

Time began - 6.00 pm  
Time ended - 7.50pm

## **COUNCIL CABINET 1 APRIL 2003**

Present: Councillor Williamson – Chair  
Councillors Bayliss, Bolton, Gerrard, Kalia, Nath, Repton, Wilsoncroft and Wynn

Also present: Councillors Care and Hickson  
Councillor Ahern attended to speak on minute no 356/02 below.

This record of decisions was published on 3 April 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of five clear days unless the decision is called in.

### **Apologies for Absence**

An apology for absence was received from Councillor Roberts

### **Late Items to be Introduced by the Chair**

In accordance with Section 100(B)(4) of the Local Government Act 1972, the Chair agreed to admit a report entitled 'Assembly Rooms and Chapel Street Car Parks Improvement Scheme' on the grounds that the change to payment systems within the car parks represents the first phase in an improvement programme aimed at reducing crime and the fear of crime in these car parks. Any delay to the commencement of works will delay the improvements and could result in unnecessary inconvenience / concern for the car parks.

### **Urgent Items to which Call In will not apply**

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

Consultation on the viability of Allenpark Infant School

This item was urgent because it needed to be approved to enable the statutory notice to be published as soon as possible to make sure that the proposed closure could take effect before the beginning of the 2003/04 school year.

### **Declarations of Interest**

Councillors Bayliss and Hickson declared personal non-prejudicial interests in item 27 as they were members of the Derby Homes Board appointed by the Council.

## 355/02 Minutes of the previous meeting

The Part 1 minutes of the Council Cabinet held on 18 March 2003 were approved as a correct record and signed by the Chair.

## Matters Referred to Council Cabinet

### 356/02 A Review of Bus Services in Derby

The Council Cabinet considered a report from the Planning and Prosperity Overview and Scrutiny Commission, which had assessed the current level of bus service in Derby following evidence gathering from Council Officers, representatives of bus operators and the public. The Commission had made a series of recommendations which, if implemented, would result in bus services more attuned to requirements of the public. The increased passenger numbers resulting from the provision of such services could improve the commercial viability of bus routes in the city and reduce traffic congestion and pollution.

#### **Decision**

- 1 To note the report and thank the Overview and Scrutiny Commission for their hard work.
- 2 To ask the Director of Development and Cultural Services in consultation with the relevant Council Cabinet Member to consider the recommendations set out in the report and report back.
- 3 To monitor progress made on the recommendations as part of the performance monitoring.

### 357/02 City of Derby Local Plan Review – Comments on the Representations to the Revised Deposit Plan

The Council Cabinet considered a report from the Planning and Prosperity and Environment and Sustainability Overview and Scrutiny Commissions, which stated that they had considered representations to the Revised Deposit Plan and the Director of Development and Cultural Services corresponding recommendations. The Commissions had proposed no amendments to the Director of Development and Cultural Services recommendations but did make comments and recommended a small number of changes to the text of the Revised Deposit Plan consultation document. The Commissions' recommendations and comments were set out in Appendix A to the report.

#### **Decision**

To approve and adopt the Commissions' recommendations.

## Best Value

### 358/02 Insurance and Risk Management Best Value Review Improvement Plan Progress Report

The Council Cabinet considered a report from the Director of Finance, which outlined progress made to date and changes which had been made to the service improvement plan arising from the Best Value Review of Insurance of the Risk Management function.

#### **Decision**

- 1 To note the progress report of the Insurance and Risk Management Best Value Review Service Improvement Plan.
- 2 To refer the report to the Scrutiny Management Commission for consideration.

### 359/02 Best Value Review of Services to Road Users - Terms of Reference

The Council Cabinet considered a report from the Director of Development and Cultural Services, which stated that a review of Services to Road Users was part of the Council's 2003 to 2005 Programme of Best Value Reviews. A scoping session, a risk assessment and public focus groups had been carried out to assist in the development of the key issues associated with services to road users. The report set out the key issues and terms of reference for review.

#### **Decision**

- 1 To endorse the terms of reference of the Best Value Review of Services to Road Users outlined in Appendix A to the report.
- 2 To refer the report to the Planning and Prosperity Overview and Scrutiny Commission for consideration.

