

Time began 6.00pm
Time ended 7.00pm

**COUNCIL CABINET
17 APRIL 2007**

Present: Councillor Williamson (Chair)
Councillors Bolton, Hickson, Hussain, Latham,
Nath, Roberts and Wynn

In attendance Councillor Jones

This record of decisions was published on 19 April 2007. 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.

257/06 Apologies for Absence

Apologies for absence were received from Councillor Graves and Smalley.

258/06 Late Items Introduced by the Chair

The chair agreed to consider an addendum to the Contract and Finance Procedures report.

259/06 Identification of Urgent Items to which Call-In will not apply

There were no items.

260/06 Declarations of Interest

Councillor Latham declared a personal interest in minute no 267/06 as her husband was involved but not financially with one of the companies involved in the project.

261/06 Minutes of the previous meetings held on 20 March 2007

The minutes of the meetings held on 20 March 2007 were confirmed as a correct record and signed by the Chair.

Key Decisions

262/06 Community Legal Advice

This item was withdrawn.

263/06 Establishing a New Community Special School

The Council Cabinet considered a report on Establishing a New Community Special School. The report sought approval for the publication of a statutory notice under the School Standards and Framework Act 1998 for the establishment of a new community special school. Following the approval of the Council's budget for 2007/08 and indicative budget for 2008/09, the report related to the proposal to establish a special school and make changes to the current Pupil Referral Unit facilities (PRU). A consultation paper was published and circulated to all key stakeholders in this matter following publication of the Council's 2007–10 budget strategy. A copy of the consultation paper was attached as appendix 2 to the report.

Options Considered

None – the publication of the notice is a statutory requirement.

Decision

To approve the publication of a statutory notice for the establishment of a new community special school.

Reasons

The issuing of this notice was a statutory requirement for the planned establishment of the new special school which had been subject to a six week consultation period. In order for the proposal to now move to implementation as described in the Council's budget strategy this statutory notice was required.

264/06 Local Authority Carbon Management Programme – Strategy and Implementation

The Council Cabinet considered a report on Local Authority Carbon Management Programme Strategy and Implementation. The report provided a summary of the proposed Strategy and Implementation Plan (the Plan) prepared under the Local Authority Carbon Management Programme. The Plan was essentially an action plan aimed at reducing the Council's carbon emissions.

Options Considered

None.

Decision

To approve the Strategy and Implementation Plan.

Reasons

1. The Plan was the first step towards a systematic approach to the cost effective and measured reduction of the Council's carbon emissions
2. Implementing the Plan would contribute significantly to the Council's overall target for the reduction of carbon emissions of 25% over five years under the Climate Change Action Programme.
3. The Carbon Trust required that the Plan was formally approved

265/06 Public Realm and Associated Asset Management Programme

The Council Cabinet considered a report on Public Realm and associated Asset Management Programme. The Council had set aside a sum of £17m in 2007/08 to be spent on public realm and related asset management issues. This represented a significant new programme of work which would not only see the Council's existing building stock improved but which would see major improvements to the public spaces in the City Centre to complement the private sector investment which was currently taking place and otherwise committed. Following approval of the Public Realm strategy at the last Cabinet meeting, a priority list of public space improvements was proposed to take advantage of the first tranche of funding which had been allocated in 2007/08. Proposals for funding for Council office accommodation, Asset Management and Neighbourhood Priorities were also put forward.

Options Considered

Alternative projects within the Public Realm Strategy had been considered but the proposals outlined above were considered the highest priority at this time to complement the private sector investment and improvement projects which were currently taking place or known to be imminent.

Decision

1. To approve the allocation of £17m towards Public Realm improvements (£8m) Council office accommodation (£5m) Asset Management (£3m) and Neighbourhood priorities (£1m).
2. To approve the priority list of Public Realm projects as identified in paragraph 1.6 of the supporting report.
3. To ask the Director of Regeneration & Community to bring forward detailed staffing proposals for programme and project management, consultation and other professional support for approval by the Public Realm Programme Board.
4. To require detailed proposals for each Public Realm project to be reported to the Public Realm Programme Board for approval under PRINCE 2 project management procedures.

