

Time began: 6.00pm
Time ended: 7.10pm

COUNCIL CABINET
15 April 2015

Present Councillor Banwait (Chair)
Councillors Afzal, Hussain, Martin, Rawson, Repton, Russell and Shanker

In attendance Councillors Dhindsa and Jones

This record of decisions was published on 17 April 2015. 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.

198/14 Apologies

An apology for absence was received from Councillor Graves.

199/14 Late Items

There were no late items received.

200/14 Receipt of Petitions

A petition with 1,426 signatures opposing the proposed closure of Castle Nursery school was received on 13 April 2015. This was confirmed at the meeting.

201/14 Identification of Urgent Items to which Call In will not apply

There were no items.

202/14 Declarations of Interest

There were no declarations of interest.

203/14 Minutes of the meetings held on 18 March 2015

The minutes of the meetings held on 18 March 2015 were agreed as a correct record and signed by the Chair.

Matters Referred

204/14 Affordable Housing Topic Review

The Council Cabinet considered a report on Affordable Housing Topic Review. Members decided at the Cost of Living Overview and Scrutiny Board meeting of 21 July 2014 that a topic review on affordable housing should be carried out to investigate if there were additional means by which affordable housing provision could be maximised.

A final version of the Affordable Housing Review Report including a list of recommendations and reasons for recommendations were approved by members at the meeting of 9 March 2015. The final report and recommendations could be found at Appendix 2 of the report.

Decision

1. To receive the report and consider the recommendations in the Affordable Housing Topic Review Report.
2. To agree to report back to the board with a response to the review recommendations and inform the Board of any actions the Council Cabinet proposes to take in relation to the Board's recommendations.

Key Decisions

205/14 The Future of the B Line Young Persons Bus and Train Concessionary Travel Scheme

The Council Cabinet considered a report on The Future of the B Line Young Persons Bus and Train Concessionary Travel Scheme.

Derby City Council was currently part of the b_line young persons concessionary travel scheme in partnership with Derbyshire County Council. The current scheme offered a 33% discount on bus and rail fares for young people up to the age of 19, provided they were in full time education. This scheme currently costs the City Council approximately £170,000 a year.

The City and County Councils were proposing to amend the present scheme from August 2015 to provide a more cost effective solution. This would involve reducing the level of discount provided through the scheme from 33% to 25%, and limiting its availability just to people in the age range from 16-18 year olds. However to make the scheme more equitable the current requirement for card holders to be in full time education would be removed. Young people below the age of 16 would continue to be eligible for the fares concessions which the transport operators already provided on a commercial basis.

The estimated cost of the revised scheme would be £135,000 a year. This would be a saving of approximately 20% on the current arrangements. However, it would be necessary to reissue new cards to support this change and as a result full in year savings would not be made immediately. It was estimated that cost of reissuing some cards and maintaining the current scheme until August 2015 would be approximately £76,000. The estimated total cost of the scheme in 2015/16 would be £166,000.

Options Considered

1. Do nothing and maintain the current scheme. This would be unaffordable for Derby City Council and Derbyshire County Council.
2. Introduce the change proposed in the budget consultation. This would mean ending the current scheme in April 2015 as proposed in the initial budget consultation and could result in financial hardship to young people.

Decision

To adopt the proposed new b_line scheme from August 2015.

Reasons

To allow the Council to retain a young person's concessionary travel scheme which would be more affordable in the longer term.

206/14 Castle Nursery School – Closure Proposal

The Council Cabinet considered a report on Castle Nursery School – Closure Proposal. Castle Nursery School was one of eight maintained nursery schools within the City, located on the outskirts of the Arboretum ward. It had an 'outstanding' Ofsted judgement and delivered funded places for three and four year olds. The future viability of Castle Nursery was a concern due to static low numbers on roll over the last eight years, with only 25 children currently accessing a place at the nursery. Castle Nursery had the capacity to accommodate 80 children so the current vacant occupancy level based on this, would be 69%. However, the nursery for a number of years had operationally looked to deliver 52 funded places so the more realistic vacant occupancy level was 52%.

