

Time began 6.00pm  
Time ended 8.15pm

**COUNCIL CABINET  
17 MARCH 2009**

Present: Councillor Jones (Chair)  
Councillors Allen, Care, Carr, Skelton and Troup

In attendance Councillors Bolton, Jennings, Poulter, Roberts and  
Williamson

This record of decisions was published on 19 March 2009. 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.

**241/08 Apologies for Absence**

Apologies for absence were received from Councillors Hickson and Naitta.

**242/08 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 on the grounds that they could not wait until the next meeting.

- Discretionary Transport
- Safeguarding Children Review

**243/08 Identification of Urgent Items to which Call-In  
will not apply**

It was reported that the following item had to be implemented with immediate effect, the Chair of the Scrutiny Management Commission had agreed that it could be treated as an urgent item and therefore not subject to call-in for the reason outlined below:-

**257/08 Local Area Agreement Refresh**

The deadline for submission of the Refresh was 27 March 2009.

**244/08 Declarations of Interest**

There were no declarations on interest.

## 245/08 Minutes of the previous meeting held on 17 February 2009

The minutes of the meeting held on 17 February 2009 were noted as a correct record and signed by the Chair.

## Matters Referred

### 246/08 Discretionary Home to School Transport

The Council Cabinet considered a report from the Children and Young People Commission requesting that the proposal to withdraw discretionary home to school transport did not proceed and a report from the Planning and Transportation Commission setting out recommendations on the proposed withdrawal of discretionary home to school transport.

#### **Decision**

To note the reports and consider them in conjunction with the results of the consultation.

### 247/08 Duffield Road Bus Lane

The Council Cabinet considered a report on Duffield Road Bus Lane. The Planning and Transportation Commission undertook a review of the decision of the Council Cabinet to make permanent the bus lane on the A6 Duffield Road. On 16 December 2008 Council Cabinet received the report and requested the Corporate Director of Regeneration and Community to consider the recommendations made by the Commission and report back. Set out at Appendix 2 for Cabinet's consideration was the response, together with the actions already taken and proposed. A separate report to this meeting sets out the 2009/10 Highways and Transport Work Programme, which includes the preparation of a prioritised list of highway drainage schemes. The drainage issues on Duffield Road will be included within this assessment.

#### **Decision**

To endorse the proposed response subject to a site visit by the Cabinet Member and Chair of the Planning and Transportation Commission to the Bus Stop near the roundabout on Duffield Road.

### 248/08 National Minimum Wage Publicity Campaign

The Council Cabinet considered a report on National Minimum Wage Publicity Campaign. In line with the Council resolution 162/08 to promote the rules and guidance within the National Minimum Wage regulations to help protect vulnerable workers that were falling prey to unscrupulous employees, the report was proposing that we train key parts of our workforce on the National

Minimum Wage (NMW), place an article in its residents' newsletter and provide as much helpful information as possible on our website.

### **Decision**

1. To appoint Her Majesty's Revenues and Customs to carry out training on the NMW to our Trading Standards, Environmental Health and Welfare Rights Officers.
2. To run an article in a future newsletter, advising people of their rights and contact details for support.
3. To revise the Derby Advice web pages to include information on the NMW and employment rights in relation to entitlement to paid leave and working hours.
4. Within this publicity to make people aware of the benefits of trades union membership in securing employment rights.

## **249/08 Performance Surgeries and Cabinet Member Meetings**

The Council Cabinet considered a report on Performance Surgeries and Cabinet Member Meetings. At its meeting on 3 March 2009 the Scrutiny Management Commission considered a report on the process of the Local Area Agreement (LAA) Refresh. In the course of their discussion of the LAA process Commission members commented that the recent lack of Cabinet Member Meetings and Performance Surgeries made it difficult for Overview and Scrutiny Chairs and Vice Chairs to effectively monitor progress against agreed LAA targets. Scrutiny Management Commission agreed to bring the problem caused by the recent lack of Cabinet Member Meetings and Performance Surgeries to Council Cabinet and to ask if this deficiency could be addressed.

### **Decision**

To note the report and provide a response at a future meeting.

## **250/08 Responses from the Scrutiny Management Commission to Decisions made by Council Cabinet at its meeting on 17 February 2009**

The Council Cabinet considered a report on Responses from the Scrutiny Management Commission to Decisions made by Council Cabinet at its meeting on 17 February 2009. At that meeting Council Cabinet decided:

- a) To ask Scrutiny Management Commission to carry out a fundamental review of grant funding across the Council (Minutes

218/08, 219/08 and 220/08 refer)

b) That the concept of pre-budget scrutiny introduced in 2008 should be repeated in future budget cycles and held at the earliest point when sufficient information is available for scrutiny commissions to make informed observations, and to engage the Scrutiny Management Commission in a base budget review process as soon as possible after the Annual General meeting of the Council in May 2009 (Minute 229/08 refers).