5. To approve scheme commencement of the proposed Public Realm projects Nos 1 to 9 in paragraph 1.6 providing that the detailed proposals agreed by the Public Realm Board are within the budget outlined.
6. To approve commencement of design and feasibility of projects Nos 10 to 14 in Section 1.6 subject to the approval of Project Initiation Documents (PIDs) by the Public Realm Board and subject to not exceeding the budget allocated. Further reports will be made to Cabinet seeking approval to physical scheme commencement following the design/feasibility stage.
7. To approve under Contract Procedure Rule 6 a waiver of the requirement under Contract Procedure Rule 15, to obtain competitive tenders for the Theatre Walk Scheme.
8. To seek supporting funding from Cityscape partners for the Public Realm programme and to use every opportunity to further extend the programme through other external funding opportunities and the use of S106 where appropriate.
9. To approve the principle of the allocation and approval process for Asset Management projects detailed in the officer's report at paragraphs 1.9 and 1.13 respectively.
10. To approve the amended capital programme detailed in Appendix 2.

Reasons

1. In order to enable progress to be made towards much needed improvement of City Centre public spaces and Council assets.
2. In order to create the necessary capacity to deliver the programme and ensure that implementation was managed effectively.
3. A waiver of contract standing orders for Theatre Walk would allow the work to be completed to meet the opening of the new centre and would enable economies of scale by using their existing contractor and avoid mobilisation costs of a new contractor. We would seek from Westfield a guaranteed maximum price and operate an open book approach to demonstrate that the Council was achieving value for money.
4. In order to maximise Council funding and generate sufficient resources to undertake as much of the Public Realm Strategy as possible.

266/06 Chellaston Business Park

The Council Cabinet considered a report on Chellaston Business Park. The proposed developers of Chellaston Business Park previously sought agreement for access rights across our land to enable them to agree terms with the landowners after establishing this context. Consequently, detailed terms were provisionally agreed with the developers which were approved by Cabinet on 18 January 2005. The developers had since carried out further research into the estimated costs of the infrastructure for this development site and had also had detailed discussions with the two major landowners on terms which would be mutually acceptable. This had led to the need to revisit the terms for access rights across our land.

Options Considered

Another option was included within the confidential report in the exempt section of the agenda.

Decision

That the terms previously approved be rescinded and the principles now set out within the confidential part of the report be approved to establish the context for replacing them.

Reasons

1. to reflect the increased estimated costs for providing the required infrastructure
2. to allow the developers and major landowners to achieve the returns necessary to provide each of them with a reasonable incentive
3. to confirm to *emda* that this scheme was progressing, allowing them to continue their commitment to support it through their forward funding programme
4. to encourage this development scheme to proceed, thereby helping to achieve implementation of other corporate objectives including substantial economic development benefits and the provision of a new transport connection to provide relief to the A514 through Chellaston
5. to provide an acceptable return for our land ownership interest, on terms which will also protect our interests in the future.

Contract and Financial Procedure Matters

267/06 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.

- Revisions to the cremation and burial charges for 2007/8 to comply with the recommendations of the Institute of Cemetery and Crematorium Management. This would remove any pricing differential between Derby resident and non resident burials and cremations. In addition, an increased mercury abatement fee was proposed.
- The postponement of an approved carriageway reconstruction scheme at Ascot Drive within the 2006/2007 Local Transport Plan – LTP - funded Highway Maintenance for more urgent schemes at London Road , Winchester Crescent Chaddesden and A52 Eastbound Carriageway.
- Revision to the non Council housing element of the approved housing capital programme following confirmation of government funding 2007/8 by the government office for the East Midlands – GOEM , and for the bringing forward of demolition and land purchase costs to 2007/8 to benefit the progression of the Housing PFI scheme.
- The allocation of £100,000 Communities for Health grant 2007/8 to public health initiatives by the Council and its partners.
- Revised departmental total revenue budgets 2007/8 following the allocation of support services budgets to departments, within the same overall total budget approved by Council 1 March 2007.
- New capital scheme approvals for urgent works at Lees Brook community Sports College and Meadow Farm school.
- Amendment to the approved capital programme 2007/8 and capital scheme commencement for a revised scheme cost and funding for Sunnyhill Community Centre. This would now include energy efficiency measures in the build specification with potential additional external funding underwritten from the Public Realm capital budget.
- Temporary resources required to deal with the work likely to follow the equal pay settlement events at an estimated total cost of £85k funded from the job evaluation budget 2007/8.