Both initial consultation and statutory consultation had now taken place on the proposal to close Castle Nursery School from 31 August 2015. The responses to the initial consultation were reported to Council Cabinet at the meeting on 18 February 2015. Through this initial consultation, a total of 63 responses were received opposing closure from a variety of stakeholders, together with a 1,708 signature petition opposing any closure. The petition included 489 signatures from individuals who resided outside the City. Two e-petitions opposing any closure were also received, one with 238 signatures, and one with 68 signatures.

Council Cabinet, at a meeting on 18 February 2015, approved the publication of a legal notice on the proposal to close Castle Nursery School. The publication of this

notice marked the start of a further four week statutory consultation period which ran from 3 March 2015 to 31 March 2015. A copy of the legal notice on the proposal was attached as Appendix 3 to the report. A total of ten responses were received objecting to the proposal to close Castle Nursery School. A summary of responses received during the statutory consultation period was set out within Appendix 2 to the report. In view of the sustained low occupancy levels and very high operating costs at Castle Nursery, the proposal was for Council Cabinet to consider closing Castle Nursery School from 31 August 2015. Appendix 4 to the report set out the equality impact assessment.

It was important to note that 18 of the current 25 children on roll were due to transfer to school in September 2015, which was likely to leave only 7 children on roll in September. However, this did not include any summer intake, should the school be allowed to admit new starters in the summer term.

It was reported that several petitions had been received calling for Castle Nursery School to remain open. The first petition contain 1,708 names, the second petition had been validated and contained 1426 valid entries. There was an on-line petition Change.org e petition which contained 238 entries. We had also been made aware by the lead petitioner that the online petition, through 38degrees.org.uk now had 241 entries. Members took account of all the petitions whilst considering the report.

Options Considered

No other options had been considered.

Decision

To approve the closure of Castle Nursery School from 31 August 2015.

Reasons

Statutory consultation had now been carried out on the proposal to close Castle Nursery school due to static low numbers on roll over the last eight years. The Council was committed to delivering and funding services that evidenced value for money. However, the current cost per place at Castle Nursery was significantly higher than that of the other nursery schools. There was the potential for a minimum £100,000 saving per annum to the Dedicated Schools Grant (DSG).

207/14 Adult Learning Service Course Fees

The Council Cabinet considered a report Adult Learning Service Course Fees. 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 funding received from the Skills Funding Agency was allocated as two categories Adult Skills and Community Learning. The Adult Skills funding was paid at rates per individual learner and is standardised for all providers. The Community Learning allocation was paid as a block grant to the City Council.

The indicative allocation of funding for community learning was £1,703,371 which was the same as the current year's allocation.

The allocation from the Adult Skills budget had been reduced from £1,321,575 to £1,268,562 and the Discretionary Learner Support fund (which was used to meet the costs of childcare, travel and equipment had been reduced from £98,194 to £80,672.

Options Considered

1. To increase all course fees. This could lead to an overall reduction in income as learner numbers may decrease.
2. To further reduce the number and range of courses offered in order to reduce the overall running costs of the service. There would inevitably be some reduction in provision because of the reduction in Adult Skills funding allocation but the intention was to maintain as much provision as possible. This could lead to a reduction in choice and opportunity for Derby residents.
3. To introduce a course fee subsidy from Council funding. This option had not been recommended due to current Council budget pressures.

Decision

To approve an amended fee structure for the 2015/16 academic year from 1 August 2015 to 31 July 2016.

Reasons

1. The fees and concessions proposed support the objectives for Community Learning which were to:
 - Focus public funding on people who were disadvantaged and least likely to participate and people on low incomes with low skills
 - Collect fee income from people who could afford to pay and use where possible to extend provision to those who could not.
2. Those learners who were unemployed and/or in receipt of benefits would not be affected by the course fee increases to Adult Skills courses and community development provision for those who had not previously engaged in learning would not be affected by increase to Community Learning course fees.

208/14 Derby After Dark – Lighting Strategy for Derby City Centre

The Council Cabinet considered a report on Derby After Dark – Lighting Strategy for Derby City Centre.

The Regeneration Projects team working in partnership with Streetpride and Derby Live, commissioned the preparation of a lighting strategy for Derby City Centre in August 2013.