The decisions of Council Cabinet were considered by the Scrutiny Management Commission (SMC) at its meeting on 3 March 2009 and members resolved to:

a) Advise Council Cabinet that whilst SMC was willing to consider and comment upon the process whereby grants are made to voluntary bodies it was not prepared to conduct the fundamental review of grant funding across the Council that was proposed by Council Cabinet.

b) Confirm to Council Cabinet that SMC is prepared to engage in the budget scrutiny process. However SMC considers that the base budget review should be conducted by Cabinet and that the role of scrutiny should be to consider the findings of the Cabinet's review.

## **Decision**

To note the report and provide a response to a future meeting.

## **Key Decisions**

### **251/08 2009/2010 Highways and Transport Work Programme**

The Council Cabinet considered a report on 2009/2010 Highways and Transport Work Programme. The report set out the 2009/10 proposed Highways and Transport Work Programme for approval. The programme had been developed following extensive consultation with Members, Neighbourhood Boards, transport related consultation forums and other key stakeholders. The programme covered both revenue and capital funded projects but set out in more detail the capital works. There were also specific recommendations to pass-port Road Safety Grant funding to the Derby and Derbyshire Road Safety Partnership, DDRSP, to address casualty reduction as part of the Local Area Agreement and approval sought for delegated authority to the Corporate Director for Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, to approve, finalise and submit the London Road Rail Bridge replacement and Strategic Integrated Transport Scheme, SITS, major scheme business case.

## Options Considered

The development of the programme had involved consideration of various options for the inclusion of projects within the proposed programme. The draft programme recommended was considered to best fit the objectives of the Derby Joint LTP2, the Local Area Agreement priorities, the local priorities of Members and Neighbourhood Boards and feedback from GOEM.

## Decision

1. To approve the apportionment of LTP capital funding across strategy areas and the 2009/10 Highways and Transport Programme, for both capital and revenue funded schemes, detailed in Table 1.2 and appendix 2.
2. To approve the pass-porting of the Road Safety Grant, both revenue and capital, to the Derby and Derbyshire Road Safety Partnership, to continue the partnership initiatives towards casualty reduction, subject to any funding approval processes required as part of the delivery of the Local Area Agreement.
3. To delegate authority to the Corporate Director of Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, to review the progress of schemes within strategy areas and respond to changing priorities throughout the year. This would include potentially introducing new schemes or bringing forward the implementation of some schemes at the expense of others and, where necessary, reallocating funding between the strategy areas, subject to the new approved limits set in the financial implications.
4. To delegate authority to the Corporate Director of Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation and the Highways and Transport Programme Board, to approve and utilise additional developer contributions from further external sources and any other approved external funding, as consultation and detailed design progress throughout the year.
5. To delegate authority to the Corporate Director for Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, to approve, finalise and submit the major scheme business case for London Road replacement railway bridge and associated corridor improvements.
6. To delegate authority to the Corporate Director for Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, to finalise and approve the details of the cycle derby programme upon completion of the cycle audit.

7. To note that the Corporate Director of Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, may delegate further decision making to officers as appropriate, subject to delegated financial limits as detailed in appendix 1.
8. To note the development work, including a review of our long term transport strategy required in the 2009/10 programme in preparation for the production and publication of the third Derby Joint Local Transport Plan, LTP3. This includes the intention of presenting a further report to Cabinet on our long term transport priorities and LTP3 development in March 2010 alongside the proposed 2010/11 work programme.
9. To note the positive feedback and guidance provided by the Government Office for the East Midlands, GOEM, following submission of an LTP2 Progress report in December 2008 and how this has shaped our priorities for the 2009/10 programme.

## **Reasons**

1. Approval of the work programme, including the approval to pass-port the Road Safety Grant to the DDRSP and delegated authority to submit the London Road Major Scheme Business Case to DfT, before the start of the 2009/10 financial year would allow flexibility to prioritise work and enable detailed design to commence, with the objective of ensuring that highways and transport schemes and initiatives were delivered in the best possible way and achieve value for money. The approval of the work programme would enable us to identify risks to the delivery of schemes, for example, at strategic, corporate, programme or project levels. We would be able to review and monitor to ensure risks do not escalate and where possible, were eliminated. This was in line with our risk register as set out in LTP2 for the delivery of schemes and achievement of targets.
2. Within the programme, a number of issues had been included for investigation in 2009/10. As specific measures and solutions were identified during the course of the year it was appropriate for the Corporate Director for Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation, to review the programme and to re-allocate funding, on the basis of revising priorities and reviewing progress on other schemes. Any revisions to the programme must still reflect the objectives and the implementation programme set out in LTP2.
3. Increased delegation from the Corporate Directors for Regeneration and Community, in consultation with the Cabinet Member for Planning and Transportation to appropriate officers would enable a quick response to small scale amendments within specific strategy areas. This would ensure that the measures being delivered were the most appropriate solution to achieve the desired outcomes rather than outdated proposals that may have been agreed many months in

advance. This would help to ensure effective programme delivery. Progress on delivery and all changes would be reported to the Highways and Transport Board.

