

Time began 6.00pm
Time ended 7.20pm

**COUNCIL CABINET
14 DECEMBER 2010**

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

In attendance Councillors Allen, Bayliss and Skelton

This record of decisions was published on 16 December 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.

140/10 Apologies for Absence

Apologies for absence were received from Councillor Jones.

141/10 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 items:

- Arts Grants – Voluntary Sector Grant Aid Strategy 2011–15: Report of the Neighbourhood Commission.

142/10 Identification of Urgent Items to which Call-In will not apply

There were no urgent items.

143/10 Declarations of Interest

Councillors Bayliss and Webb declared personal interests in items 7, 10 and 11 as board members of Derby Homes.

144/10 Minutes of the meeting held 23 November 2010

The minutes of the meeting held on 23 November 2010 were agreed as a correct record and signed by the Chair.

Matters Referred

145/10 Motions from Council

The Council Cabinet considered two Motions from Council:

Morledge Bus Stops

“Council welcomes the investment and regeneration of the area around the new bus station and the Morledge. The consultation on the suggested improvements to the Morledge showed the proposed street layout, with space for taxis, buses, disabled parking and delivery vehicles. These plans were welcomed by the public. However, the scheme being constructed has seen the permanent removal of the bus stops used for the very popular Mackworth services 28/29 and Littleover 33. This change has been implemented without any consultation and this has angered a wider public who are keen to promote public transport and specifically bus users who favour the site, given its proximity to the Westfield shopping centre and Eagle Market. Council therefore requests that Cabinet listens to the bus users of Mackworth and Littleover and reinstates the bus stops for services 28/29 and 33 in the Morledge.”

Decision

To note the motion from Council and comment that the policy relating to the Morledge bus stops had been reviewed and design was fit for purpose.

Asbestos Awareness Campaign

“This Council fully supports the HSE’s asbestos awareness campaign and recommends the Council Cabinet to assist in raising the profile of the dangers of asbestos in residential properties by enclosing a leaflet with council tax bills and by providing a link from the Council’s website to the HSE’s website.”

Decision

Resolved to note the Council Motion on the HSE’s asbestos awareness campaign and comment that informative materials had been included with the latest leaflet on Council Tax.

Key Decisions

146/10 Homelessness Strategy

The Council Cabinet considered a report on the Homelessness Strategy. Homelessness was the most extreme form of housing need and the social and political necessity for tackling it was well established. Furthermore, local authorities had a legal duty to homeless people as specified in Part 7 of the Housing Act 1996, and by the Homelessness Act 2002. Since the publication of Derby’s first Homelessness Strategy in 2003, there had been dramatic improvements in the city’s response to homelessness: The number of

households accepted as homeless had fallen by over 75% and repeat homelessness had been eradicated almost entirely. The 2003 Strategy had now expired. With demand for Housing Services remaining high, and against a backdrop of economic downturn, tightening funding streams and greater personal debt, the challenge ahead was only likely to intensify. The new Homelessness Strategy for the period 2010-2014, had been drawn up to meet this challenge. The strategy set out the Council's vision, key objectives and detailed actions – for increasing prevention measures, improving services and reducing homelessness in Derby for the next five years.

Other Options Considered

1. Doing nothing was not an option, for the social, political and legal reasons described in paragraphs 1.1 and 1.2 of the report.
2. Implementing a less robust and well-resourced strategy risks some of the negative impacts described in paragraph 4.9 of the report.

Decision

To adopt the Homelessness Strategy 2010-2014 and pass on the Cabinet's thanks to all those who took part in the homelessness review in particular Councillors Lowe and Redfern.

Reasons

The purpose of the new strategy was to put in place a coherent and explicit framework which would enable the Council and its partners to:

- a) Continue to prevent homelessness.
- b) Ensure there was sufficient accommodation available for people who were or may become homeless.
- c) Ensure there was satisfactory support for people who were, or may become homeless, or need support to prevent them from becoming homeless again.

147/10 St Helen's House

The Council Cabinet considered a report on St Helen's House. A 299 year lease of the St Helens House complex was granted to Richard Blunt Limited in August 2007. The lessee had now requested to purchase the freehold of St Helens House to meet funders' requirements now that he had identified a potential end user. A report in the confidential section of the agenda detailed the terms agreed.

Other Options Considered

To continue with the lease and not dispose of the freehold.

Decision

To note the request and consider the terms proposed in the report in the confidential section of the agenda.

Reasons

A disposal of the freehold appears to represent the best way of ensuring refurbishment takes place.