The commission included –

- a) A lighting strategy for the city centre to include a deliverable action plan and mechanism for long term management and maintenance.
- b) Concept and detailed technical design for:
 - St Peter's Street
 - The Strand + Wardwick + Museum Square
 - Riverside (Silk Mill to Riverlights)
- c) Design and implementation of one temporary lighting demonstration as an engagement tool.

The Strategy outlined the underlying aspirational themes and key design principles regarding the use of artificial light in Derby city centre's public realm and buildings.

A series of consultation events were organised to engage residents and various stakeholders in the process. The 'Derby After Dark' Strategy and the summary booklet would be available online.

Options Considered

Do nothing was an option, but it would mean there would be no progressive input in the way we plan, deliver and manage light and lighting infrastructure in the city.

Decision

To approve the Derby After Dark Lighting Strategy for Derby City Centre and recommend Council to adopt the Strategy as material consideration for the determination of city centre planning applications.

Reasons

1. The Strategy demonstrated the Council's commitment to deliver sustainable lighting solutions in the future and provided a sound base for future funding bids.
2. The strategy proposed sample design guide and specification that were proposed to be used to assess planning applications as well as guide Derby City Council's future investment in lighting and lighting infrastructure in the city.

209/14 Restoration of Friar Gate Bridge

The Council Cabinet considered a report on the Restoration of Friar Gate Bridge. The report sought approval to develop a detailed phased scheme to improve both the maintenance and appearance of Friar Gate Bridge; an iconic grade II listed structure that formed one of the main gateways into the city. An initial allocation of £260,000 towards this project was included in the 2015/16 capital programme.

It also highlighted to Members that the Council sought to agree its priorities for Heritage Lottery Funding (HLF) which could play a major part in funding the various phases of this project. Once a revised scheme was worked up for the bridge (informed by the Council's HLF priorities) this would be brought back to Members for their consideration.

Options Considered

1. Do Minimum Works (circa £81,000) - a short term holding operation to make the Bridges safe and allow the netting to be removed from the outside faces. Decay was managed but not generally halted.
2. Stabilise condition for the medium term (circa £413,000) - with 5-10 year paint coatings life, extendable with maintenance. Improved aesthetic appearance by painting and return the structures to a condition in which they could be used for light loadings.
3. Restoration for the longer term (circa £1 million) - with 10 + years coatings life, extendable with maintenance. Improved aesthetic appearance and return the structures to a condition in which they could be used for medium loadings.

Decision

1. To approve the development of a detailed phased scheme and initial implementation programme for Friar Gate Bridge and to bring the details of this back to Council Cabinet for approval.
2. To request that work was progressed to enable the Council to develop its priorities and outline bids for Heritage Lottery Funding (HLF) and set up a meeting with the regional HLF team to get their guidance and advice regarding these projects.
3. To continue the dialogue with the landowner of Friar Gate Goods Yard, the adjacent Agard Street site, the Friends of Friar Gate Bridge, the Heritage Lottery Fund and any other potential funding body to help secure the long term sustainability of the bridge.

Reasons

Friar Gate Bridge was an iconic Grade II listed structure that had struggled to secure an alternative use since it was decommissioned and there was a need for its future use to generate the revenue funding needed for its future on-going maintenance.

210/14 Street Lighting Policy and Strategy

The Council Cabinet considered a report on Street Lighting Policy and Strategy. The report sought approval to adopt the new Street Lighting Policy and Strategy documents were attached as appendices 2 and 3 to the report.

The report demonstrated the importance placed on effective contract delivery combined with the principles of asset management and to deliver the significant savings towards both energy and carbon reduction targets and, to further demonstrate efficiencies.

The report set out the benefits of following good street lighting design principles when upgrading or designing new lighting installations and took into account the provision and level of lighting based on current industry standards.

The Council did not have a duty to provide street lighting, but where it was provided, there was a duty under the Highways Act 1980 to maintain it.

Options Considered

Not adopting a Street Lighting Policy and Strategy.

Not adopting the policy and strategy and the changes it entailed, would potentially restrict the Council's methods of reducing energy and carbon emissions along with the ability innovate by the exploration and introduction of new technologies.

Decision

1. To approve the Street Lighting Policy and Strategy documents attached to the report.
2. To note the importance placed on the policy and strategy documents developed that would deliver savings across the whole of the street lighting infrastructure.