- Resources required for a further 12 months, funded from the job evaluation revenue budget, to complete the implementation of job evaluation by 1 April 2008.
- Proposed extension to current waste disposal contract to 2010.
- An amendment to the 2007/8 capital programme for the Cathedral Green and River Derwent Footbridge scheme from £3.550m to £3.600m funded from the Government's New Growth Point Fund and full scheme commencement now that the funding had been confirmed. The scheme involved the construction of a high quality pedestrian bridge over the river Derwent from Stuart Street to Cathedral Green and landscaping Cathedral Green. This would transform the space into an attractive city centre leisure resource and a fitting entrance to the Silk Mill museum and the Derwent Valley Mills World Heritage Site.
- Funding for project support to identify the feasibility of setting up a Community Legal Advice Centre in Derby.

Decision

1. To approve the withdrawal of the resident discount applied to cremation charges, thus adding £15 to a resident cremation fee.
2. To approve a reduction in burial charges for non Derby residents to match the charge for a Derby resident burial
3. To approve an increase of the mercury abatement charge by £10 to £35 for 2007/08, and the transfer of fee income into a mercury abatement reserve for future mercury abatement costs.
4. To approve the postponement of an approved carriageway reconstruction scheme at Ascot Drive (Osmaston Road to Longbridge Lane) within the 2006/2007 LTP funded Highway Maintenance at a cost of £237,000.
5. To approve the inclusion in the capital programme and commencement of LTP schemes at London Road (The Spot to Traffic Street) £135,000, Winchester Crescent, Chaddesden £35,000 and A52 Eastbound Carriageway (Pentagon to Raynesway) £67,000, in place of the Ascot Drive scheme detailed above.
6. To approve a revised Housing Capital programme 2007/8 following confirmation from GOEM of actual grant allocations 2007/8.
7. To approve the re-phasing of demolition/land purchase costs for the Housing PFI scheme into 2007/8 and update the Housing capital programme.

8. To approve the allocation of the Communities for Health £100,000 grant 2007/8 and inclusion in revenue budgets 2007/8.
9. To approve revised departmental total revenue budgets 2007/8 following the allocation of support services budgets to departments, within the same overall total budget approved by Council 1 March 2007.
10. To approve the addition to the capital programme and capital scheme commencement for schemes at Lees Brook and Meadow Farm schools as detailed in paragraph 6.1.
11. To approve revised costs and funding and capital scheme commencement, for Sunnyhill Community Centre capital scheme 2007/8, with potential additional external funding underwritten from the Public Realm capital budget.
12. To approve temporary resources as outlined in paragraph 8 for the on-going equal pay work, at an estimated cost of £85k funded from the 2007/8 job evaluation budget.
13. To approve the funding of job evaluation implementation costs of £443k for 2007/8 from the job evaluation revenue budget.
14. To waive Contract Procedure Rules and extend the existing contract with Derbyshire Waste Limited, DWL, until 31 March 2010.
15. To approve an amendment to the 2007/8 capital programme for the Cathedral Green and River Derwent Footbridge scheme from £3.550m to £3.600m funded from the Government's New Growth Point Fund and full scheme commencement now that the funding has been confirmed.
16. To approve the use of corporate reserves of up to £46,000 to fund project support for the Community Legal Advice Centre project.

(Councillor Roberts took the chair for part of the above item)

268/06 Land Charges Fees with effect from 1 May 2007

The Council Cabinet considered a report on Land Charges Fees with effect from 1 May 2007. The setting of fees for the Local Land Charges Service from 1 May 2007 on a cost recovery basis prior to the national introduction of Home Information Packs (HIP's) from 1 June 2007.

Decision

1. To approve the revised fee structure for the Local Land Charges Service in line with cost recovery principles from 1 May 2007, set out in Appendix 2.
2. To approve the revised revenue budget 2007/8 as set out in paragraph 1.13.