148/10 Council House Refurbishment and Extension

The Council Cabinet considered a report on the Council House Refurbishment and Extension which sought delegated authority to award a demolition contract to the company submitting the most competitive tender for the work of removing asbestos, redundant services and the demolition of certain areas of the Council House to clear the way for the Council House rebuilding and refurbishment work to commence.

Other Options Considered

To combine the work into one contract but this was discounted as not being the best approach.

Decision

To note the supporting information and consider the proposed recommendation in the confidential section of the agenda.

Reasons

To enable the work to start on the refurbishment and extension of the Council House to meet the objectives of the accommodation strategy.

149/10 De-designation of Flats

The Council Cabinet considered a report on the De-Designation of Flats. Approximately 970 of the Council's 13,585 housing stock were currently designated for occupation by tenants over 40 years of age. This figure excluded sheltered/supported living properties. The current policy of age designation of specific flats was applied to 970 flats in Derby in 1989. This followed approval from the then Housing Committee in 1988. At the time this equated to approximately 5% of the 19,023 total housing stock. The policy was approved and implemented in 1989 in response to growing anti social behaviour complaints from older tenants living in flats where there were younger tenants. The current policy was now over twenty years old and a review of this policy had been carried out taking into consideration demographic changes and the growing need for housing. The proposal

contained within this report following on from the review, was to de-designate 652 flats. These flats had been identified as being suitable for de-designation by a working group whose remit included looking at issues specifically affecting flats and flat life, and identifying appropriate criteria justifying a decision for their de-designation. The Equality Act 2010 came into force on 1 October 2010 and an important part of the Act was the Public Sector Equality Duty, which played a key role in ensuring that fairness was at the heart of public bodies' work and that public services meet the needs of different groups.

Other Options Considered

Do nothing, but this would be in direct opposition to the Public Sector Equality Duty as it could be argued that we were assuming that all tenants aged under 40 would cause a nuisance to other residents, and the Council could be challenged. It was also not best use of our resources or value for money as currently we had longer void periods on designated properties due to demand being lower.

Decision

To defer consideration of this item until the next Council Cabinet meeting.

Reasons

To refine the report.

150/10 New Build Housing Phase 2 St David's Close

The Council Cabinet considered a report on the New Build Housing Phase 2 St David's Close. The Homes and Communities Agency (HCA) had recently asked for additional small scale affordable housing schemes to be submitted for grant funding as its residual funding settlement for 2010/11 had become clearer. As a result of this we had a good opportunity to secure some much needed external funds for affordable housing in the city. The St David's Close site in Littleover was deemed a high priority site from previous planning work undertaken. Our partner for this project, Bramall Construction, following dialogue with officers had reduced the original estimated build costs by utilising an off site manufacturing process. The resulting reduced build and scheme costs meant that the grant requirement now fell within acceptable limits on a per unit rate basis for the Council and the HCA. The revised scheme would provide six brand new, modern two bedroom flats for affordable rent on a disused garage site at St. David's Close, Littleover. As with the previous Council new build scheme, the Council would need to resource approximately 50% of the scheme through the use of HRA reserves. These Council new build properties would be outside the HRA subsidy system, but within the HRA and therefore subject to the Right to Buy (RTB). All the properties would be let at rent levels in line with the HCA's affordable target rent structure.

Other Options Considered

1. The Council had for a number of years worked successfully with a range of development partners; including more recently Derby Homes, to provide affordable housing in the city.
2. The Council could determine not to progress this scheme which would result in six fewer units of affordable accommodation within the city.

Decision

1. To authorise the submission of a bid to the HCA with a view to securing sufficient grant funding to enable the housing scheme outlined in the report.
2. To delegate authority to the Director of Legal and Democratic Services, in consultation with the Strategic Director of Resources to sign the necessary agreements with the HCA to enable the draw down of the grant funding, subject to the bid for funding being successful.
3. To authorise the Council to utilise £300k from the HRA reserves amounting to £50k per unit, to be permitted for this purpose.
4. To recommend the inclusion of this project in the capital programme at £600k, funded by £300k of HCA grant and £300k of HRA reserves.

Reasons

1. Grant funding of £300k would be required to enable the proposed housing scheme to proceed.
2. The legal guarantees were required to enable the grant funding to be drawn down.
3. The use of HRA reserves was a fundamental assumption within the submitted bid.

In accordance with Procedure Rule A126, the Chair of the Adult Health and Housing Commission had been advised that this item would be considered although it was not included in the Forward Plan.

