

Time began 6.00pm  
Time ended 7.50pm

## **COUNCIL CABINET**

**22 FEBRUARY 2005**

Present: Councillor Burgess – Chair  
Councillors Allen, E Berry, Care, Carr, Hickson, Samra  
and West

Also present: Councillor Williamson

This record of decisions was published on 24 February 2005. 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 a decision is called-in.

### **299/04 Apologies**

There were no apologies for absence.

### **300/04 Late items to be introduced by the Chair**

There were no late items.

### **301/04 Identification of Urgent Items to which Call-In will not Apply**

There were no urgent items.

### **302/04 Declarations of Interest**

There were no declarations of interest.

### **303/04 Minutes of the Previous Meeting**

The Part 1 minutes of the meeting held on 8 February 2005 were approved as a correct record and signed by the Chair.

## **Matters Referred to Council Cabinet**

### **304/04 Overlapping Areas of Control and Management - Procurement**

The Council Cabinet considered a report from the Scrutiny Management Commission regarding the Overlapping Areas of Control and Management –

Procurement. This report had been prepared following investigations by a sub-group of members on behalf of the Scrutiny Management Commission. The work involved surveys of departments and directorates, interviews conducted by support officers plus direct evidence-gathering interviews by members.

The report of the Commission set out four recommendations relating to carrying out periodic internal audit reviews of procurement starting in the 2005/06 financial year, the use and promotion of the procurement manual and corporately negotiated contract, and mechanisms to provide feedback where items have been procured outside these contracts.

Councillors Troup and Wynn attended the meeting to present the findings of the review.

### **Decision**

1. To thank the Scrutiny Management Commission for their report and ask them to consider whether all Commissions should consider adopting this methodology when carrying out future reviews.
2. To accept all four recommendations set out in the report.

## **305/04 Walking Routes into the City Centre**

The Council Cabinet considered a minute extract from Area Panel 5 regarding walking routes into the City Centre. The Area Panel had been advised that Birchover developers had signed an agreement to pay for the cost of a surface crossing from the inner ring road to Queen Street and improvements to the subway underneath St Mary's Bridge, but this had not been progressed as the proposed development had not taken place. Following discussion the Panel recommended to Council Cabinet that all possible steps be taken to achieve the closure of the underpass by St Mary's Bridge and substitute it with a crossing at the earliest date.

### **Decision**

To advise the Area Panel that a proposal to provide a surface crossing had been included in the Council Cabinet 2005/06 budget proposals.

## **306/04 Area Panel Agendas**

The Council Cabinet considered a minute extract from Area Panel 3 regarding Area Panel Agendas. The Area Panel had asked Council Cabinet to re-examine its decision on Area Panel agenda distribution if public attendance at Area Panels reduced

### **Decision**

To advise the Area Panel that Area Panel attendance levels would be monitored for two cycles, and if public attendance showed a significant reduction the decision would be reviewed.

## 307/04 Internal Audit – Interim Report on Progress

The Council Cabinet considered a report from the Scrutiny Management Commission regarding the Internal Audit – Interim Report on Progress. The Commission had considered a report setting out details of internal audit reports conducted during the period April to December 2004. In considering the report the Commission expressed a view that the period of six weeks that managers were allowed in which to respond to a draft report was too long and suggested that this be reduced to four weeks. It also recommended that managers should be instructed that responding to Audit reports was mandatory.

### **Decision**

To approve the recommendations of the Scrutiny Management Commission by reducing the time allowed for managers to respond to a draft report from six weeks to four weeks and instructing managers that providing a response was mandatory.

## Key Decisions

### 308/04 Supporting People Five-Year Plan

The Council Cabinet considered a report from the Director of Policy regarding the Supporting People Five-Year Strategy. The Supporting People Strategy had been developed in consultation with a range of key stakeholders. The strategy was focused around the vision for Supporting People in Derby which was:

‘To provide housing related support services that meet the needs and aspirations of vulnerable people in Derby’.

### **Options Considered**

No other options considered

### **Decision**

To agree to submit the Supporting People Five-Year Strategy and Annual Plan to the Office of the Deputy Prime Minister - ODPM

### **Reasons**

The ODPM requires all authorities that are administering Supporting People Subsidies to produce a Five-Year Strategy and an Annual Plan by the end of

March 2005.

## 309/04 Black and Minority Ethnic Housing Strategy 2005-2008

The Council Cabinet considered a report from the Director of Policy regarding Black and Minority Ethnic Housing Strategy 2005-2008.

### **Options Considered**

No other options were considered. By not approving the strategy, the Council would not have a clear and overarching mechanism for improving housing services to Black and Minority Ethnic – BME – communities in the city.

### **Decision**

To approve the Black and Minority Ethnic Housing Strategy.

### **Reasons**

The Race Relations (Amendment) Act 2000 puts a legal obligation on all public authorities to promote racial equality and good race relations between different racial groups. The Black and Minority Ethnic Strategy shows that Council's commitment to providing equitable, accessible and culturally appropriate housing services and its commitment to complying with the Act.

## 310/04 Central Library and Joint Services Centre PFI Revised Brief

The Council Cabinet considered a report from the Director of Development and Cultural Services regarding proposals to revise the Central Library and Joint Services Centre PFI expression of interest to focus on the development of a network of neighbourhood libraries.

### **Options Considered**

1. The Council was advised by specialist consultants that to continue with a PFI Bid focused solely on the Central Library and Joint Services Centre would be less likely to succeed.
2. The Council had the option of proceeding or not proceeding with a full scale PFI Bid once the feedback has been received on this first stage in June 2005.