### 360/02 Best Value Review of Development

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out the terms of reference for the Best Value Review of Development.

#### **Decision**

- 1 To endorse the terms of reference of the Development Best Value Review outlined in Appendix A to the report.
- 2 To refer the report to the Planning and Prosperity Overview and Scrutiny Commission for consideration.

# Key Decisions

## 361/02 Twinning Grants

The Council Cabinet considered a report from the Director of Corporate Services, which sought approval for funding for Members of Derby MENCAP Society, Derby Cathedral Choir and AFC Crusaders to visit the twin City of Osnabrück.

### **Options considered**

None.

### **Decision**

To award the following twinning grants:

Derby MECAP society	£1,870
Derby Cathedral Choir	£1,138.50
AFC Crusaders.	£1,300

### **Reason**

The visits are eligible for assistance under the Council's scheme.

## 362/02 Visual Arts and Media Centre (VAMC) Development Plan

The Council Cabinet considered a report from the Director of Development and Cultural Services, which stated that the Arts Council for England had allocated additional funding for the Visual Arts and Media centre subject to the preparation of a satisfactory Development Plan by the deadline of 31 March 2003. A Development Plan had been prepared by the Visual Arts and Media Centre partners – Metro Cinema, Q Arts, Media Archive for Central England and the City Council, with the assistance of consultants David Powell Associates.

### **Options considered**

The Development Plan had examined a wide range of options in respect of building location, governance, programming and operations.

### **Decision**

To approve the Development Plan subject to the resolution of those outstanding issues outlined in the report.

### **Reason**

In order to progress the Visual Arts and Media Centre project within the deadlines required for capital funding support.

## 363/02 Urban Regeneration Company

The Council Cabinet considered a report from the Director of Development and Cultural Services, which outlined the key issues in the legal agreements which needed to be submitted to the Office of the Deputy Prime Minister before the Derby Urban Regeneration Company proposals could be approved.

The Director of Development and Cultural Services reported on amendments suggested following a meeting of the Shadow Board. These included what happens to assets when the company is eventually wound up and membership of the board terms of office.

### **Options considered**

Council Cabinet had approved the Urban Regeneration Company bid on 17 December 2002. This included draft legal agreements which it was assumed would be finalised if the bid was successful. The Urban Regeneration Company Shadow Board was now required to complete the documents and submit them to the Office for the Deputy Prime Minister/Department of Trade and Industry before the bid could be determined. Hence, the proposals described in the report represented the only option available to the Council.

### **Decision**

- 1 To approve the completion of the Urban Regeneration Company legal agreements as outlined in the report for officers to submit as soon as possible to the Office of the Deputy Prime Minister and Department of Trade and Industry.
- 2 To recommend Council to nominate the Leader as its Director and the remainder of the Council Cabinet, Chief Executive, Director of Corporate Services and Deputy Chief Executive and Director of Development and Cultural Services as persons who may act as alternate directors of the Urban Regeneration Company.

### **Reason**

The Urban Regeneration Company bid could not be determined unless these documents were completed.

## 364/02 Journeyscope – Derby City Council Travel Plan

The Council Cabinet considered a report from the Director of Development and Cultural Services, which gave an update on the current position with Journeyscope, the City Council's Travel Plan.

### **Options Considered**

None.

## **Decision**

- 1 To approve and adopt the consultants' final report Derby City Council Travel Plan Consultants Report.
- 2 To progress the action plan for development and implementation of the Council's Travel Plan "Journeyscope" through the Travel Plan Cross-Service Working Party and report it back to Council Cabinet for approval.

## **Reasons**

- 1 Approval was previously given at Council Cabinet to develop and adopt a corporate Travel Plan. Members and Chief Officers had been consulted throughout all stages in the development of the Travel Plan.
- 2 The report advised members of the finalised content of the Consultant's report prior to commencement of implementation.
- 3 To help taking a lead in travel planning it was crucial that the Council establish itself as best-practice example of travel planning to enable it to effectively promote those ideas across the city in businesses, schools and other organisations.