## 252/08 Cycle Derby and Cycling Action Plan

The Council Cabinet considered a report which stated that in October 2008 Cycling England agreed to continue financial support of the Cycle Derby project with a match funded grant of £500,000 per year up to March 2011, provided under section 31 of the Local Government Act 2003. The provision of the grant enables the City Council to resource an action plan to deliver the cycling elements of the Derby Joint Local Transport Plan 2006-2011, LTP2. In June 2008, prior to the approval of the Cycling England grant bid, a draft cycling strategy was submitted for Cabinet Member approval and then circulated to interested parties and stakeholders for consultation. The proposed strategy was detailed in Appendix 2 of the report. The report detailed the Cycle Derby strategy for the duration of the Cycling England grant, from 1 November 2008 to 31 March 2011, and related the strategy to the delivery programme for Cycle Derby for 2009/10, which was detailed in a separate report to Cabinet.

### **Options Considered**

None considered. Cycling forms a key component of the long term transport strategy approved as part of LTP2, so the enhanced coordination of improvements through the Cycle Derby strategy will help us deliver more effectively and work towards delivering the transport vision.

### **Decision**

1. To approve the Cycle Derby strategy as the basis upon which we will develop and deliver improvements for cycling.
2. To approve an associated cycling action plan to cover the period to June 2009.
3. To note that the 2009/10 Cycle Derby programme forms part of an overall programme for Highways and Transport improvements, which will be considered through a separate report to this meeting.
4. To note the agreed principles of the match funding arrangement with the Department for Transport.
5. To approve the amendments to the revenue budget and capital programmes for 2008/09, 2009/10, and 2010/11

## **Reasons**

Approval of the Cycle Derby strategy and action plan would ensure the development and implementation of an annual programme of improvements for cycling, directly linked to the LTP2 overarching objectives.

## **253/08 Accommodation Strategy – Selection of Bidders**

This item was withdrawn.

## **254/08 Transfer of Responsibility for the Commissioning of Social Care**

The Council Cabinet considered a report on transfer of responsibility for the Commissioning of Social Care. The report outlined how it was proposed to effect the transfer of the responsibility for the commissioning of social care for adults with a learning disability from the NHS to local government and transfer of appropriate funding. The transfer was a national requirement contained in the national strategy 'Valuing People Now: a new three year strategy for people with learning disabilities' (January 2009). PCTs and Local Authorities were required to agree the details of the transfer by 31 March 2009. The guidance in relation to this transfer was published in the DH circular Valuing People Now: transfer of the responsibility for the commissioning of social care for adults with a learning disability from the NHS to local government and transfer of the appropriate funding (August 2008)

## **Options Considered**

This is a national requirement.

## **Decision**

1. To approve the transfer of funding and to accept the responsibility for commissioning social care for adults with a learning disability.
2. To authorise the Director of Corporate and Adult Services to enter into an agreement with NHS Derby City regarding these new arrangements

## **Reasons**

1. The detailed arrangements had been developed in partnership with NHS Derby City. The national guidance was helpful in establishing the principles for this agreement. There were areas of risk for the council as outlined in the financial supporting information, however there was also good reason to proceed with this agreement and work within the funding levels proposed.



2. This agreement related only to social care commissioning currently carried out by the NHS. The NHS responsibility to commission health care, specialist healthcare and continuing care to meet the needs of people with Learning Disabilities is unaffected by this agreement

In accordance with Procedure Rule AI26, the Chair of the Adult Service and Health Commission had been advised that this item would be considered although not included in the Forward Plan.

## **255/08 Learning and Skills Council – LSC – Transition Sub Regional Arrangements**

The Council Cabinet considered a report on Learning and Skills Council Transition Sub Regional Arrangements. The reforms outlined in the Apprenticeship, Skills, Children and Schools Bill 2009 would move the duty for provision of education and training for young people aged 16-19, within the broader 14-19 context, from the Learning and Skills Council (LSC) to local authorities (LAs) from April 2010. On 2 September 2008 Cabinet supported a proposal to establish a sub-regional grouping (SRG) with Derbyshire County Council for future commissioning of 16-19 provision. We were required to submit further detailed proposals (LSC Transition Stage 2) to the Government Office for the East Midlands (GOEM) by 27 February 2009, setting out more in depth arrangements and subject to any comments from Council Cabinet. The report recapped on the previous report to Council Cabinet on 2 September 2008 and summarised the proposed arrangements including the specific aspects required by GOEM – governance, collaboration, strategic planning, resources and capacity.

### **Options Considered**

The earlier paper to Cabinet set out the possibility of Derby operating as a single authority. This option was not pursued as GOEM's response was that clusters reflecting 'travel to learn' patterns are expected. No additional options had been considered since.

### **Decision**

To approve retrospectively the proposed detailed arrangements for 16-19 planning and commissioning post-LSC, as contained in the Stage 2 response submitted to GOEM.

### **Reasons**

1. The Apprenticeship, Skills, Children and Schools Bill 2009 required LAs to meet their responsibilities for provision for 16–19 year-olds through SRGs, following the transfer of those responsibilities from the LSC to LAs.

