

Time began - 4.00 pm
Time ended - 5.50 pm

**COUNCIL CABINET
11 JUNE 2002**

Present: Councillor Williamson – Chair
Councillors Kalia, Nath, Repton, Roberts, and Wynn

Also present: Councillors Burgess and Hickson

Apologies for Absence

Apologies for absence were received from Councillors Bayliss, Bolton, Gerrard and Wilsoncroft.

Late Items to be Introduced by the Chair

The Chair agreed to admit a report entitled “Derby Playhouse ERDF Grant” as an item on the grounds that the grant had to be approved before 14 June 2002.

As notice of the item had not been given three clear days before the meeting, it was confirmed that, in accordance with Procedure Rule AI27, the Chair of the Scrutiny Management Commission had agreed that this key decision be considered.

Urgent Items to which Call In will not apply

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

Sure Start Mackworth/Morley

This matter was urgent as the plan had to be submitted to the Sure Start Unit by the 26 June 2002.

Declaration of Hartington Street Renewal Area

This matter was urgent as, under the provisions of Section 89 (7) of the Local Government and Housing Act 1989 a decision to declare a renewal area has immediate effect and becomes a local land charge. As a consequence such a decision is not strictly capable of being subject to the call in procedure.

Derby Playhouse ERDF Grant

This matter was urgent as the grant had to be approved by 14 June 2002.

Decision

To consider the key decisions as set out above as urgent items in accordance with procedural rule OS44.

Declarations of Interest

There were no declarations of interest.

16/02 Minutes of the Previous Meeting

The Part 1 minutes of the meeting held on 28 May 2002 were approved as a correct record and signed by the Chair.

17/02 Council Cabinet Forward Plan

Decision

To approve and publish the Council Cabinet Forward Plan for the period commencing 1 July 2002.

Matters Referred to the Council Cabinet

18/02 Education Service Strategic Plan

The Council Cabinet considered a report from the Lifelong Learning and Culture Overview and Scrutiny Commission on the Education Service Strategic Plan. The Commission had raised issues relating to:

- governor vacancies in the city
- role of the new Connexions service
- delegation of SENEKO and primary SENSS support

The Director of Education reported that the following matters had been added to the plan:

- establishment of Youth Forum
- role of Youth Services
- Lifelong Learning achievements

Decision

1. To note the report of the Lifelong Learning and Culture Overview and Scrutiny Commission.
2. To recommend Council to approve the amended Education Service Strategic Plan.

19/02 Derby's Cultural Strategy

The Council Cabinet considered the report of the Lifelong Learning and Culture Overview and Scrutiny Commission on the draft Cultural Strategy for Derby. The Commission had raised issues relating to:

- defining “culture”
- involvement of amateur and voluntary groups and partners in action plan targets
- feasibility study of the Assembly Rooms and Guildhall – slow progress
- establishing a swimming pool at Springwood
- making better use of the opportunities presented by the River Derwent

Decision

1. To note the comments of the Lifelong Learning and Culture Overview and Scrutiny Commission
2. To recommend to Council to approve the Cultural Strategy

Best Value

20/02 Best Value Review of Improving and Maintaining Council Housing

The Council Cabinet considered a report from the Chief Executive setting out the terms of reference and assessment produced following a scoping session for the Best Value Review of Improving and Maintaining Council Housing.

Decision

1. To approve the terms of reference for the Improving and Maintaining Council Housing Best Value Review as set out in Appendix A to the report.
2. To note the detailed risk assessment attached as Appendix B to the report.
3. To refer the report to the Social Care Health and Housing Overview and Scrutiny Commission.

21/02 Private Sector Housing and Advice Services – Best Value Review Progress Report

The Council Cabinet considered a report from the Director of Policy setting out progress made in achieving service improvements set out in the 2001 Private Sector Housing Best Value Review Improvement Action Plan, and the recommendations made by the Housing Inspectorate following their subsequent inspection.

The Council Cabinet Member for Personnel, Equalities and E-government raised concerns that the report did not identify equalities implications and he highlighted that the proposals in the report had significant implications for improvements to services for disabled people and minority ethnic groups across the city.

Decision

1. To note progress made to achieve the service improvements detailed in the action plan.
2. To refer the report to the Social Care Health and Housing Overview and Scrutiny Commission for consideration.