## **365/02 Education Service Capital Projects – Phase Three 2003/03**

The Council Cabinet considered a report from the Director of Education, which stated that the DfES had recently informed Local Education Authorities of capital funding allocations for 2003/04 for Voluntary Aided school projects. LEAs were required to co-ordinate the Voluntary Aided Schools Capital Programme in conjunction with the Catholic Diocese and Church of England Diocese. Funding was retained and administered directly by the DfES. The amount allocated for Voluntary Aided Schools Project for 2003/04 was £704,749. Funding was to be used to address urgent Asset Management Plan condition, suitability and sufficiency issues to Voluntary Aided schools. The list of proposed priority projects was outlined in Appendix 1 to the report. These projects had been prioritised in accordance with the AMP Local Policy Statement and Statement of Priorities following discussions with the diocese.

The report also covered projected costs of projects under the Space for Sport and Arts Programme and of feasibility studies.

## **Options considered**

- 1 There was no other option but to prioritise projects in accordance with the AMP Local Policy Statement and Statement of Priorities approved by the Council on 5 November 2002.
- 2 All proposed projects had to be prioritised for recommendation to Council Cabinet in line with the AMP framework.

- 3 For the Space for Sport and Arts Programme, all alternative funding routes had been explored prior to proposing funding from the Education Service Capital Programme.

## Decisions

- 1 To approve the following projects for voluntary aided schools for 2003/04 and forward the details to the DfES as required

VA Schools	Details of Project	Est. Cost of Project
Bishop Lonsdale C of E Primary	Additional classroom and remodel nursery. Net Capacity measurement shows shortfall in teaching accommodation.	£200,000
St James C of E Infant School	Additional work to heating system	£4,600
St Peters C of E Junior	Renew hall roof – C3 priority in Atrium	£50,000
Walter Evans C of E Primary	Additional classroom and internal remodelling. Net Capacity measurement shows shortfall in teaching accommodation.	£100,000
St Albans Catholic Primary	Partial rewiring – D1 priority in Atrium	£55,000
St Albans Catholic Primary	Conversion of existing area into KS1 classroom – requirement for extra classroom space	£60,000
St George's Catholic Primary	Further renewing work – partial rewiring completed in 02/03 – D2 priority in Atrium	£60,000
St Benedict Catholic Secondary School	Replacement of inadequate changing rooms	£100,000
<b>Est Total cost of projects:</b>		<b>£629,600</b>

- 2 To approve a contribution from the Education Capital Programme of £57,480 for the Space for Sport and Arts projects.
- 3 To approve a £20,000 feasibility budget for design work to submit bids to the DfES.

## Reasons

- 1 The proposed projects outlined in Appendix 1 represented condition, suitability and sufficiency projects which had been compiled in consultation with the Diocese. These had been developed as a result of a review of condition survey data, suitability information and also the outcome of the Net Capacity Surveys, which

highlighted insufficiencies in accommodation in some schools.

- 2 The electrical rewiring and roof renewal projects were urgent schemes that concentrated on targeting health and safety issues.
- 3 The additional classrooms at Bishop Lonsdale C of E Primary and Walter Evans C of E Primary were required to address shortfalls in classroom accommodation following the re-measuring of all schools undertaken by the Valuation Office on behalf of the DfES.
- 4 The funding requirement for the Space for Sport and Arts programme would enable the projects to be delivered successfully.
- 5 A feasibility budget needed to be set up to undertake design work to submit bids to the DfES.

### **366/02 Townscape Heritage Initiative Scheme – Historic Building Repair Grant 36 – 37 Friar Gate, Derby**

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out an application for a Townscape Heritage Initiative Grant for 36 – 37 Friar Gate, Derby.

#### **Options considered**

None.

#### **Decision**

To award a maximum grant of £15,357.78 towards the cost of additional repairs for phase 1 works to 36-37 Friar Gate subject to:

- a) signing a contract for third party grants, including conditions required by the Heritage Lottery Fund and to a condition requiring the submission and approval of further grant application within the next 12 months for a second phase of work to enable full re-use of number 35, 36 and 37 Friar Gate
- b) the precise details of the means of repair work to be agreed with the City Council Officers prior to commencing the work
- c) The submission of relevant statutory consent notifications.

