

Time began 6.00pm
Time ended 7.10pm

**COUNCIL CABINET
7 SEPTEMBER 2010**

Present: Councillor Jennings (Chair)
Councillors Grimadell, Holmes, Ingall, Marshall,
Poulter, Webb and Williams

In attendance Councillor Bayliss and Jones

This record of decisions was published on 9 September 2010. 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.

55/10 Apologies for Absence

There were no apologies for absence.

56/10 Late Items Introduced by the Chair

There were no late items. The Chair announced that this would be the last Council Cabinet meeting attended by Don McLure, Strategic Director of Resources before he took up a new post at Durham City Council and extended best wishes to him for the future.

**57/10 Identification of Urgent Items to which Call-In
will not apply**

There were no urgent items.

58/10 Declarations of Interest

Councillor Holmes declared a personal interest in item 10 because he was the Chair of the Friargate Studios Board. Councillor Bayliss declared a personal interest in item 12 because he was a director on the Derby Homes Board. Councillor Marshall declared a personal interest in item 12 because he son was a pupil at Gayton Junior School.

59/10 Minutes of the meeting held on 27 July 2010

The minutes of the meeting held on 27 July 2010 were signed as a correct record and signed by the Chair.

Matters Referred

60/10 Adult Health and Housing Commission Recommendations

The Council Cabinet considered a report which stated that the Adults Health and Housing Commission had received a number of progress reports on areas within its portfolio at its meeting on 26 July 2010. These included amongst other items, Transforming Social Care, Extra Care, Safeguarding, Dementia Strategy and Social Services Complaints Annual Report. The report set out the formal response of the Commission on the issues discussed. The Council Cabinet also considered a report of the Strategic Director of Adults, Health and Housing which stated that the majority of the recommendations were welcomed. However in relation to Transforming Social Care it needed to accept that the whole ethos of the personalisation agenda was tailoring care and support for each individual's unique set of needs & circumstances. Therefore there may be instances where recipients did on occasions receive a lower, or higher, level of service as a result of their changed circumstances

Decision

To accept the recommendations of the Adults Health and Housing Commission, but with reservations in relation to transforming social care.

Key Decisions

61/10 Derby City Community Energy Saving Programme

The Council Cabinet considered a report which stated that the Community Energy Saving Programme – CESP – 2009-2012 had been created as part of the Government's Home Energy Saving Programme. It required gas and electricity suppliers and electricity generators to deliver energy saving measures to domestic consumers in specific low income areas of Great Britain to meet carbon emissions reduction targets.

The report sought approval to enter into a partnership funding agreement with an energy supplier and/or generator that offered the highest amount per carbon tonne, subject to satisfactory terms and conditions being negotiated.

Options Considered

For Derby not to enter into an agreement with an energy supplier/generator, would mean that the opportunity to delivery energy efficiency measure to approximately 1,550 properties, with significant external funding, would be lost.

Decision

To authorise the Strategic Director of Adults, Health and Housing, in consultation with the Cabinet Member for Housing and Advice Services and the Strategic Director of Resources, to enter into a funding agreement with an energy supplier and/or generator, to deliver a reduction of 200,000 carbon tonnes in the 10 Lower Super Output Areas – LSOA's – detailed in paragraph 4.2 of the report.

Reasons

The energy suppliers/generators had been set a target by Government to deliver 100 projects to a value of £350m nationally. Therefore, there was a need to act swiftly to enter into an agreement to guarantee Derby benefits from this funding.

62/10 Application to Introduce a Permit Scheme to Control Working in the Highway

The Council Cabinet considered a report on the current regulatory position of the authority in relation to the control of works in the highway and the proposal to make an application to the Department for Transport to implement a Permit Scheme, under the Traffic Management Act 2004. The aim was to provide a mechanism for reducing 'avoidable congestion'. The application process was onerous and required detailed work and consultation. There were also strict financial rules on how the cost of a permit was calculated and severe controls on the ability of local authorities to generate surplus income from a scheme. Income of approximately £100,000 from a permit scheme had been included in future budget planning for 2012. At recent meetings between representatives of the Joint Authorities Group (JAGUK) and the Department for Transport it had been confirmed that permit schemes remained a priority and had the support of government ministers. A permit scheme had distinct advantages over the current notification process in terms of the control of works, the space works occupied, the duration and other conditions such as the timing of works. It also produced more of an incentive for all those who may carry out works to work closely together. The regulations allow for local authorities to work together on permit schemes. At present we had been leading a working group for a 'Common Scheme' with Leicester City Council and Nottingham City Council. This allowed us to share resources at the development stage and would also produce a common framework for those working on the highway in the three cities of the east midlands. It was possible that Nottinghamshire, Derbyshire and Leicestershire County Councils may become part of a 'Common Scheme' in the future.