Reasons

1. Street lighting was provided to ensure the safety of all users of the highway, but accounts for 12% of the council's electricity consumption and of its carbon emissions.

The continued application of existing practices on lighting levels and technology would lead to a significant increase in this consumption as additional lighting was added to our stock. The new policy and strategy set out our commitments to reduce the impact of climate change by new approaches to lighting levels, embracing the new technology available and

good practice in the design of new lighting.

2. To ensure we had the policy and strategy in place to help us manage this vital asset and provide a clearly defined approach to the provision of lighting to third parties. It set out our aims and objectives for installation, maintenance and reactive repair to ensure value for money and to maximise the lifespan of this asset.

211/14 Your Life Your Choice – Building Sustainable Care and Support in Derby

The Council Cabinet considered a report on Your Life Your Choice – Building Sustainable Care and Support in Derby. In April 2014, Council Cabinet received a draft strategy that set out the future direction for adult social care. Members asked officers to undertake consultation on the strategy.

The report sought approval of the “Your Life Your Choice” strategy for adult social care, following consultation with the people of Derby.

The strategy set out the significant challenges currently facing adult social care, and promoted the need to think differently so that the Council could continue to serve people well while working within the resources that were available.

The strategy would enable adult social care to “break out” from its current path towards being an emergency service and re-positions it closer to, and working with, individuals, families and communities in collaboration with our partners, especially the NHS to manage demand and promote independence.

Options Considered

Doing nothing was not an option as we needed to take action both to improve our balance of care and take positive steps to address the demand for care and support.

Decision

1. To note the feedback from the formal, public consultation that Council Cabinet approved on 30 April 2014, as summarised in paragraphs 4.10-4.31 of the report.
2. To formally approve the final version of the “Your Life Your Choice strategy” attached at Appendix 2 to the report with the action plan for its implementation attached at Appendix 5 to the report.

Reasons

1. Derby City Council needed a strategy for managing the demands and pressures of providing an adult social care service that was sustainable and in line with the Council's key values.
2. The strategy was not only about better use of Council resources. It was also

intended to enable adults with social care needs to feel more in control, and more connected, in the way they choose to live their lives.

212/14 2015/16 Planned Property Maintenance Work Programme

The Council Cabinet considered a report on the 2015/16 Planned Property Maintenance Work Programme. The report set out the 2015/16 proposed planned property maintenance capital programme including the budget breakdown for each project.

The programme presented some amendments to the three year programme provided in the 18th February 2015 Council Cabinet Report (Capital Budget 2015/16 to 2017/18) and detailed the full Property Maintenance Work Programme for 2015/16.

The on going Property Rationalisation Project was affecting both revenue and capital spend on properties, with any works being focussed on essential works only, as it was not considered value for money to invest significant sums in buildings whilst this project was still progressing.

Proposed maintenance schemes had been prioritised against essential condition issues and health and safety requirements, including upgrading of fire alarms and emergency lighting systems, renewing life expired boilers, heating and air conditioning systems, replacement windows, re-roofing, structural repairs, kitchen upgrades and essential refurbishment.

The work programme was managed and monitored by the Property Board in line with the governance arrangements of the Strategic Asset Management Board.

The Planned Maintenance Work Programme was capitalised and funded corporately and was complemented by reactive revenue maintenance works that took place throughout the year.

It was noted that in relation to paragraph 4.8 of the report the second and third bullet points should read

- Merrill House HOP (415k) removed – urgent works to address priority issues have already been completed.
- Perth House HOP (250k) removed – urgent works to address priority issues have already been completed.

Options Considered

None.

Decision

1. To approve the planned property maintenance capital programme of works for 2015/16 and reallocation of the planned maintenance funding to the proposed

schemes as detailed in appendix 2 of the report, ensuring the funding combination was such that no increase in borrowing would be incurred across the years.

2. To amend the corporate capital programme 2015/16 – 2017/18 to incorporate the reallocation and removal of schemes as detailed in paragraph 4.4 and appendix 2 of the report.
3. To approve the addition of the two energy efficiency schemes detailed in appendix 2 of the report and to recommend Council to approve the additional service financed spend to save borrowing for the Homes for Older People energy scheme.
4. To delegate authority to the Strategic Directors of Neighbourhoods, Adults Health and Housing and Children and Young People, following consultation with the relevant Cabinet Member, to enable them to respond to changing priorities throughout the year by introducing new schemes or bringing forward the implementation of some schemes at the expense of others.