#### **Reason**

The offer of grant assistance will make sure that the restoration of these important historic buildings is carried out to a high standard.

## 367/02 Consultation on the Viability of Allenpark Infant School

The Council Cabinet considered a report from the Director of Education, which stated that pupil numbers at Allenpark Infant School had fallen significantly and projections were for this trend to continue. Pupil numbers directly affected the school budget and the smaller a school becomes, the more difficult it is to provide for all the learning needs of the pupils, and this is the situation faced at Allenpark. Following discussions with the governors and their request to look at the future of the school, the LEA produced the consultation document set out in Appendix 1 to the report. The consultation document proposed two options:

- 1 to take no action in anticipation that the pupil numbers would increase in future years
- 2 to consider closure of the school and for the pupils to attend either Allenton or Moorhead Primary Schools.

Alternative proposals were also welcomed. 30 responses were received. Three favoured taking no action, 18 favoured option 2, to consider closure and 9 suggested alternative proposals. Comments received together with Officers' comments were outlined in Appendix 4 to the report.

### **Options considered**

Following the resignation of the last headteacher and the discussions with officers, the governors of Allenpark School took the decision to ask the LEA to consider the future viability of the school. A consultation document set out two clear options for the future and invited any further suggestions. These options had been considered in determining the recommendation to Council Cabinet.

### **Decision**

To approve the publication of a statutory notice proposing the closure of Allenpark Infant School and for the pupils to attend either Moorhead or Allenton Primary Schools from September 2003.

### **Reasons**

- 1 Pupil numbers at Allenpark Infant School had fallen year on year and were predicted to fall further by 2005.
- 2 There were significant budgetary pressures created within the school with falling pupil numbers, which affected the extent and quality of education provision. This impacted on the school's ability to provide the full range of curriculum resources to implement the curriculum. This was the situation faced by Allenpark.
- 3 LEAs were required to manage school place provision and ensure quality and value for money. Allenpark Infant School has over 28% surplus places as outlined in the School Organisation Plan. The DfES requires the LEA's to develop a plan of action for schools with over 25% of surplus places. The Audit Commission

benchmark for considering action is set at 15%.

- 4 There were places available at neighbouring schools, should Allenpark Infant School close.

## 368/02 Fairer Charging – Consultation on Charges for Non-Residential Community Care Services

The Council Cabinet considered a report from the Director of Social Services, which sought approval for the next stage of the Council's consultation on the introduction of new arrangements for charging for non-residential community care services.

### Options considered

The consultation is required by statutory guidance from the Department of Health.

### Decision

To approve, subject to there being no change to the Department of Health Guidance:

- the proposed charging policy
- the proposed consultation document and process
- the proposed scale of charges for home care
- the transitional arrangements for existing services users
- the assessment framework.

### Reason

The proposals needed to be approved to be included in the consultation process.

## 369/02 Fair Access to Care Services

The Council Cabinet considered a report from the Director of Social Services, which stated that Fair Access to Care Services Guidance on Eligibility Criteria for Adult Social Care (Guidance) was issued under section 7(1) of the Local Authority Social Services Act 1970 and provided councils with Social Services responsibilities within framework for determining eligibility for adult social care. The guidance covered how councils should carry out assessments and reviews to support individuals through these processes. A fundamental aspect of the Guidance was for individual councils to make only one eligibility decision for adults seeking help. This was whether they were eligible or not. Councils were required to be clear about the level of resources available. It was anticipated that Derby Social Services would continue to meet needs across all of the levels of need within the eligibility framework, subject to the resources available within the cash limit for the department. In the first year of Fair Access to Care Services, this maintained the current position.

### Options considered

Implementation of the Fair Access to Care Services was Government required. Guidance was prescriptive about the eligibility framework.

## **Decision**

To approve the revised eligibility criteria in principle and to consult on the proposals with service users, voluntary organisations and statutory agencies.

## **Reason**

Government guidance required the Council to make changes to its existing eligibility criteria.