Urgent Key Decisions

22/02 Sure Start Mackworth/Morley

The Council Cabinet considered a report from the Director of Education setting out the Sure Start Mackworth/Morley delivery plan for 2002/2012, and details of figures for current Council spending given in the existing money checklist.

The checklist set out the current amount of funding to provide services for children aged 0 – 3 years and their families living in the area defined by the Sure Start Mackworth/Morley programme.

By agreeing to the checklist, the Council was committed to maintaining the current level of funding for 0 – 3s in the area for the duration of the Sure Start Mackworth/Morley programme.

Options Considered

No alternative options were considered.

Decision

1. To approve the figures in the existing money checklist indicating Council funding of services for 0 – 3's and their families in the Mackworth/Morley programme area in 2001/2002.
2. To authorise the Leader of the Council to sign Sure Start Mackworth/Morley delivery plan and confirm the Council's commitment to maintaining the level of funding for the duration of the programme.
3. To delegate authority to the Director of Education authority to agree the figures for annual updates of the existing money checklist, as is the case with existing Sure Start programmes.

Reasons

1. In submitting the Sure Start Delivery Plan, the Council guarantees to continue to spend at least the same amount of money in real terms on services for children and their families in the Sure Start Programme area. The estimated current relevant expenditure for Education, Social Services, Housing and Development and Cultural Services in 2001/02 amounts to £573,715. For the guarantee to sustain expenditure levels, the Council will secure £219,500 of external revenue funds in 2002/03 and £3,650,500 in total until year 5 of the programme. Additionally, capital expenditure of up to £750,000 can be claimed.
2. The Sure Start contribution declines from year 6 (2007/08) and reaches zero as the programme is integrated with reshaped main-stream services by year 10 (2012). Each department must contain expenditure within its overall cash limits for expenditure. The commitment to continue resources in this area at or above existing levels will therefore have to be reflected in the Council's and individual department's budgets strategies over the lifetime of the scheme.

23/02 Declaration of Hartington Street Renewal Area

The Council Cabinet considered a report from the Director of Policy setting out proposals to improve living conditions in the Hartington Street area of the city by declaring the area as a renewal area. In accordance with Procedure Rule A126, the Chair of the Social Care Health and Housing Overview and Scrutiny Commission be advised that this item would be given consideration although not included in the Forward Plan.

Options Considered

No other options were considered.

Decision

1. To declare the Hartington Street area of the city, as designated on the plan in Appendix A to the report, a renewal area under the provisions of Section 89 of the Local Government and Housing Act 1989.
2. To authorise the Directors of Policy and Corporate Services to make the necessary arrangements to publicise a declaration of the Hartington Street Renewal Area in accordance with the requirements of the Secretary of State.

Reasons

The declaration of a renewal area in the Hartington Street area will provide the Council with additional statutory powers to bring about a significant and sustainable improvement in living conditions for local residents.

Key Decisions

24/02 Progress on the Air Quality Improvement Programme

The Council Cabinet considered a report from the Director of Corporate Services setting out progress made on the city's air quality management area and setting out action to be taken.

Options Considered

The Council regularly considers options to improve the city's air quality through a cross service working party consisting of a number of professional officers. This group has regular contact with other local authorities working on similar projects to share best practises.

Decision

1. To approve the submission of the PM10 Stage 4 report to the Department of the Environment, Food and Rural Affairs (DEFRA) and put the report out for public consultation.
2. To approve the deferral of drawing up actions plans for the PM10 Air Quality Management Area because of the sustained improvements in air quality.
3. To make a request to DEFRA for an extension to the deadline for submission of the nitrogen, dioxide stage 4 report.
4. To vary the Council's Air Quality Management Area to exclude the stretch of the A52 between the Pentagon and Raynesway roundabouts.

Reasons

1. The Council's PM10 Air Quality Management Area is industry related and a solution will be achieved before the Government's deadline of December 2004.
2. We would have more confidence in our latest findings about the Nitrogen Dioxide Air Quality Management Area if we had more time to process the city's most up to date data.
3. A reduction in the size of the Council's Nitrogen Dioxide Air Quality Management Area will demonstrate that the city's air quality is improving.