151/10 Council Day Services for Older People

The Council Cabinet considered a report on Council Day Services for Older People which set out the position with the long-term future of Council-run day care as an “enablement” service, helping older people who had lost confidence and the skills to recover. This would involve a structured and time limited programme that linked older people with support available in their neighbourhoods on completion of the programme. This approach would bring

more autonomy and dignity for individuals as well as giving value for money to the Council. The report showed the Council's two day centres for older people, at Morleston Street and Whittaker Road, were under-occupied and were likely to become more so as older people and their family carers begin to benefit from the increased flexibility, choice and control of Personal Budgets. The report recognised the importance of some of the Council's existing day care at these centres in meeting the respite needs of carers and in particular supporting older people with dementia. Proposals were designed to ensure this support remained available, but also adapted to changing needs and expectations.

Other Options Considered

Doing nothing would not provide value for money to the Council, and would also inhibit the development of personalised services that were more accessible to older people.

Decision

1. To accept the need to change the Council's day service model so that the focus was upon enabling older people to regain as much independence as possible.
2. To continue using Personal Budgets to support older people in developing individually tailored day services for themselves and their local communities.
3. To consider further options appraisal for Morleston Street and Whitaker Road Day Centres at Council Cabinet in February 2011.

Reasons

It was sensible for Council provision to move towards a time-limited "enablement" approach and away from long-term day care services over time.

This was for two reasons:

- Enablement services were not in competition with independent sector services and were therefore more secure in the future context of Personal Budgets.
- Enablement services were explicitly focused on prevention: supporting older people at point of crisis both to regain independence and to access other community services. This approach avoided unnecessary use of Council-funded long-term care, especially care home placements and maximises the value for money of retained Council provision.

Personal Budgets give older people more choice and control over the services that they receive. In the case of day services, this meant the opportunity for

older people and their carers, supported by the Council, to develop tailored support closer to where they live.

152/10 Voluntary Sector Grants Aid Strategy 2011-15

The Council Cabinet considered a report on Voluntary Sector Grants. The Council was reviewing its Voluntary Sector Grant Aid Strategy to ensure it helped deliver the aims of the new plan for the city, the Derby Plan. The Derby Plan had been drawn up following extensive consultation and participation from Derby residents and city partners. It focuses on three main themes: People, Place and Prospects. The Voluntary Sector Grant Aid Strategy would help Derby create a strong, cohesive society where families, networks, neighbourhoods and communities work together to build the Big Society. The Council remained committed to supporting the Voluntary Sector as a city partner and provider of valued community services. It had signed a Compact with the sector and would conduct its business in compliance with the terms of the Compact. It was proposed there was a period of consultation on the Grant Aid Strategy. Groups currently in receipt of grant aid had already been alerted that their future funding could not be guaranteed as the Council needed to ensure it funds organisations that support its strategic priorities and offer excellent value for money. An open grants round would be run where groups could apply to provide services against the Council's stated commissioning intentions. The grant aid pot from controllable Council budgets would be £1.971 m for 2011/12.

The Director of Legal and Democratic Services – Monitoring Officer stated that 4.1 of the report should also include the need to have regard to the Race Relations Act duties and consider the wider implications of the strategy on the voluntary sector.

The Council Cabinet also considered a late report of the Neighbourhoods Commission relating the Arts Grants section of the strategy. The Commission's report stated that they were broadly supportive of the inclusion of arts grants within a corporate policy on grant aid and the proposed principles about how the arts grant budget was to be distributed and that they reserved the right to subsequently scrutinise the actual allocation of funds to organisations.

Other Options Considered

1. It was considered whether to leave the voluntary sector grant aid programmes as they were but this would mean that they might not offer the best strategic fit with the new city plan. It was important that the Council achieved the best possible outcomes for Derby people by the appropriate strategic use of all its resources, including grant aid.
2. It was considered whether all grant aid should be cut in order to offer greater protection to statutory services. This was rejected because it was recognised that the Council needed to continue to invest in the preventative and direct services that the voluntary sector provides.

3. It was considered whether grant aid should be protected and not had any reduction. This was rejected as it would mean essential statutory services would have had to be reduced even more severely.

Decision

1. To provisionally approve the Grant Aid strategy and its key funding themes as set out in sections 4.5 to 4.8 of the report and approve the process for commissioning voluntary sector services for 2011-15.
2. To undertake a 12 week consultation on the proposed Grant Aid strategy.
3. To receive a report back to Council Cabinet in April 2011 to ratify the Grant Aid strategy in light of the feedback from the consultation.
4. To note the Neighbourhoods Commission's report.