2. Data analysis showed that the majority of cross boundary travel to learn into Derby is from Derbyshire, whilst there was a reciprocal pattern of travel from Derby to Derbyshire. This supported the rationale for a SRG partnership with Derbyshire.
3. 16-19 learners in the city and county access a diverse range of learning providers, including school sixth forms, colleges and work based trainers. Under the proposed sub-regional arrangements each provider would have a single commissioning contract with one LA who would act on behalf of other LAs where learners reside. The arrangement would rely on effective sub-regional working.
4. Cabinet has previously supported a proposal to establish a sub-regional grouping (SRG) with the County Council for the future commissioning of 16-19 provision.

## 256/08 School Funding 2009-10 – 2010-11

The Council Cabinet considered a report on School Funding 2009-10 – 2010-11. The report presented proposals for changes to the school funding formula for the 2009/10 -2010/11 period. Consultation had taken place with all the schools within the maintained sector and the providers of early years provision in the private, voluntary and independent (PVI) sector. Schools Forum has also been consulted at their meeting on 22 January 2009.

### **Options Considered**

Different formula protection options were modelled and considered as part of the consultation process and in reports to Schools Forum.

### **Decision**

To make changes to the formula for funding schools, subject to the Council's budget decisions, as follows:

- Implementation of the single formula for Early Years foundation stage 1 provision a year ahead of the legal requirement.
- Introduce four differential funding base rates for provision in maintained nursery schools, primary schools, private day nurseries and pre-school settings.
- The inclusion of factors for additional funding for deprivation, English as an additional language and vulnerable children.
- The inclusion of an Early Years Professional (EYP) factor.
- Funding to be based on three termly count dates

- The continuation of the minimum funding guarantee of 2.1% (guaranteed per pupil increase) for the maintained sector with an equivalent protection being extended to the PVI sector.
- A cap of 3% growth per pupil.
- Any growth available to be split 50:50 between deprivation and base rates. This will mean that all settings will receive growth, but a double weighting will be given to children with an Index of Multiple Deprivation (IMD) in the top 20%.

## **Reasons**

There is a statutory scheme for the funding of schools and any changes as a result of legislation or policy developments must be agreed through an established process, including consultation. The proposals take into account the views expressed in the consultation and by Schools Forum.

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

## **257/08 Youth Capital Fund Plus**

The Council Cabinet considered a report on Youth Capital Fund Plus. The Youth Capital Fund Plus (YCFP) was set up by the Government in April 2008 to enable fifty Local Authorities (LAs) to develop plans for new or refurbished youth facilities in neighbourhoods meeting certain criteria. The potential location of this facility in key wards had been considered, particularly taking into account levels of ASB and youth crime, and the availability of good quality youth facilities. The conclusion was that the facility should be located in Mackworth, based on the existing Mackworth Community Centre, which was in an excellent location to support the development of youth activities. It was proposed to establish a young people's reference group, to ensure that Mackworth Centre would be of similar standard to that achieved at Derwent Youth Centre, and to involve trainees from Derby College's Construction Training Unit at Mackworth in the refurbishment programme. Expenditure must commence this financial year.

## **Options Considered**

1. Other key wards in the city were considered before Mackworth was recommended. Many other wards, including Arboretum, Normanton, Sinfin, Abbey and Derwent have relatively high levels of ASB and youth crime. However, all of these wards have relatively good youth facilities and youth provision compared to Mackworth.
2. In the 1990s Mackworth had one of the best and busiest youth centres in the city. The loss of that facility and the impending forced closure of

the smaller replacement facility this year underline the need for a modern youth and community facility in Mackworth.

### **Decision**

To approve the allocation of the £452,000 of Youth Capital Plus Grant to refurbish the existing Mackworth Community Centre into a modern youth and community facility.

### **Reasons**

1. After a study of possible locations, Mackworth had been chosen following an independent partnership study of key neighbourhoods based upon the following criteria:
  - The lack of youth facilities and activities
  - A higher than average number of recorded anti social (ASB) incidents
  - A higher than average perception of the fear of anti-social behaviour.
2. Up until April 2000 Mackworth had an excellent free standing youth centre, located on the Derby College site. This was demolished due to major structural problems, and replaced by a smaller terrapin facility. The City Council have recently been informed that this terrapin facility will also be demolished in July 2009, as part of Derby College's capital building programme, which leaves Mackworth without a specific youth facility/centre.
3. This recommendation is supported by the DCSF Youth Task Force Unit which is keen to see quick progress on the use of the funds.

## **258/08 Local Area Agreement Refresh**

The Council Cabinet considered a report on Local Area Agreement Refresh. In developing our Local Area Agreement, LAA, for 2008-2011, the limited timeframe, lack of final definitions and minimal baseline data from Central Government, meant that not all of the 35 measures in the LAA had confirmed targets by the time the document was submitted to Government in June 2008. The Government recognised that this was a national issue and asked all LAAs to undergo a refresh process to:

- set targets where they had been unable to be set before the sign off
- amend targets which were set but where they are now felt to be unrealistic.