## **370/02 Implementation of NHS Funded Nursing Care in Care Homes for April 2003**

The Council Cabinet considered a report from the Director of Social Services, which described the work required to implement the NHS Funded Nursing Care in Care Homes from April 2003 and sought approval for interim arrangements with Greater Derby Primary Care Trust and Central Derby Primary Care Trust.

## **Options considered**

No other options had been considered.

## **Decision**

To note the work being done to implement NHS funded nursing care in care homes for April 2003 and approve the interim arrangements.

## **Reason**

The implementation of the NHS Funded Nursing Care was a Government priority and subject to Section 7 guidance.

## **371/02 Southern Derbyshire NHS Local Improvement Finance Trust (LIFT)**

The Council Cabinet considered a report from the Chief Executive, which outlined progress made in establishing the Southern Derbyshire NHS Local Improvement Finance Trust (LIFT) and which identified the key decisions which were needed by the Council in order for the project to proceed to the next phase.

## **Options considered**

An option to fund the scheme outlined through alternative capital sources was not felt to be viable.

## **Decision**

1 To approve the sale of the two sites referred to in section 2.4 of the report to the

Central Derby Primary Care Trust for the purposes outlined in the report.

- 2 To approve in principle the section of the Invitation to Negotiate document which concerned the Disabled Children's Scheme.
- 3 To approve in principle the draft Heads of Terms partnership agreement for the operation of the disabled children's scheme.
- 4 To note the proposals for the lease plus agreement and potential costs and receive a further report to clarify the legal and financial implications before a final decision is reached.
- 5 To note the potential release of Vicarage Road as a building surplus to requirements once the new Disabled Children's service becomes operational.

### **Reasons**

The approval of the recommendations would allow the Council to participate fully in next phase of the LIFT project and enable the two developments to proceed.

## **Budget and Policy Framework**

### **372/02 Adult Learning Plan 2003/04**

The Council Cabinet considered a report from the Director of Education, which stated that the Adult Learning Plan was a plan against which the Adult Learning Service received Adult Community Learning Funding from the Learning and Skills Council. Funding was known as Block Grant and supported non-qualification activity within the Adult Learning Service. The plan covered priority activities for the service in the coming year and was linked to wider Council strategies and to arrange a partner.

### **Decision**

- 1 To endorse the draft Adult Learning Plan for submission to the Learning and Skills Council, subject to final details being added by the Director of Education in consultation with the Cabinet Member for Lifelong Learning.
- 2 To recommend Council to adopt the Adult Learning Plan as part of the Budget and Policy Framework.

### **373/02 City of Derby Local Plan Review – Response to Revised Deposit Plan Consultation**

The Council Cabinet considered a report from the Director of Development and Cultural Services, which set out the background for the latest stage of the Local Plan Review process which was a consultation on revisions previously agreed by Cabinet and Council. This would allow the Local Plan Review to proceed to the public inquiry stage. The report identified some of the more significant issues arising from the Revised Deposit stage but

noted that most issues were of a fairly minor nature.

### **Decision**

- 1 To agree the recommendations set out in the 'Response to the Revised Deposit Plan Consultations' document, subject to consideration of the views of the Planning and Prosperity and Environment and Sustainability Overview and Scrutiny Commissions which were set out in a separate report.
- 2 To authorise officers to prepare proofs of evidence in support of the Council's position as set out in this and previous reports.
- 3 To authorise officers to negotiate with objectors to put minor changes before the Inspector in the interests of resolving objections.
- 4 To recommend Council to approve the changes to the Local Plan.

## **374/02 Derby's First Community Strategy**

The Council Cabinet considered a report from the Director of Policy, which set out the draft text of the 2003/04 annual action plans of Derby's first Community Strategy. The document would also be presented to the Derby City Partnership Board for consideration.

### **Decision**

- 1 To approve the draft for reference to Scrutiny Management Commission for comment prior to resubmission to Council Cabinet and then to Council and the Derby City Partnership Board.
- 2 To approve that the 2003/04 action plan be published as separate documents.

