derby to be improving.

Derby was identified as having a low percentage of schools judged as good or better at the time of the Ofsted Annual Report, 31 August 2012. Since then 14 of the 27 schools inspected had shown an improvement and the percentage of LA maintained schools judged good or better had improved from 43% to 66%. (Appendix 3) of the report.

Following the outcome of focused inspections in Derby, the establishment of an Education Development Board had been agreed. This Board would meet termly with effect from the Summer Term 2013. Terms of reference had been drawn up for consideration at the first meeting (Appendix 4) of the report. The Education Development Board would focus on continuing to raise standards in schools, especially at key stage 2.

Membership of the Board had been finalised by the Lead Member.

### Decision

1. To note the latest schools update and progress report.
2. To support the continued implementation of the Derby Winners policy.
3. To agree the development of the Education Development Board in driving forward school improvement.
4. To seek a further update report in September 2013.

## Other

### 218/12 Derby Child and Family Poverty Commission – Update

The Council Cabinet considered a report on Derby Child and Family Poverty Commission – Update. The Derby City and Neighbourhood Partnerships (DCNP) Child and Family Poverty Commission held its inaugural meeting at the end of March 2013.

In addition to finalising the roles and responsibilities of the Commission, including membership (see Appendix 2 of the report), the main purpose of the meeting was to review both the areas for action for the Derby Child and Family Poverty Strategy and associated work programme for the Commission (Appendix 3 of the report).

The Commission endorsed the proposed areas for action and identified key work streams including:

- the development of food banks in the city
- joining up advice and support services in the city
- challenging the marketing, promotion and positioning of pay day lending companies, to protect the vulnerable
- promoting the alternatives to the use of pay day lending companies
- increasing the supply of affordable banking and credit.

The Commission also agreed to carry out a review of:

- the supply and demand for affordable banking and credit in the city
- information and advice services

The results of the two reviews would be considered at the next meeting of the Commission in June/July.

Since the meeting, a number of areas had already been progressed and achievements made. The Cabinet Member for Business Finance and Democracy had now finalised a bulk buy energy scheme for Derby residents and was exploring the development of ethical forms of payday support.

The Commission would report back to the DCNP Board at its meeting on the 11 June 2013.

## Decision

1. To note and endorse the key work areas for the Derby Child and Family Poverty Strategy.
2. To embed the key areas for action from the Child and Family Poverty Strategy into Council policy.

MINUTES END