25/02 Developing and Consulting on an Action Plan for the Nitrogen Dioxide Air Quality Management Area

The Council Cabinet considered a report from the Director of Corporate Services setting out proposals to draw up an action plan for the Nitrogen Dioxide Air Quality Management Area.

Options considered

The Council working group have considered a number of options on how to achieve a balanced, effective and representative way of reducing pollution levels so that they meet the statutory objectives. The option chosen takes resource constraints into account whilst adhering to government guidance. It is also consistent with previous consultation exercises undertaken for stages 1 to 3 of the Air Quality Strategy.

Decision

1. To approve the proposals for the developing the action plan.
2. To delegate authority to the Director of Corporate Services to approve the detailed content of the action plan in consultation with the Council Cabinet Member for Environment and Direct Services.

Reasons

1. To enable the action plan to be written within the timetable prescribed by the Department of the Environment, Food and Rural Affairs.
2. The action plan will contain a number of proposals approval of the detailed content and any necessary amendments could be managed more effectively if responsibility were delegated.
3. To maximise the opportunities for feedback the public on important policy issues.

26/02 Children & Young Persons (Protection From Tobacco) Act 1991

The Council Cabinet considered a report from the Director of Corporate Services setting out the annual programme for the enforcement of the Children and Young Persons (Protection From Tobacco) Act 1991.

Options Considered

No other options were considered.

Decision

To approve the continued inspection of premises for compliance with the legislation and to ask that at least one test purchase exercise take place within the year.

Reasons

1. The recommended programme of enforcement is consistent with previous programmes and takes account the resources available.

2. The levels of non-compliance illustrate the need for continued inspection and enforcement in an important area of trading standards legislation.

27/02 Environmental Health and Trading Standards Division – Enforcement and Prosecution Policy

The Council Cabinet considered a report from the Director of Corporate Services setting out the Environmental Health and Trading Standards Division – Enforcement and Prosecution Policy.

Options Considered

No other options were considered.

Decision

1. To approve the Environmental Health and Trading Standards Division – Enforcement and Prosecution Policy as set out in the Appendix to the report.
2. To request officers consider using the policy as a model for other Council divisions having an enforcement role.

Reasons

The Environmental Health and Trading Standards Division is required to have a published enforcement policy by both the Department for Transport and the Regions Best Value Indicator BB166 and the Foods Standards Agency.

28/02 Schools Access Initiative 2002-2003

The Council Cabinet considered a report from the Director of Education setting out proposals to allocate the funding for Schools Access Initiative Projects in schools. The proposed projects shown in the appendix to the report had been prioritised using DFES guidance and were in line with the Council's policy on disabled access. It was reported that disabled access audits of schools were to be completed later in the year as a requirement of the Disability Discrimination Act. The small balance of unallocated funding would be used for projects identified from the audit.

Options Considered

No other options were considered.

Decision

1. To agree the following projects:-

| Schools | Project Details | Cost |
|----------------|------------------------|-------------|
| Becket School | Disabled toilet | £14,548 |

| | | |
|----------------------|--|-----------------|
| Brackensdale Junior | Final phase of disabled toilet | £3,540 |
| Central Nursery | Soft surface area for sight-impaired Child | £2,600 |
| Grampian Primary | Disabled toilet | £19,000 |
| Harrington Nursery | Equipment for disabled child | £900 |
| Harrington Nursery | Ramp | £2,700 |
| Markeaton Primary | Playground fence | £3,800 |
| Portway Infants | Disabled toilet | £18,515 |
| Reigate Primary | Quiet room for hearing-impaired Students | £23,805 |
| Reigate Primary | Disabled toilet junior building | £13,225 |
| Reigate Primary | Ramp to infant playground | £10,580 |
| Reigate Primary | Ramp to junior playground | £9,258 |
| Reigate Primary | Ramp to junior building entrance | £1,000 |
| Chellaston Community | Disabled list (part of the building | £50,000 |
| Derby Moor | Provision of path | £16,100 |
| Sinfin Community | Disabled toilet conversion | £6,900 |
| Sinfin Community | Improved access to disabled toilet | £2,100 |
| Sinfin Community | Disabled lift (part of building project) | £41,000 |
| | Laptop for sight-impaired student | £1,500 |
| Equipment SEN | | £60,000 |
| Small works SEN | | <u>£2,000</u> |
| | Total | £303,071 |
| | Unallocated balance | £9,199 |

2. To incorporate the results of a Disability Discrimination Audit of schools into future capital allocations.
3. To consider future reports from the Director of Education on proposals for the use of the balance of unallocated funding.

