

Time began 6.00 pm  
Time ended 7.30 pm

**COUNCIL CABINET  
3 OCTOBER 2006**

Present: Councillor Williamson (Chair)  
Councillors Bolton, Graves, Hickson, Hussain, Nath,  
and Wynn

In Attendance Councillors Care

This record of decisions was published on 5 October 2006. 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.

**81/06 Apologies**

Apologies for absence were received from Councillors Latham, Roberts and Smalley.

**82/06 Late Items Introduced by the Chair**

There were no late items.

**83/06 Identification of Urgent Items to which Call-In will not apply**

There were no items.

**84/06 Declarations of Interest**

There were no declarations of interest.

**85/06 Minutes of the meeting held on 5 September 2006**

The minutes of the meeting held on 5 September 2006 were confirmed as a correct record and signed by the Chair.

## **Matters Referred to Council Cabinet**

**86/06 Sponsorship Topic Review**

The Council Cabinet consider a resolution from the Leisure and Direct Services Cabinet Member Meeting on 11 September 2006 which requested the Council Cabinet to consider a report from the Environment Commission on a review of sponsorship for the Arts Events programme in Derby.

## **Decision**

1. To adopt in principle the recommendations of the Commission
2. To receive a further report on proposals for implementation of the recommendations.

## **87/06 Children's Social Care Staffing Levels**

The Council Cabinet considered a report from the Corporate Parenting Sub-Commission presented by Councillor MacDonald Chair of the Sub-Commission on staffing levels in Children's Social Care.

## **Decision**

To note the report.

## **Key Decision**

## **88/06 Environmental Crime – an Enforcement and Education Strategy**

The Council Cabinet considered a report on Environmental Crime – an Enforcement and Education Strategy which stated that Derby was not the worst city for environmental crime. However, there were areas of the city with significant problems. Tackling environmental crime was an important factor in improving the quality of life for communities. If left unchecked, these crimes could blight areas and lead to conditions where other crime and disorder happens. Local environmental crime included littering, fly tipping, abandoned vehicles, fly posters, graffiti and other nuisance behaviour that affected the local environment. The Council needed an enforcement and educational strategy to tackle these problems. In particular, council officers needed to be fully trained in all aspects of enforcement and then authorised to carry out the various enforcement actions needed. Enforcement action which was carried out must be proportionate to the offence committed. All enforcement staff would be accountable to the Council and the Public for any action they took.

## **Options considered**

No other options were considered.

## **Decision**

1. To approve the Environmental Crime Enforcement and Education Strategy set out in Appendix 2 of the report.
2. To recommend Council to delegate authority to the

- Assistant Director – Local Environment
- Assistant Director – Regeneration
- Assistant Director – Environmental Health and Trading Standards
- Assistant Director – Highways and Transportation

to authorise competent and trained staff to take action on environmental crime and amend the Constitution to reflect the new powers.

3. To allow officers to consult with other city agencies and the public in order to agree a Derby City Partnership Environment Crime Strategy. In particular, to seek commitments to multiple agency joint action to tackle environmental crime. The final strategy would be brought back to Council Cabinet for approval.
4. To recommend Council to adopt the power to issue fixed penalty notices by appropriately authorised staff. The use of fixed penalties would be in accordance with current guidance and advice.
5. To recommend Council to delegate authority to the Assistant Director - Environmental Health and Trading Standards, the Assistant Director – Regeneration, the Assistant Director – Local Environment and the Assistant Director – Highways and Transportation to make decisions on whether persons should face legal prosecution for non payment of Fixed Penalty fines. To approve that the proposed fixed penalty amounts shown in table one of the report be implemented. To approve that the opportunity for discount for early payment within 10 days be adopted and the fixed penalty amounts be set at the default rates in cases where the amount was not fixed.
6. To approve that a study be undertaken to establish the feasibility of non-Council employees issuing Fixed Penalty notices.
7. To delegate the agreement of any emerging details relating to this strategy to the Director of Environmental Services and Director of Community and Regeneration in consultation with the appropriate Cabinet Member.