In relation to changing targets that had already been set it should be noted that Government Office for the East Midlands, GOEM, have advised that if the only reason to change a target was because of the economic impact then the target should not be changed as part of the current refresh. Their reasoning

for this was because the effects of the economic impact were currently unknown and unachievable targets could therefore be changed to equally unrealistic levels. Though the refresh process that was currently underway was meant to be a 'one off' event, Government had now released guidance stating that a refresh process would take place next year in response to the economic downturn. During next year's refresh there would be the opportunity to review and amend targets for four of Derby's LAA indicators which were directly affected by the economic situation. All other LAA indicators must have baselines and targets confirmed during the current refresh process which ends in March 2009, where data/definition delays do not prohibit this. Any indicators whose targets change after the current refresh, other than the four economic measures, would not be included in calculating the average performance and the amount of reward funding we would be able to claim. Derby's refresh of the LAA was currently underway and would run until 27 March 2009 when all target changes must have been agreed with GOEM and submitted in the refreshed document for Government. Section 3 of the report explained the reasons for conducting an LAA refresh process and the procedure for carrying out a refresh next year. Section 4 of the report covered the completeness of the current 2008-2011 LAA and highlighted areas which were to be addressed during the LAA refresh process. Section 5 detailed the 2008/09 LAA refresh process which was currently underway as well highlighting which targets had been agreed with GOEM to date. Section 6 highlighted the key points from the recently published LAA Performance Reward Guidance.

### **Options Considered**

There were no other options considered.

### **Decision**

1. To note the indicator targets that are to be reviewed during the 2008/09 refresh process.
2. To approve the baseline and target figures which have been proposed to date, for each of the LAA measures.
3. To delegate authority to the Chief Executive in consultation with the Leader of the Council for sign off of the LAA targets by 27 March 2009.

### **Reasons**

There were no reasons.

## **259/08 Exeter House**

The Council Cabinet considered a report on Exeter House. In January 2005, Derby Cityscape published its first Masterplan outlining its vision for the future of Derby city centre. In February 2005, Cabinet resolved to approve this Masterplan as a guide to the City Council's regeneration plans for the City

Centre and as a material consideration in relation to planning applications. In October 2006 Derby Cityscape published, for consultation, revised proposals, which took account of changing circumstances. The revised Masterplan proposals were approved by Cabinet at its 3 July 2007 meeting. The Cityscape proposals for the North Riverside area at that time contained proposals that would have involved the redevelopment of the land currently occupied by Exeter House and its replacement with a scheme comprising residential, office, leisure and complementary retail uses. At its 31 July 2007 meeting, Council Cabinet resolved to authorise the issue of an Initial Demolition Notice to enable the decanting of tenants and residents from the block in preparation for its demolition and the redevelopment of the site. The Initial Demolition Notice was issued on 20 September 2007. Some 16 households have vacated Exeter House since the Initial Demolition Notice was issued. Since September 2007, there have been some significant developments that impact upon Exeter House. The Environment Agency has in recent months revealed its draft strategy in relation to flooding issues within the City. These proposals would require a re-appraisal of the Cityscape North Riverside Masterplan proposals. This need for a re-appraisal, combined with the current economic downturn, has significantly reduced the likelihood of a redevelopment scheme being secured on this site, at least in the short to medium term. At the same time, housing need within the city particularly for one bed flats remains high and the Cabinet Member for Housing and Public Protection has requested that previous plans to demolish Exeter House be reviewed. As part of this review, refurbishment proposals have been developed that would enable all the 16 vacant units to be brought back into use and other general improvements throughout the scheme to be undertaken. These proposals would also provide the block with a basic level of defence against flooding.

### **Options Considered**

1. The Council could continue with the decanting process and demolish Exeter House. In view of the Environment Agency proposals however, and the increased risk of flooding in the longer term, it is not clear whether redevelopment proposals would be approved on this site. Also, in view of the current economic downturn, even if a redevelopment scheme were to be approved, it is unclear whether a development partner would choose to develop such a scheme within the current economic climate. Either way, the Council could be left to manage a cleared site in a prominent position and the City would lose 37 affordable units at a time when unmet housing need within the City is extremely high.
2. The Council could continue to manage the scheme with 13 vacant units whilst it awaits the outcome of a review of the North Riverside proposals. It is anticipated that in the best case scenario, this review could be completed within the next two years although at this stage it is not possible to plan a definitive timeframe. Given this protracted and uncertain timescale and indeed the slim likelihood that this site will be considered suitable for redevelopment at the end of this process, this

option is not considered appropriate. The 13 Vacant units, will from past experience, almost inevitably become a focus of anti social behaviour and have already raised the concern of some remaining tenants and leaseholders. The 13 vacant units would also accrue significant rent losses over a 2 year period.

### **Decision**

1. To authorise the revocation of the Initial Demolition Notice dated 20/09/07.
2. To authorise the refurbishment of Exeter House as outlined in paragraph 4.11.
3. To refer the report to the Community Commission and to report any comments to the April Cabinet meeting.