Options Considered

1. The report covered the slightly different types of schemes that we could develop and details the pros and cons.

2. The main alternative option would be to not pursue a permit scheme at this time. This was not recommended as the benefits set out in paragraph 4.3 of the report would then not be able to be achieved.

Decision

1. To approve the preparation of a permit scheme for the main road and other roads of local importance and present an application to the Department for Transport in the next 12 months, with the aim of gaining approval to start a scheme in 2012.
2. A further report setting out the full financial details would be presented detailing the financial implications before the final formal submission is made to the Department for Transport.
3. To approve the development of 'Common Scheme' working with Leicester City Council and Nottingham City Council and other local authorities, which may want to join the scheme.

Reasons

1. A permit scheme would promote improvements in the planning, execution and coordination of works in the highway. Encouraging work promoters from across the engineering and construction industry to work together. The main beneficiary of this would be the users of the highway as the aim was to achieve a significant decrease in 'avoidable disruption'.
2. The cost of a permit would be based on the operating costs of the authority as defined in the regulations.

63/10 Vehicle Speed Management

The Council Cabinet considered a report on a series of proposals in relation to the management of vehicle speeds. The proposals would enable the Council to begin to develop a new approach to speed management for the city's road network. The report proposed an examination of fixed speed cameras to clarify their effect on vehicle speeds and the level and severity of road accidents. As part of the examination three existing fixed speed cameras would be deactivated. During the period the cameras were out of operation vehicle speeds would be measured and the results would help inform us of the role that such cameras would play in the future. A review of speed limits across the city needs to be undertaken. Ensuring that speed limits were appropriate was an important function for the Council. Setting the correct speed limit could help to reduce road traffic accidents and ensure that our roads were used to their maximum benefit. The report set out a proposal to experimentally reduce the speed limit on the A608, Mansfield Road, from 40 mph to 30 mph. The results of the experiment would help us determine the most appropriate speed limit here and in other locations. It was local people and residents, who expressed the greatest concern about speed limits and

who regularly raised complaints about excess speed in their area. Recognising that speed limits were set not only for vehicle drivers but also for other people using the road we were eager to develop speed management approaches that recognised the concerns of local people. The report proposed the use of speed activated signs in locations where Neighbourhood Boards considered speeding to be an issue. The signs would enable vehicle speeds to be monitored and would also send a positive sign to motorists to drive considerately.

Options Considered

A range of options, from very minimal change to taking away all camera enforcement had been considered. However, this approach of trialling a number of different scenarios to assess the impact and then make longer term decisions seemed to be the most appropriate, bearing in mind the Council's responsibilities as the Highway Authority in relation to road safety.

Decision

1. To approve a review of the role and use of fixed speed cameras. The review would consider whether speed activated signs could be as effective as cameras in maintaining compliance with speed limits and would also consider whether existing camera locations continue to be appropriate. As part of the review speed cameras on Burton Road, Nottingham Road (adjacent to Pentagon Island) and on the A514 at Shelton Lock be taken out of use while their impact on vehicle speed was assessed.
2. To approve a reduction in the speed limit of Mansfield Road, A608, to assess whether a 30 mph speed limit was appropriate for this road. The experiment would last for 12 weeks.
3. To approve the approach that Neighbourhood Boards were offered the opportunity to deploy speed activated warning signs on roads within their area where vehicle speeds cause concern. The use of such signs to be governed by the operational policy attached to the report.

Reasons

The proposals will help inform future decisions in relation to the management of vehicle speeds and will ensure that the concerns of local people can be addressed.

Contract and Financial Procedure Matters

64/10 Contract and Financial Procedure Matters Report

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

- To approve proposed changes to the capital programme and new capital scheme commencements
- To approve in year Section 106 allocations
- To note a potential funding agreement with East Midlands Development Agency
- To approve a revenue/capital funding switch
- To approve the use of a Homes and Communities Agency's Delivery Partner Panel Framework Agreement
- To approve a budget transfer between Directorates
- To approve use of the budget risk reserve to fund the costs on the former Hippodrome Theatre site.