## **Reason**

At present limited action was taken to tackle environmental crime. For instance, the Anti Social Behaviour Team and the Police target those responsible for graffiti. Environmental Health has a good record of dealing with abandoned vehicles. However, the majority of environmental crime is only cleared up and no action is taken against the culprits. This is very costly to the City Council and has a major impact on the cleanliness of the city.

## 89/06 Air Quality in Derby – Outcome of Public Consultation on Nitrogen Dioxide and Benzene Levels; Detailed Assessment of PM10 Particulates; Updating and Screening Assessment

The Council Cabinet considered a report on Air Quality in Derby – Outcome of Public Consultation on Nitrogen Dioxide and Benzene Levels; Detailed Assessment of PM10 Particulates; Updating and Screening Assessment. Under the Environment Act 1995 all Local Authorities are required to review and assess air quality on a continuous, cyclical basis and report the outcome to Department for Environment, Food and Rural Affairs (DEFRA). Following public consultation on detailed assessments of nitrogen dioxide and benzene pollution levels in the city, it was proposed to declare a new Air Quality Management Area (AQMA) in Spondon and to revise the boundaries of the existing nitrogen dioxide AQMA. Overall this would result in a net increase in the geographical extent of the city's AQMAs. It was important to note, however, that this was not an indication of a worsening air quality, but an outcome of more comprehensive and sophisticated monitoring and modelling, which had enabled polluted areas to be more accurately defined. The report also set out a detailed assessment of PM<sub>10</sub> particulate pollution in the city and summarised the outcome of an 'Updating and Screening Assessment' of the city's air quality in general.

### **Options considered**

Air Quality Management Areas only needed to be declared where pollution levels were unlikely to meet government objectives. Air pollution levels were affected by a number of factors, notably changes in weather patterns and it was therefore important that air quality monitoring was sustained in the long term to identify trends as well as local pollution problems and to deal with them via action planning. For example, although benzene levels remain elevated in parts of Spondon, monitoring had shown that levels were reducing year on year and at a rate that currently prevented the need to declare an AQMA. The situation would need to be kept under regular review.

### **Decision**

1. To note the outcome of public consultation on the detailed assessment of nitrogen dioxide and benzene levels.
2. To declare a new Air Quality Management Area (AQMA) for nitrogen dioxide in Spondon and the boundaries of the existing nitrogen dioxide AQMA be revised, via the making of Air Quality Management Orders under Part IV Environment Act 1995.
3. To note the outcome of the Detailed Assessment of PM<sub>10</sub> particulate levels in the city and approve the proposals for public consultation on this matter.

4. To note the outcome of the Updating and Screening Assessment of Air Quality and approve the proposals for public consultation on this matter.

## **Reasons**

1. Consultation responses on the proposed changes to the existing nitrogen dioxide AQMA boundaries and the declaration of a new AQMA in Spondon had generally been positive. Monitoring data had shown that nitrogen dioxide levels in these areas exceeded National Air Quality targets and therefore the council was duty bound, under the provisions of the Environment Act 1995, to declare them as AQMAs. Consultation on the fact that no AQMA was required for benzene in Spondon had provoked little public reaction.
2. The Detailed Assessment of PM<sub>10</sub> levels had revealed that no parts of the city were forecast to exceed the National PM<sub>10</sub> Air Quality objective and therefore no PM<sub>10</sub> AQMA was required. Under the Environment Act 1995, the council was required to consult with statutory consultees, stakeholders and the general public on the outcome of Detailed Assessment reports.
3. The Updating and Screening Assessment (USA 2006) report had identified further potential pollution hotspots in the city that required detailed assessment. As above, the council was required to consult with statutory consultees, stakeholders and the general public on the outcome of the USA report.

## **90/06 Lancaster Sports Centre**

The Council Cabinet considered a report on Lancaster Sports Centre which set out the response to the advertisements inviting expressions of interest to manage Lancaster Sports Centre. The Council Cabinet also considered a report from the Scrutiny Management Commission setting out comments expressed by petitioners who wanted the Lancaster Sports Centre to remain open.