### **Reasons**

1. To provide tenants and residents with certainty relating to the future of their homes.
2. To enable those units currently vacant in Exeter House to be brought back into use, to ensure all of the Council's rented flats within the block meet the Decent Homes standard.
3. To enable the Community Commission to consider the report and to enable any subsequent comments to be reported back to Cabinet.

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

## **260/08 Decommissioning of Oakvale Sheltered Housing Scheme**

The Council Cabinet considered a report on Decommissioning of Oakvale Sheltered Housing Scheme. In April 2005, the Council jointly commissioned a Supported Accommodation Strategy with the Central and Greater Derby Primary Care Trusts, and Derbyshire Mental Health Services NHS Trust. The report's recommendations included the reshaping of the sheltered housing service by addressing poor quality provision and over capacity where there existed low demand. It also recommended the development of a broader and more flexible range of warden/housing support services to ensure value for money and support for people in ordinary as well as sheltered housing through floating support. In response to these findings, Derby Homes commissioned Peter Fletcher Associates to consider the long-term sustainability of all of the Council's Category 2 schemes across the city. The subsequent report was published in February 2006 and considered that five

schemes raised significant concerns in relation to their long term sustainability. The report considered Oakvale House to have an uncertain future and recommended that a number of measures be undertaken to determine whether it did have a sustainable future. Derby Homes have undertaken a number of initiatives in an attempt to enable the scheme to run on a viable basis, but these have unfortunately not proved to be successful. Subsequent consultation with residents has indicated a general agreement that the scheme should be closed. Derby Homes Board has accordingly recommended to Cabinet that the scheme and associated services be decommissioned.

### **Options Considered**

1. Various initiatives have been undertaken in order to establish whether the scheme could have a sustainable future. In response to the consultant's recommendations, two of the vacant units were refurbished in 2007 and used as 'show flats' for intensive marketing. Unfortunately this did not prove successful and the void levels remained high.
2. The housing waiting list was also reviewed to identify suitable BME applicants who had given the Normanton area as their first choice. Information was sent to around 50 applicants giving details of the scheme but again this did not prove successful.
3. Contacts were made with community organisations to promote Oakvale House among BME communities but no progress was made with letting any of the properties.
4. Re-modeling of the scheme was also considered but the capital costs coupled with poor construction design were the key factors against this proposal.

### **Decision**

To decommission Oakvale House and agree in principle its demolition.

### **Reasons**

1. The style of accommodation and service provided at Oakvale House no longer meets modern day requirements and is seriously outdated.
2. The scheme is not operating cost effectively due to high void levels and high reactive repairs costs.



## 261/08 New Homes for Old: Strategic Review of Care Homes for Older People

The Council Cabinet considered a report on New Homes for Old: Strategic Review of Care Homes for Older People. The demand for residential care in the city was decreasing each year. It will diminish further with the development of Extra Care Housing as well as other initiatives that were increasingly able to support older people with high needs in the community in accordance with their wishes. Older people's expectations about the quality and specification of the accommodation they require were changing. Council care homes were increasingly under-occupied as the demand for residential care falls because they cannot compete with the accommodation standards of many independent sector providers. Older people also prefer Extra Care Housing as an alternative way of meeting high-level needs. Robust decisions about the future of Council-owned care homes needs to be made as continuing with the status quo is unsustainable. The need for some of the Council's general, long-stay care home provision was progressively being replaced by new community initiatives and the availability of Extra Care Housing. It does, however, make sense for the Council to retain a strategic lead in some areas of care home provision:

- The delivery of expert dementia care as part of a programme of development to be managed in partnership with the independent sector.
- The delivery of short-term stays that provided rehabilitation for older people (using intermediate care services) or respite for carers. These targeted interventions, using care home beds, can keep older people at home for longer in accordance with their wishes.

The report and accompanying appendices draw conclusions about the overall care home provision required to meet older people's needs. If recommendations are approved they will be used as a basis for further options appraisal for each individual care home site. A project plan would also be produced showing how changes can be managed over time.

### **Options Considered**

1. Leaving Council-run care homes as they are now will result in increasing vacancy levels as older people continue to access local alternatives in improved community care, other forms of supported housing and independent sector residential care.
2. Remodelling all Council-run care homes so that they provide "future-proof" levels of accommodation, for example incorporating en suite toilet and wash facilities, would be prohibitively expensive without large cuts to services and developments elsewhere in the Council. It was also hard to justify this on the basis that good facilities already exist in

independent sector residential care. Derby's independent sector care homes were popular and are assessed by the Commission for Social Care Inspection as providing very comparable quality of care to that provided by the Council.