Decision

1. To recommend Council to approve the changes to the 2010/11 – 2012/13 capital programme as set out in appendix 2 of the report.
2. To note the revised capital programme and associated funding detailed in Table 1 on page 2 of the report for 2010/11.
3. To approve scheme commencements for the schemes detailed in Appendix 3 of the report and recommend to Council the additional borrowing of £1.3m for the new Primary phase enhanced resources unit for autistic spectrum disorder pupils.
4. To approve the in year Section 106 allocations as detailed in paragraph 3.8 of the report.
5. To note the potential funding agreement with East Midlands Development Agency for European Regional Development Fund funding for Friargate Studios as detailed in paragraph 3.6 of the report.
6. To approve the revenue/capital funding switch for surface car parks resurfacing as detailed in paragraph 3.7 of the report.
7. To approve the proposed use of the Homes and Communities Agency's Delivery Partner Panel Framework Agreement as set out in paragraph 4.1.of the report.

8. To approve a budget transfer from Neighbourhoods to Resources Directorate as outlined in paragraph 5.1 of the report.
9. To approve £100,000 from the budget risk reserve to fund costs at the former Hippodrome theatre site as detailed in paragraph 6.1 of the report.

Performance Monitoring

65/10 Local Government Ombudsman's Annual Review

The Council Cabinet considered a report which stated that the Local Government Ombudsman (LGO) had published its Annual Review of complaints received about Derby City Council that it dealt with during 2009/10. The report showed that of the 50 decisions made on complaints during the municipal year, it found no maladministration against the Council. The report also highlighted that apart from a couple of service areas, the average response times by the Council to LGO enquiries was improving and was well ahead of their targets. The Ombudsman asked that its report was considered by the Authority and any learning taken forward.

Decision

1. To welcome the LGO Annual Review of complaints about the Council during 2009/10.
2. To take appropriate action to ensure services sought to respond to first enquiries within the LGO target timescale of 28 days.

66/10 Quarter 1 2010/11 Finance and Performance Monitoring

The Council Cabinet considered a report which stated that Financial and performance monitoring underpinned the Council's planning framework in terms of reviewing progress regularly in achieving our priorities and delivering value for money. The report included highlights from the revenue and capital budgets, as well as key performance measures included in our Corporate Plan 2008-2011 and Local Area Agreement (LAA) 2008-2011.

Summary financial results for the period up to 30 June 2010 were as follows...

- The quarter 1 revenue position for 2010/11 forecasts a balanced position by the year end. Within this forecast there were a number of pressures which were highlighted in paragraphs 4.2 to 4.6 of the report. Strategic Directors had identified relevant actions, and continued to develop proposals to ensure a balanced position by the year end.

- The 2010/11 budget included £8.4m of savings which needed to be met. As at Quarter 1 £7.7m of the saving had either already been met or were forecast to be met by the end of the financial year. Within the £7.7m it was assumed at this stage that the full saving from One Derby One Council, of £2.2m would be achieved. Further analysis was being undertaken in line with the latest transformation programme. The remaining £0.7m was included within the overall forecast outturn position and addressed through further actions.

In terms of performance results up to 30 June 2010 (quarter one), 78% of priority performance measures achieved their quarterly target, with 22% forecast to miss year-end target by more than 5%.

Performance highlights so far included...

- More children's social care initial and core assessments completed within timescale.
- Increased users of Derby's libraries and greater attendance at Derby LIVE events.
- Lower rates of repeat domestic violence incidents.
- More carers receiving support, advice and guidance.
- New Street Pride service launched to deliver integrated services within neighbourhoods.

The report also identified areas for improvement and proposes that a number of indicators were taken forward for performance review.

Decision

1. To note quarter one financial and performance results.
2. To note the change of targets for responding to complaints as set out in paragraph 5.6 of the report.
3. To note the indicators selected for review by Performance Support Group and Performance Surgeries.
4. To approve the use of budget risk reserve to address the one-off Concessionary Fares claim and to approve the wider use of the trading account reserve.

67/10 Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following item

"that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items of the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the

public interest in maintaining the exemption outweighs the public interest in disclosing the information”

Other

68/10 Southern Derbyshire LIFTCo Strategic Partnership

The Council Cabinet considered a report which stated that the Council had been a signatory to the LIFTCo Strategic Partnering Agreement since the company was set up in 2004, to finance, build and leaseback facilities to the health and social care sector in Southern Derbyshire.

An amendment was required to remove the exclusivity clause within the Strategic Partnering Agreement.

Decision

1. To approve the draft resolution attached to the report at appendix 3.
2. To delegate authority to the Strategic Director of Adults, Health and Housing, the Strategic Director of Resources and the Director of Legal and Democratic Services to sign the necessary legal documentation to remove the exclusivity right within the current LIFTCo arrangements and any future changes to the Strategic Partnering Agreement.

MINUTES END