Reasons

1. The proposed projects are in line with the DFES prescribed requirements of the grant.
2. Projects need to be agreed as soon as possible as funding needs to be used by March 2003.

29/02 Seed Challenge Capital Grant 2002/03

The Council Cabinet considered a report from the Director of Education setting out proposals to allocate a Seed Challenge Capital Grant of £306,905 for 2002/03. The funding is to be used for school building repairs and improvements on the basis of leveraging in external funding from sponsors, parents or other partners. Proposed projects had been prioritised by a representative team consisting of a head teacher, surveyor and building/finance officers from the Education Service.

Options Considered

No other options were considered.

Decision

To agree the following projects:-

| School | Project Details | Funding |
|--------------------------|---|----------------|
| Nursery | | |
| Central Nursery | Refurbish sensory garden, including Gateway, extension of paved area | £2,500 |
| Primary | | |
| Arboretum Primary | Provide verandahs to create shaded outdoor classroom area with fixed seating | £2,000 |
| Borrow Wood Infant | Create soft surface area, construct shed for storing curriculum equipment | £2,000 |
| Brackensdale Junior | Improve playground facilities including playground marking, provision of shaded area and fixed seating | £3,500 |
| Chellaston Junior | Upgrade wiring including lighting, electrical fittings and ceiling electrical panels to comply with regulations | £12,500 |
| Dale Primary | Improve external play area, including providing an external wall and hard surface play area | £9,000 |
| Gayton Junior | Replace corridor, rotten window frames, concrete slab floor and roof and gutters | £18,000 |
| Lawn Primary | Provide quiet play area to support curriculum | £2,142 |
| Parkview Primary | Develop outdoors play area, provide Additional play surface | £15,000 |
| Portway Junior | Two class extensions with cloakroom | £50,000 |
| Redwood Junior | Extend playground tarmac, level up slabs, Fence around pond | £7,093 |
| Shelton Infants | Replace fire door, replace hall windows With double glazing, replace corridor and Staff room windows | £3,055 |
| St George's CE Primary | Phase 2 of security fencing | £10,000 |
| Special Schools | | |
| St Giles | Construct canopy for all-weather activities To support Foundation stage | £3,000 |
| Secondary Schools | | |
| Noel-Baker Community | Refurbish science laboratory including new floor and suspended ceiling, new lighting And gas and water supplies | £13,860 |

Total £153,650

2. To consider future reports from the Director of Education on proposals for further Seed Challenge projects using the balance of unallocated funding.

Reason

1. The projects proposed by schools are in line with the requirements of the grant. Schools have confirmed they are able to match fund from external funds as required.
2. Projects need to be approved as soon as possible as funding need to be used by March 2003.

30/02 The Site of the Former Village Community School: Key Stage 3 Offsite Provision

The Council Cabinet considered a report from the Director Education setting out proposals for using one of the 3 main buildings at the former Village School site for use by 11 to 14 year old pupils registered with the Pupil Referral Unit in order to meet new Government requirements. Other potential accommodation had been investigated but no alternative was available.

Options Considered

1. That extensions and remodelling could be undertaken at the Council accommodation currently used by the Pupil Referral Unit.
2. That the availability of alternative Council owned premises be investigated.
3. That the use of premises owned by Derby College and the University be considered.
4. The availability and feasibility of private owned premises be investigated
5. That use be made of part of the Pear Tree building of the former Village Community School.

Decision

To make provision for Key Stage 3 pupils registered with the Pupil Referral Unit within parts of the ground and first floor floors of the Pear Tree building, subject to the necessary budgetary provision being identified for 2002/03, with effect from September 2002.

Reason

The use of parts of the Pear Tree building represents the most cost effective and timely solution to the actions required of the Council to provide the appropriate facilities for Key Stage 3 pupils and can be incorporated within the wider plans for the site.