## **Decision**

1. To accept the need to reduce the number of care home places the Council provides in line with falling demand on the basis that 68 less places will be required by the close of 2009-10.
2. To approve in principle that two Council owned care homes should be adapted to provide specialist dementia care, initially delivering long-term beds, respite beds and day care facilities, but moving into solely providing dementia respite and day care over time.
3. To encourage independent sector care homes to deliver specialised dementia care through the issuing of a Council dementia specification linked to dementia-specific fee rates.
4. To approve in principle the move of all sixteen intermediate care beds on to one Council care home site, with the remainder of this site being used for short-term respite and emergency beds.
5. To assess Council care home sites for their potential to provide Extra Care Housing instead of traditional residential care.
6. To commission a report to provide options appraisal and recommendations for each individual older persons care home owned by the Council, within the confines of the recommendations above the report to be compiled with input from general stakeholder groups.

## **Reasons**

1. Decreasing demand for traditional residential care is projected to continue for at least six years and is especially affecting Council homes, designed in the 1960s and 1970s for a more able group of residents and without the space and personal facilities of many independent sector competitors.
2. The decline in demand for traditional residential care for older people over the next few years was especially likely to be influenced by the increasing availability of Extra Care Housing. There was strong evidence that Derby's older people (including the very oldest) greatly prefer the Extra Care Housing model to residential care. This was because it could meet high care needs in a secure environment but the resident can keep their own front door and move with their partner instead of being separated. There was very little Extra Care Housing in Derby at present and the Council target of 925 flats by 2015 reflects the rate of development

necessary to catch up with Local Authorities that had made more progress in this area.

3. The Council needed to work in partnership with independent sector care homes to improve dementia care for older people because dementia would soon be the single biggest factor in causing care home admissions. At present there was no clearly defined or strategic approach to developing dementia care, and there was a significant risk that care of the appropriate standards for this client group would not be developed in either the Council's or the independent sector's care homes.
4. The Council's main strategic aim in commissioning and delivering adult social care for older people was to ensure they were able to lead independent and fulfilling lives in their communities for as long as possible. Using Council-run homes to deliver short-term, rehabilitative or respite services, including day services, would help achieve this objective while the flexible and sometimes unpredictable nature of these services would make best use of the Council's provider staff.
5. The Council needed to improve its focus on intermediate care, which would work best if it was marketed from one site rather than several. This would also make best and most efficient use of staff as specialist skills were required to deliver intermediate care. There was similar logic in keeping respite and emergency beds together rather than dispersed over several sites.

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

## 262/08 Consultation on the Redevelopment of Arthur Neal House Care Home for Older People

The Council Cabinet considered a report on Consultation on the Redevelopment of Arthur Neal Care Home for Older People. On 8 July 2008 Council Cabinet decided to consult on a proposal to redevelop Arthur Neal House and replace it with an extra care housing scheme. The report set out the responses to the consultation process and recommended the home is closed no sooner than 1 January 2010.

### **Options Considered**

1. Doing nothing was not a realistic option. Considerable investment would be needed simply to ensure the home was safe and could remain open. This would inevitably involve considerable upheaval for residents.

2. The option of fully modernising Arthur Neal as a care home was considered but not recommended. This would involve considerable cost and extensive building work which would necessitate moving the current residents anyway. Such work would not attract external grant funding. The picture across the City showed a continuing decline in the numbers of people moving into care homes in Derby. This was evidenced in the wider review of the future of Council owned care homes in a separate report. Furthermore this would not provide a use for the whole site.

## **Decision**

1. To close Arthur Neal House at a date no sooner than 1 January 2010.
2. To continue to provide day care services to those people who currently attend Arthur Neal House and identify a suitable venue in the local area if possible.
3. To work with the Sanctuary Housing Group to develop an extra care housing scheme on the site.

## **Reasons**

1. Demand for traditional residential care is falling as evidenced by the care homes review report. This was particularly true for in house provision as the fabric and facilities in the buildings were generally poorer than the independent sector. This would lead to over capacity and inefficiency.
2. Arthur Neal House would need considerable investment simply to ensure the building was safe and could continue to function as a care home. It would require substantially more funds to modernise it to a suitable standard for the future.
3. Consultation responses revealed much support for developing extra care housing on the site whilst raising concerns about the impact for current residents and users of day care. The site clearly has great potential to develop an extra care scheme to meet future housing and care needs.
4. It may be possible to minimise disruption to current residents by adopting a phased approach to the building of the new development. There were a number of disadvantages and risks associated with this. We asked for some additional information from Sanctuary Housing Group which is below.
5. It would cost significantly more. Historically this was around 20% extra though we had not been given a precise figure at this stage. It was hoped that much of the overall cost would be met by a grant

from the Homes and Communities Agency but this was not guaranteed. A more expensive bid would be viewed as less attractive than any rival bids and if the development was phased this would not attract a higher amount of grant as the level of allocation was based on the number of units rather than how they were constructed.

- There would be a cost to Derby City Council of keeping Arthur Neal house open while the new scheme is built.
- It would take longer to complete. Estimates from our development partner suggest around 18 months – 2 years longer.
- There would be considerable and prolonged noise and disruption for residents living next to a building site and this would adversely affect their quality of life. There would also be a longer period of disruption for neighbours and the local community.
- Clearly if the new development takes longer to complete then people who want to occupy these flats would need to be housed elsewhere in the meantime. This information was based on estimates and more detailed work would be required if we were to pursue this possibility.