### **Options considered**

There were no other options considered.

### **Decision**

1. To Close Lancaster Sports Centre on 29 October 2006.
2. To approve a lockout period to 30 November 2006 for Derby City Gymnastics Club Limited to allow them a period of exclusivity to work up the detail of their proposals for the future operation of Lancaster

Sports Centre, allowing their business plan and proposed terms of occupation to be prepared and evaluated, and to authorise the Cabinet Members for Leisure and Direct Services and for Personnel, Performance Management and Economic Development, acting jointly, to determine subsequently whether any extension(s) to this exclusivity period would be appropriate.

### **Reason**

Neither of the expressions of interest would be able to take on the operation of Lancaster Sports Centre in the foreseeable future. The two interested parties were being invited to meetings to discuss their bids. Neither bid would be prejudiced by the closure of Lancaster Sports Centre. Currently 38 out of the 45 user groups had opted to relocate. Some of the remaining groups are awaiting the decision of the Council Cabinet. The remaining level of activity was based on casual usage and was not sustainable.

### **91/06 Statement of Waste Management Service Delivery Policies**

The Council Cabinet considered a report on Statement of Waste Management Service Delivery Policies which stated that a comprehensive internal review had been carried out of current service delivery policies for the Waste Management Service, to assess their ability to meet customer expectations and compliance with best practice. The report sought confirmation and clarification of service delivery policies for the Council.

### **Options considered**

There were no other options considered.

### **Decision**

To approve the Waste Management service delivery policies outlined in Appendix 2 of the report.

### **Reason**

The Corporate Restructure has brought together all Waste Management Services, including the former "Client" and "DSO" into one unified section within the Local Environment Division. It was essential that all staff within the new organisation were fully aware of the common policies to be applied when delivering the services. The migration of Streetcare into Derby Direct also required clarification of the process for handling customer enquires, complaints and services requests.

92/06            Consultation on the Modernising Learning Disability Day and Residential Services – Options Appraisal for the Knoll Residential Home

The Council Cabinet considered a report on Consultation on the Modernising Learning Disability Day and Residential Services – Options Appraisal for the Knoll Residential Home. On 1 August 2006, Council Cabinet agreed to progress to Stage 2 of the Project Plan, which involved the Project Team:

- Identifying and costing alternative community daytime activities and work based opportunities.
- Costing improvements to Wetherby Day Centre.
- Assessing people who use Humbleton View and Wetherby Day Centre to look at alternatives to traditional day services
- Undertaking an options appraisal and feasibility study on alternatives to the closure of The Knoll Residential Home.

The report gave feedback on the Options Appraisal for The Knoll Residential Home. Work on the day service re-configuration was ongoing with Project Workers due to start work in October 2006. A report on day services will be brought to Council Cabinet in the New Year.

### **Options considered**

The Options Appraisal detailed the options considered which were:

- do nothing
- refurbish The Knoll
- support residents to move into the independent sector, close The Knoll and give consideration to the sale of the site.

### **Decision**

1. To approve that a formal consultation process take place on the closure of The Knoll Residential Home.
2. To ask for a report to be produced in due course evaluating the operational and financial feasibility of constructing a facility for people with learning disabilities using prudential borrowing.

## **Reason**

The Options Appraisal, (Appendix 2) showed that the closure of The Knoll Residential Home was the preferred option if we were to improve environmental and care standards, meet the Commission for Social Care Inspection standards and regulations, minimise any disruption to residents and achieve the best use of the Council's resources.