## **375/02 Education Service Strategic Plan**

The Council Cabinet considered a report from the Director of Education, which stated that the Education Service Strategic Plan was being revised for 2003-2006. It included changes in context, achievements in 2002/03 and links to other departments and agencies. The critical aspect was the list of priorities for action. This was not a statutory plan, and aimed to draw together the major priorities across the whole Education Service and guide individual service plans.

### **Decision**

To endorse the draft priorities in the Education Service Strategic Plan 2003-2006 for consideration by the Lifelong Learning and Culture Overview and Scrutiny Commission as part of the Council's Budget and Policy Framework.

## 376/02 Housing Renewal Policy

The Council Cabinet considered a report for the Director of Policy, which stated that the Government's Regulatory Order on Housing Renewal came into force on 18 July 2002. It had important implications because it repeals much of the existing prescriptive legislation governing the provision of renewal grants for private sector housing. This has been replaced by a wide-ranging power to provide assistance for housing renewal, although Disabled Facilities Grants would remain as a mandatory entitlement.

The new power can only be used when the Council formally adopts and publicises a housing renewal policy.

### **Decision**

To recommend Council to formally adopt and publish the Housing Renewal Policy with effect from 10 April 2003.

## Performance Monitoring

### 377/02 Financial Monitoring – Derby Homes and Housing Capital Programme

The Council Cabinet considered a joint report from the Directors of Policy and Finance, which set out the capital budget monitoring position for the Council's Housing Capital Programme at the end of February 2003. The public sector part of the programme was managed by Derby Homes on behalf of the Council. The private sector programme which was managed directly by the Council was included for completeness. Financial monitoring was included on Derby Homes operating account to the end of January 2003 and the retained Housing Revenue Account and Housing Repairs Account to the end of February 2003. The agreed framework for capital and revenue monitoring was also outlined. The revised Housing Capital Programme forecast was set out at Appendix A. The forecast expenditure on public sector housing, managed for the Council by Derby Homes remains at £17.478 million approved by Cabinet in December 2002. The private sector programme had increased by a total of £0.404 million since December reflecting increased expenditure in the Council's Renewal Area financed mainly by contributions by owner-occupiers residents benefiting from Group Repair Schemes. A cumulative underspend of £31,000 had been recorded by Derby Homes Limited on its operating budget at 10 January 2003 and the latest position on the retained Housing Revenue Account was an underspend of £10,000.

### **Decision**

- 1 To note the financial monitoring information detailed in the report.
- 2 To approve the revisions to the housing capital programme as set out in the Appendix to the report.

- 3 To refer the report to the Social Care, Health and Housing Overview and Scrutiny Commission for consideration.

## 378/02 Ofsted / Audit Commission Inspection of the LEA

The Council Cabinet considered a report from the Director of Education, which stated that the Autumn inspection of the Council's functions as a Local Education Authority represented a significant improvement since the first inspection in 2000. An action plan must be prepared to address the recommendations of the inspection report. The plan must be approved by full Council and submitted to the Secretary of State for Education and Skills and the Office for Standards of Education (Ofsted) and the Audit Commission by 16 April 2003.

Lifelong Learning and Culture Overview and Scrutiny Commission had considered the draft and their comments were reported to Cabinet.

### Decision

- 1 To recommend Council to adopt the post-inspection action plan as set out in the Appendix to the report.
- 2 To authorise the Director of Education in consultation with the Council Cabinet Member for Lifelong Learning, to make minor amendments to detail and complete the introductory sections in the light of comments just received from the Department of Education and Skills (DfES) before the adoption of the action plan.

## Finance and Contract Procedures

### 379/02 Financial and Procedural Matters

The Council Cabinet considered a report from the Director of Finance, setting out the following financial and contractual procedure matters:

- the addition of Pasture's Hill Littleover scheme to the 2003/04 Local Transport Plan Capital Programme
- the 2003/04 Capital Scheme speed variations set out in Appendices 1a, 1b and 2 to the report
- £59,000 Capital Funding request for Derby Destination Management System
- £450,000 for the commencement of works on the new Alvaston Library.

### Decision

- 1 To approve the addition of Pasture's Hill, Littleover Scheme to the 2003/04 LTP Capital Programme at an estimated cost of £20,000.