Reasons

1. Approval of the work programme at the beginning of the 2015/16 financial year would allow effective planning and programming of the detailed work programme, with the objective of ensuring that the property maintenance projects were delivered on time and achieve value for money. Early approval of the programme would allow us to identify risks to the delivery of projects. We would be able to review and monitor risks to ensure they do not escalate and, where possible, were eliminated.
2. In the interests of the effective management of the programme, it was appropriate for the Strategic Directors of Neighbourhoods, Adults, Health and Housing and Children and Young People following consultation with the relevant Cabinet Member to review the programme and reallocate funding on the basis of the outcomes of investigations, feasibility studies and progress of other projects and changing health and safety priorities.
3. The current proposed maintenance programme required flexibility to accommodate the outcomes of decisions linked to the council's property rationalisation project.
4. The original Property maintenance programme approved at 18th February 2015 Council Cabinet (Capital Budget 2015/16 to 2017/18) had been amended due to a review of the programme and consideration of essential work required. Some schemes had been removed as work was not considered essential at this stage.

Budget and Policy Framework

213/14 Document Classification Scheme

The Council Cabinet considered a report on the Document Classification Scheme. In April 2014, central government's Cabinet Office introduced a revised document classification scheme that was applicable across all public sector organisations, including local authorities. It applied to all information that was collected, stored, processed, generated or shared to deliver services and conduct business, including information received from or exchanged with external partners, including arms-length management organisations of public bodies.

In practical terms, the scheme obliges all information in and out of the Council to be classified so as to provide a means of identifying the level of sensitivity of the detail they contained. The scheme goes further than merely impacting on documentation however, as the Cabinet Office guidance makes it clear that ICT systems and services may require enhanced controls to manage the associated risks to aggregated data or to manage integrity and availability concerns.

There were four key principles underpinning the scheme, namely that:

- (i) all information had intrinsic value and so required an appropriate degree of protection;
- (ii) everyone who works with a public organisation, including contractors and other service providers do so under a duty of confidentiality, creating a responsibility to safeguard data they access, whether or not it was expressly marked, and must be provided with appropriate training;
- (iii) access to sensitive information must only be granted on the basis of a genuine 'need to know' and with appropriate personnel security controls in place;
- (iv) assets received from or exchanged with external partners must be protected in accordance with any relevant legislative or regulatory requirements, including any international agreements and obligations.

All public bodies were expected to apply the scheme. All staff and elected members would therefore be subject to it. Public bodies were also required to ensure that a consistent scheme was applied and operated by their delivery partners, such as Derby Homes Ltd., and their wider supply chains.

Decision

1. To approve the Council's document classification scheme set out in Appendix 2 of the report for introduction and implementation across the Council.
2. To authorise a change to the Council's Contract Procedure Rules to ensure that it incorporated a requirement that all contractual partners were obliged to apply the Council's scheme in the delivery of any contracted services undertaken on the Council's behalf, and to receive training on it.
3. To authorise the Strategic Director for Adults, Health and Housing to ensure

that arrangements were put in place for Derby Homes Ltd. to adopt and apply the Council's scheme, including its training requirement.

4. To note the implementation of the TITUS electronic document classification project to give effect to the operation of the Council's scheme.
5. To note that mandatory training using the e-learning portal would be rolled out across the organisation, for all staff and members.

214/14 Contract and Financial Procedure Matters

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

- changes to the current 2015/16-2017/18 capital programme
- transfer to reserves
- award of grant

Decision

1. To approve changes, additions and progression of these on the capital programme as set out in Appendix 2 and highlighted in section 4 of the report.
2. To note the revised programme for 2015/16 in table 1 (paragraph 4.1) and the revised indicative programme for 2016/17-2017/18 as shown in table 2 (paragraph 4) of the report.
3. To transfer £180,000 to a specific reserve to fund the exit costs arising from the managed exit of the ICT contract with Serco as detailed in section 6 of the report.
4. To approve grants from the single homelessness allocation as detailed in section 7 of the report.

MINUTES END