Reasons

1. The Council needed to ensure all resources were used to the maximum benefit of Derby people. It was in the process of adopting a new city plan, the Derby Plan, and it was therefore appropriate to review the use of grant aid funding to ensure it supported the objectives of the Derby Plan and offered excellent value for money.
2. The process set out in the report ensured compliance with the Compact.

In accordance with Procedure Rule A126, the Chair of the Scrutiny Management Commission had been advised that this item would be considered although not included in the Forward Plan.

Budget and Policy Framework

153/10 Fees and Charges

The Council Cabinet considered a report on Fees and Charges. Fees and charges provided a significant level of income for the Council. Annual or periodic changes to fees and charges were considered as part of the budget planning process each year. The future budget position required significant savings to be identified, including consideration of the increase to fees and charges. The proposed changes increased income beyond the standard inflation level, in order to support the delivery of a balance budget for 2011/12. Further changes may be required following the series of Star Chamber budget meetings in November, the preparation of a summarised position in early

December, along with the findings of the Finance Settlement which had been expected on 2 December 2011.

Decision

1. To note the action taken so far in relation to fees and charge setting.
2. To approve the principles outlined in paragraph 6.1 of the report.
3. To delegate the implementation of specific detailed proposals to the relevant Cabinet Members in conjunction with the relevant Strategic Directors.

Contract and Financial Procedure Matters

154/10 Contract and Financial Procedure Matters Report

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:

- to approve proposed changes to the capital programme.
- the request to the Department for Communities for Local Government - DCLG - to reduce the Derwent New Deal for Communities - NDC - capital grant allocation by £2,476,000 from £2,976,000 to £500,000 and to switch £260,000 from the revenue grant allocation of £459,000 to the Management and Administration budget in 2010/11.
- to approve use of the Carbon Commitment Budget reserve.
- to approve the use of the Midlands Highway Alliance, Medium Schemes Framework.
- to delegate decisions to make changes to the Local Transport Plan and to waive Financial Procedure Rules – Budget Virement Approvals.
- to re-appoint Faithful & Gould and Mouchel as the technical and ICT advisers to the BSF Programme.
- to waive Financial Procedure Rules – Budget Virement Approvals – in relation to the One Derby One Council Transformation Programme.

Decision

1. To approve the changes to the 2010/11 – 2012/13 capital programme as shown in Appendix 2 of the report.
2. To note the revised capital programme and associated funding detailed in Table 1 on page 4 of the report for 2010/11.
3. To approve the request to the Department for Communities and Local Government to reduce the Derwent New Deal for Communities capital grant allocation by £2,476,000 and to switch £260,000 of revenue grant funding to the Management and Administration budget in 2010/11, as set out in section 5 of the report.
4. To approve the one-off use of £20,000 from the Climate Change and Energy Management Unit, Carbon Reduction Commitment revenue budget as a contingency for the AMR installation project to ensure that the project has sufficient funding to deliver 100% coverage and the balance being put toward the ongoing revised CRC participation costs, as set out in section 6 of the report.
5. To approve the use the Midlands Highway Alliance, Medium Schemes Framework 1 in line with Contract Procedure Rule 15.9 for schemes within the scope of the framework, as set out in section 7 of the report.
6. To delegate authority to the Strategic Director for Neighbourhoods, in consultation with the Cabinet Member for Planning and Environment and the Cabinet Member for Neighbourhoods as appropriate to their respective portfolios, to review progress of the Local Transport Plan schemes within strategy areas, respond to changing priorities throughout the year, potentially introduce new schemes or bring forward the implementation of some schemes at the expense of others and where necessary reallocate funding between strategy areas, subject to the approved limits set in the financial implications, appendix 1 of 16 February 2010 Cabinet report.
7. To give approval to waive Financial Procedure Rules to enable cross portfolio budget transfers within the Highways and Transport Work Programme without the need for prior approval by Council Cabinet, as set out in section 8 of the report.
8. To re-appoint Faithful & Gould and Mouchel as the technical and ICT advisers to the BSF Programme following financial close with a revised scope of works to reflect a reduced programme, as set out in section 9 of the report.
9. To waive Financial Procedure Rules, budget virement rules, to allow cross directorate and cross cabinet portfolio budget transfers arising from the implementation of the One Derby One Council Transformation Programme as set out in paragraph 10.1 of the report.