## **93/06 Replacement of Sinfin Community School**

The Council Cabinet considered a report on the Replacement of Sinfin Community School which stated that following a major fire, on 22 March 2006, emergency remedial works and the installation of temporary accommodation had been undertaken to enable the school to re-open. It was noted that Rolls Royce employees had spent some time at the school helping to refurbish the remaining older blocks. The school was to be incorporated into the Building Schools for the Future (BSF) programme for re-building to provide 21<sup>st</sup> century facilities. BSF in Derby was likely to begin in 2009/10. Discussions with the DfES regarding provision of funding earlier than this had resulted in them giving an approval to £19m (less the insurance settlement) for rebuilding the facility early under the BSF pathfinder scheme. Consultation with all stakeholders including staff, governors, pupils and planners on proposals for the new facility was currently taking place along with feasibility work. The project was currently being advertised in the Official Journal of the European Union (OJEU) in accordance with procurement rules.

## **Options considered**

This funding cannot be used for any other purpose other than that outlined in the conditions issued by the DfES.

## **Decision**

1. To note the waiver of contract procedure rule C15 under C6 relating to appointment of design consultants to progress the scheme in order to meet delivery deadlines.
2. To recommend Council to approve the phasing of the project as detailed in appendix 1 and add the scheme to the Council's Capital Programme.
3. To approve the design and tendering process and start of the project.
4. To thank Rolls Royce for their help with works at the school.

## Reasons

1. The school was currently operating from buildings that remained following the fire and temporary accommodation, which was less than ideal. The latter was currently being funded through an insurance settlement for a fixed period.
2. The availability of BSF funding at this time enabled the opportunity to provide a much improved 21<sup>st</sup> century facility rather than purely reinstating what was lost.
3. The funding detailed in Appendix 1 had been awarded on the condition that the new school was open in September 2008.

## Contract and Financial Procedure Matters

### 94/06 Wireless Derby – Market Place Pilot

The Council Cabinet considered a report on Wireless Derby – Market Place Pilot which stated that at the Community Services Regeneration Equalities and e-Government Cabinet Member Meeting on 14 February 2006, a proposal was considered, to create a city wide wireless network and requested approval to commission a feasibility study to examine the potential for establishing a city wide wireless network across Derby. The options for the feasibility study were currently being evaluated. However there had been a longstanding aspiration of a wireless network covering the Market Place and there was the potential opportunity to deliver this whilst at the same time undertaking a small scale technical evaluation of the wireless technology that would be used to deliver a full scale wireless Derby project. There was a requirement to test the equipment capabilities and its functionality prior to committing to a full scale feasibility study. This would add to the vibrancy of the Market Place, and provide a wireless capability that could develop commercial opportunities for the Assembly Rooms and provide additional benefits for QUAD and the Tourist Information Centre.

## Decision

1. To approve the installation of a wireless pilot in the Market Place, incorporating the Assembly Rooms, Tourist Information Centre, Guildhall and Register Office as well as all public areas of the Market Place.
2. To use the intended technology and configuration that we required as a pilot for a citywide project which would enable detailed analysis of capabilities, and provide a clear roadmap of future development.
3. To approve the potential for offering free internet access to citizens within the market place pilot, allowing for any technical implications therein.

## 95/06 Contract and Financial Procedure Matters Report

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

- To commence Children and Young Peoples capital schemes in the approved capital programme and approve programme changes, as required by Financial Procedure Rules – FPR – for schemes over £100,000.
- The DfES had announced a new Standards Fund allocation for Strategic Technologies. This was to assist authorities in improving broadband connections for schools and introducing personalised online learning spaces for pupils. Council Cabinet had previously agreed that the Council should withdraw from the regional broadband consortium from April 2007 and that alternative infrastructure should be procured for those schools requiring an upgrade. It was now proposed that Contract Procedure Rule (CPR) 6 to waive CPR 15 requirement to tender and to use the Government Catalogue (GCaT) to purchase connectivity circuits from BT for the remaining 47 schools.
- A waiver of CPR 15 requirement to tender to enter into contracts with Barnardos, National Association for the Care and Rehabilitation of Offenders - NACRO and National Children's Homes – NCH, to continue to provide services for Sure Start Local Programmes.
- To fund £32,000 implementation costs of two energy efficiency projects to improve energy payment methods from corporate reserves. These projects should result in savings and support future energy efficiency measures. Any ongoing costs would be funded from energy efficiency savings generated.
- A waiver of CPR15 tendering requirement was sought under CPR6 to commission external person centred planning – PCP - training from Helen Sanderson Associates to supplement internal training activity, for staff and families involved in planning the services to individual adults with learning disabilities. This was a leading PCP training company with the lowest daily rate of comparator agencies and the only one to provide accredited training. Revenue budget was available from the Learning Disabilities development fund through Health Partnership funding.
- A waiver of CPR15 tendering requirement was sought under CPR6, to enter into a contract with Safe and Sound for the Youth Service Edge project from 1 October 2006 to 31 March 2009 at a total cost of £215,460.