269/06 Review of the Inner Ring Road Integrated Maintenance Scheme

The Council Cabinet considered a report on Review of the Inner Ring Road Integrated Maintenance Scheme. The report set out the financial implications associated with the completion of the Inner Ring Road Integrated Maintenance Scheme, IRRIMS. In general the implementation of such a complex scheme around the Inner Ring Road has been successful. The partnering construction contract had been particularly successful in delivering the works quickly, and the Council and Tarmac have been awarded a Gold Award as part of the Considerate Constructors Scheme. The main challenges associated with the scheme had been related to the need for significant changes in scheme design as the work has progressed, bringing with it financial pressures. Also the significant increases in inflation in the construction industry had increased costs significantly over the original estimate. Throughout the project the Project Board had been kept fully informed of the scheme progress and budget position. The options for moving forward with the scheme and containing costs to within available resources had been continually kept under review. The report set out the proposed funding arrangements for the scheme. It also highlighted a potential shortfall in funding of £819,000, should the Department for Transport not approve a request for additional funding. The result of this shortfall would be that the replacement of the St Alkmund's Way footbridge would not be able to be completed. The report sought approval to allocate capital funding from the newly identified Council Public Realm capital monies to complete the footbridge, should the DfT funding not be approved.

Decision

1. To approve the update to the IRRIMS capital programme for 2007/08 reflected in the financial implications
2. To approve the allocation of the £819,000 of Public Realm capital money towards the cost of St Alkmund's Way footbridge, subject to additional DfT funding not being approved, subject to a separate report on this agenda.
3. To approve the allocation of £106,000 of Public Realm capital money towards the cost of St Alkmund's Way footbridge, subject to a separate report on this agenda.

4. To approve the use of £46,000 of revenue funds from the 2006/07 Highways and Transport drainage budget as a contribution to this scheme.

Performance Management

270/06 Annual Audit and Inspection Letter 2005/06

The Council Cabinet received a presentation from Steve Valentine from PriceWaterhouseCoopers and Steve Barnet from the Audit Commission and considered a report regarding the Annual Audit and Inspection Letter 2005/06. The Annual Audit and Inspection Letter summarised the Audit Commission's and the Council's external auditors, PriceWaterhouseCoopers performance and inspection work for 2005/06 and provides the annual 'Direction of Travel statement' on progress made in addressing our priorities and the auditor's work on the Council's accounts and governance. The letter provided an extremely positive report on the Council's progress in 2005/06 and its continuing good governance and financial management.

The key issues identified in the letter were as follows...

- The Council had achieved the highest '4 star' overall CPA category and was assessed as 'improving well'.
- The Council was meeting many of its targets and trends were positive.
- Improvements had been achieved in areas where increased focus and investment was required, including adults services, planning and benefits service.
- The Council had improved access to services through the Derby Direct contact centre and by the development of its neighbourhood panels.
- Partnership working through the Local Area Agreement was progressing well.
- Children's services overall were performing well and significant progress had been made in the integration of health, social care and education services.
- Housing services received the top category and were rated as 'excellent'.
- Value for money was good and robust financial management remained a key strength.

- The external auditors had issued an unqualified opinion on the 2005/06 Best Value Performance Plan and annual accounts.

Decision

1. To receive the Annual Audit and Inspection Letter 2005/06.
2. To refer the letter to the next meeting of Full Council.
3. To note that the Audit and Accounts Committee will discuss details of the letter at its next meeting.

271/06 Exclusion of Press and Public

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

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 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 Decision

272/06 Chellaston Business Park

To consider exempt information in relation to Chellaston Park.

Contract and Financial Procedure Matters

273/06 Home Care Aides Equal Pay Claims

The Council Cabinet considered a report on a proposal to progress Home Care Aides equal pay claims using the manual equal pay matrix and offer compensation payments as soon as possible.

Resolved to approve the application to the Employment Tribunal for a stay pending for Home Care Aides equal pay claims until October 2007 and offer equal pay compensation using the equal pay matrix as soon as possible funded from the job evaluation process.

MINUTES END