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

## Contract and Financial Procedure Matters

### 263/08 Contract and Financial Procedure Matters

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

- Allocations from the Modernisation Fund for feasibility studies and document management within the Environmental Services department
- Allocation from the Modernisation Fund to fund two efficiency reviews by Price Waterhouse Coopers in the Children and Young People's department
- Allocation of 'Communities for Health' grant
- ICT capital budget scheme
- Housing capital programme adjustment
- Amendment to the Home Relocation Assistance element of the Council's Housing Renewal Policy 2007-10.
- Local Authority Business Growth Incentive – LABGI – funding allocation

- Installation of automatic meter reading equipment
- Additions of new grants to the Children and Young People's department revenue budget
- Contract waivers – Children and Young People's department
- Creation of ICT contract reserve
- 2008/09 capital programme changes
- Schools Access Initiative allocations
- Use of Housing and Planning Delivery Grant (HPDG).

## **Decision**

1. To agree an allocation of £195,000 from the Modernisation Fund to the Environmental Services department for a number of feasibility studies to assist with the delivery of budget savings, and for document management to replace the previously agreed "spend to save" proposals.
2. To approve an allocation of £19,995 from the Modernisation Fund to the Children and Young People's department to fund an efficiency review carried out by Price Waterhouse Coopers (PWC).
3. To approve the distribution of the 2008/09 £50,000 'Communities for Health' grant allocated to Derby City Council.
4. To approve expenditure of £250,000 from ICT capital budgets on a new Web Content Management System.
5. To approve the financing adjustment of £98,200 for the hand held devices capital scheme outlined in paragraph 3.5.1.
6. To approve the changes to the Home Relocation Assistance element of the Council's Housing Renewal Policy 2007-10 as set out in section 3.6 and Appendix 2 of the report.
7. To approve the addition of the balance of the new allocation of £1.008m Local Authority Business Growth Incentive funding to reserves.
8. To agree an allocation of £360,000 from an underspend on the waste contingency budget to fund the installation of automatic meter reading equipment, and to add this to the capital programme.
9. To approve an addition of new grants - the National Challenge Grant and grants for Integrated Youth Support Services, Positive Activities on Friday and Saturday Nights, Full-Time Volunteering Pilots and Designated Teacher Funding - to the Children and Young People's department revenue budget
10. To seek a waiver of Contract Procedure Rule C15 for the Children and Young People's department to enter into a contract with Nviron

Ltd to undertake an upgrade of the schools network and comply with Government requirements for learning platforms.

11. To seek a waiver of Contract Procedure Rule C15 for the Children and Young People's department to enter into a contract with the National Childminding Association. Decisions 10 and 11 are to be referred to Audit and Accounts Committee for further scrutiny.
12. To transfer any year end underspend - currently forecast at £200,000 - on corporate ICT budgets to an ICT contract reserve for contract transition and contract smoothing costs with SERCO, our new ICT service partner.
13. To agree changes to the 2008/09 capital programme as set out in Appendix 3.
14. To approve the revised 2009/10 – 2011/12 capital programme totals as set out in Appendix 4.
15. To approve the scheme commencement as set out in Appendix 5.
16. To agree allocations from the Schools Access Initiative as set out in Appendix 6.
17. To agree the appropriation of £249,436 from the Development Control Action Plan reserve to the 2008/09 Regeneration and Community revenue budget.
18. To approve an increase of £311,893 in 2009/10 to the Regeneration and Community revenue budget, funded from the Development Control Action Plan reserve, to fund items related to the Housing and Planning Delivery Grant.

## Performance Management

### 264/08 Safeguarding Children

The Council Cabinet considered a report on the recent safeguarding children review. The case of 'Baby P' in Haringey Local Authority (LA) and reports on some other LAs have generated concerns nationally about procedures for safeguarding children and young people. Various procedures to review practice were put in place by the Secretary of State for Children, Schools and Families.

The Chair of the Derby Safeguarding Children Board has led a review of processes in Derby, in the light of the Ofsted Joint Area Review of Haringey and Department for Children, Schools and Families communications.

Whilst evidence suggested that practice and processes overall in Derby were strong, and Localities structures provided a good basis for the future, there were areas which need to be strengthened. Continuous review was, in fact, an important feature of this high risk service area.

The DSCB was a partnership currently chaired by the Corporate Director for Children and Young People which oversees inter-agency work to safeguard children and young people. Derby City Council was accountable for the safeguarding work carried out by its own services and for the quality assurance of that work. The Council's children's social care service has the lead responsibility for investigating safeguarding concerns.

It was reported that the Children and Young People Commission had considered the report at its meeting on 10 March 2009 and supported the recommendations.

### **Decision**

1. To note the outcomes of the review of safeguarding and to endorse the proposed actions.
2. To thank Rachel Dickinson for her services to the City of Derby and wish her all the best in her new job in Leicester.

## **Key Decisions**

### **265/08 Accommodation Strategy – Selection of Bidders**

This item was withdrawn.

MINUTES END