- The Children's Workforce Development Council had allocated £20,000 to Derby City Council in 2006/07 to develop the involvement of private, voluntary and independent sector organisations in the local workforce strategy for children's services. The funding was ring-fenced and it was proposed to add the planned expenditure and income to the CYP budget for this purpose.
- Approval was required by financial procedure rules, to a £200k one – off revenue budget transfer in 2006/07 and a £100k permanent transfer from 2007/08, from the corporate Treasury management revenue budget to Resources and Housing department. The transfer was in line with a previous Council Cabinet approval for the replacement Revenues and Benefits system budget.
- Approval for a new capital scheme funded using prudential borrowing and waiver of contract procedure rule C15 and C6 to replace the live weigh machine for cattle at the cattle market.

## Decision

1. To approve the capital scheme commencements and programme changes at Appendix 2.
2. To add the Standards Fund allocation of £144,447 for Strategic Technologies to the Children and Young People's revenue budget for ICT.
3. To approve under CPR 6 a waiver of CPR15 tendering requirement to purchase from the Government Catalogue (GCat) connectivity circuits from BT for 47 schools.
4. To approve a waiver of CPR15 for a contract with:
  - Barnardos £67,002 for 2006/07 and to a maximum value of the same amount for 2007/08 for the provision of play groups and adult education
  - NACRO £89,485 for 2006/07 and to a maximum value of the same amount for 2007/08 for the provision of day care and parenting skills
  - NCH £63,445 for 2006/07 and to a maximum value of the same amount for 2007/08 for the provision of play groups and parenting skills.
5. To approve the use of £32,000 of corporate reserves to fund two projects to improve energy payment methods as detailed in paragraph 4 of the supporting information

6. To approve under CPR 6 a waiver of CPR15 tendering requirement to commission from Helen Sanderson Associates person centred planning training for staff and family members of adults with learning disabilities, at a cost of £25,850 funded from the Learning Disability development fund revenue budget.
7. To approve under CPR6 a waiver of CPR15 tendering requirements to establish a contract with Safe and Sound Derby from 1 October 2006 to 31 March 2009 for £215,460, to deliver its contribution towards the Edge Project, including secondment of 4 existing employees.
8. To approve the addition of £20,000 Children's Workforce Development Council grant income and expenditure to the Children and Young People's revenue budget 2006/078 to be used for the purposes specified in the ring fenced grant funding.
9. To approve a £200k one –off transfer in 2006/07 and a £100k permanent transfer from 2007/08, from the corporate Treasury management revenue budget to Resources and Housing department.
10. To approve the adding of a new capital scheme to the 2006/07 Capital Programme to replace the weighing machine at the cattle market, using £27,500 prudential borrowing to fund the scheme and approve under CPR6 a waiver of CPR15 tendering requirements not to seek competitive tenders for the equipment.

## Performance Management

### 96/06 May 2006 Derby Pointer Panel Results

The Council Cabinet considered a report on May 2006 Derby Pointer Panel Results.

#### **Decision**

1. To note May's Derby Pointer survey results and the service managers' improvement plans.
2. To note that the results and proposed service improvements would be reported to panel members in the next 'Panel News' newsletter, which would be sent out to panel members with the October 2006 survey.

MINUTES END