Performance Monitoring

155/10 Adult Social Care Annual Performance Assessment and Service Inspection Findings

The Council Cabinet considered a presentation by Chrisandra Harris of the Care Quality Commission which introduced the findings of their assessment of the Council's Adult Social Care Annual Performance. Ms Harris outlined the strengths and weaknesses discovered by the assessment and possible actions that would improve the authority's service delivery.

The Council Cabinet then considered a report on the Adult Social Care Annual Performance Assessment and Service Inspection Findings. The Care Quality Commission (CQC) publishes an Annual Performance Assessment report which summarises how well the Council delivers adult social care outcomes for people in Derby.

It must be noted that this was a Council wide assessment albeit the core delivery was through the Adults Health and Housing directorate. Other services such as community safety, transport, leisure etc contributed significantly to producing positive adult social care outcomes for the people of Derby.

Derby City Council's adult social care performance was measured against the CQC outcomes framework consisting of seven operational outcomes. The outcomes framework also contained guidance for Councils on adult social care leadership, commissioning and use of resources.

Adult Social Care services had been judged as "performing well" overall for the financial year 2009/10. Five of the seven outcomes were judged by CQC as "performing well" and against the other two outcomes the Council was judged as "performing excellently". This was an improvement on the Council's 2008/09 annual performance assessment.

As part of a national programme of service inspections CQC also conducted a service inspection of Adult Social Care in Derby during September 2010. The objective of the inspection was to evaluate Derby's performance in delivering specific adult social care outcomes for its communities.

The service inspections were a narrower but a deeper look into how well Councils were performing against particular outcomes of the outcomes framework. The service inspection focussed on how well the Council and its partners were safeguarding vulnerable adults and providing increased choice and control for older people.

The inspection centred on the experiences of people who used adult social care services and on leadership, commissioning and use of resources for delivery of good outcomes for service users. The inspection team concluded that Derby was performing adequately in safeguarding adults, and performing

well in supporting older people to had increased choice and control. They also concluded that the capacity to improve in Derby was promising.

The inspection team had written a comprehensive report detailing areas of good performance and areas for development. The report was published on the CQC website on 23 November. An action plan had been drawn up to address the areas for development identified in the inspection report. This had been agreed with the lead inspector.

It had been announced by central government that there would not be any further CQC adult social care service inspections for Councils or an annual performance assessment for 2010/11. Deliberation about how Council performance was to be assessed in the future was on going at a national level.

Decision

1. To note the outcome of the Annual Performance Assessment for Adult Social Care.
2. To note the outcome of the service inspection and the content of the report from the CQC inspection team.
3. To endorse the action plan drawn up in response to the inspection report.

156/10 Ofsted Inspection of Children's Services 2010

The Council Cabinet considered a report which set out the outcome of two recent Ofsted inspections of Children's Services, the annual assessment and an unannounced inspection of safeguarding services.

Decision

To note the report.

157/10 Annual Audit Letter

The Council Cabinet considered the Annual Audit letter from the Council's external auditor Grant Thornton.

The main findings were that

- The Council performed well in producing a timely set of accounts against a tight timetable. This had continued this year.
- The Council's processes over its key accounting systems and controls were generally sound with no material weaknesses.
- The Council was on track in it progress in implementing the International Financial Reporting Standards.

- The Council made proper arrangements to secure economy, efficiency and effectiveness in its resources for the year ending 31 March 2010.
- The Council's HR policies need to support the drive to achieve greater flexibility, efficiency and effectiveness of the Authority's workforce.

Decision

To approve the Annual Audit letter for 2009/10.

158/10 Exclusion of Press and Public

Resolved to exclude the press and public during consideration of the following items under Section 100(A) of the Local Government Act 1972, on 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.

Key Decisions

159/10 St Helen's House

The Council Cabinet considered a report which sought approval to the terms for the disposal of the freehold of St Helen's House to Richard Blunt Limited.

Decision

To authorise the disposal of the freehold of St Helen's House to Richard Blunt Limited on the terms set out in the report.

160/10 Council House Refurbishment and Extension

The Council Cabinet considered a report which sought approval to award a demolition contract to the company submitting the most competitive tender for the work of removing asbestos, redundant services and the demolition of certain areas of the Council House to clear the way for the Council House rebuilding and refurbishment work to commence.

Decision

To authorise the Chief Executive in consultation with the Leader of the Council to award the demolition contract to the company submitting the successful tender for the work.

MINUTES END