### **Decision**

1. To include in the proposed Expression of Interest a strong element designed to review and enhance the network of Neighbourhood Libraries.
2. All Neighbourhood Libraries designed now should have included in the

brief the functions of a local joint services centre.

### **Reasons**

1. The original plan was to bid for the complete replacement of the Central Library, but it became clear that that course of action would pose affordability problems.
2. Advice from specialist consultants was that the bid had much greater chance of success with a Neighbourhood component within it.
3. Members had acknowledged that the current network of Neighbourhood Libraries was inadequate to meet the needs of the 21<sup>st</sup> Century.

## **Budget and Policy Framework**

### **311/04 The Council's Vision, Objectives and Priorities and Draft Corporate Plan 2005-08.**

The Council Cabinet considered a report from the Scrutiny Management Commission regarding the Council's visions, objectives and priorities and the draft Corporate Plan 2005-08. The Commission supported the vision, objectives and priorities and draft Corporate Plan and offered no comments to Council Cabinet.

The Council Cabinet also considered a report from the Director of Finance setting out the latest Draft of the Corporate Plan 2005-08.

### **Decision**

To recommend Council to approve the Council's Vision, Objectives and Priorities and Corporate Plan 2005-08.

### **312/04 General Fund Revenue Budget 2005/06 to 2007/08 and Council Tax Setting for 2005/06.**

The Council Cabinet considered a joint report from the Chief Executive and the Director of Finance setting out the proposed General Fund Revenue Budget 2005/06 to 2007/08 and Council Tax Setting for 2005/06.

At the meeting the Director of Finance circulated a paper setting out minor amendments to the report.

### **Decision**

To recommend to Council:

1. To note the final local government finance settlement announcement.

2. To approve for 2005/6 the departmental estimates and associated virements and use of reserves as included in Appendices 1 and 3 of the report, incorporating the proposals listed in paragraphs 3.18 to 3.39 of the report.
3. To note the latest budget monitoring position provided in Appendix 6 and summarised in Table 5 of the report, and to adjust the 2004/5 budget to reflect the proposed use of reserves to support 2005/6 budgets.
4. To approve the measures proposed to manage budget risks in 2005/6 and in future years, set out in paragraph 3.63 to 3.66 of the report.
5. To approve a budget requirement for Derby City Council for the year ended 31 March 2006 of £269,679,000.
6. To approve within this total:

Service estimates of:

£

Education Department	154,370,000
Social Services Department	67,058,000
Development and Cultural Services Department	37,423,000
Commercial Services Department	4,195,000
Chief Executive's Department	33,052,000
Cross departmental contingencies	1,900,000
Census backdated/LPSA1 Reward/LGBGI Grant	-4,475,000
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	293,523,000
<i>Less capital charges</i>	-25,075,000
<i>Add net appropriations from Pump Priming Fund</i>	-21,000
<i>Less contributions from earmarked reserves as follows:</i>	
Corporate reserves	-2,666,000
Services' reserves	-693,000
<i>Add appropriations to corporate reserves</i>	4,225,000
<i>Add Public Priority revenue financing capital</i>	386,000
	<hr/>
	269,679,000

7. To note that, at its meeting on 26 January 2005, the Council calculated the amount of 68,589.4 as the Council's Tax Base for the year 2005/6 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base)(Amendment)(England) Regulations 2003, made under Section 33(5) of the Local Government Finance Act 1992.
8. To calculate the following amounts for the year 2005/6 accordance with Sections 32 to 36 of the Local Government Finance Act 1992 – the Act.
  - (a) £505,764,000      being the aggregate of the amounts which the Council estimates for the items set out in Section

32(2)(a) to (e) net of Section 32(3)(c) of the Act.

- (b) £236,085,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) and (b) of the Act.
- (c) £269,679,000 as its budget requirement for the year, being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act.
- (d) £204,931,560 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant, reduced by the amount of the sums which the Council estimates will be transferred in the year to its Collection Fund from its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax) and the sum which the Council estimates will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charges) Directions under Section 98(4) of the Local Government Finance Act 1988 (Community Charge).
- (e) £943.99 as the basic amount of its Council Tax for the year, being the amount at (c) above, less the amount at (d) above, all divided by the amount at 7. above, calculated by the Council, in accordance with Section 33 of the Act.

(f) for the following Valuation Bands:

	£		£
A	629.33	E	1153.77
B	734.21	F	1363.54
C	839.10	G	1573.32
D	943.99	H	1887.98

as the amounts to be taken into account for the year, under Section 30(2)(a) of the Act, in respect of categories of dwellings listed in different valuation bands, being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to all dwellings listed in each particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act.

9. To note that for the year 2005/6, Derbyshire Police Authority, as precepting authority, has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	TBA	E	TBA
B	TBA	F	TBA
C	TBA	G	TBA
D	TBA	H	TBA

10. To note that for the year 2005/6, Derbyshire Fire Authority, as precepting authority, has stated the following in a precept to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below;

All dwellings in Valuation Band:

	£		£
A	TBA	E	TBA
B	TBA	F	TBA
C	TBA	G	TBA
D	TBA	H	TBA

11. Having calculating the aggregate in each case of the amount in 8, 9 and 10 above, in accordance with Section 30(2) of the Local Government Finance Act 1992, to set the following amounts as the amounts of Council Tax for the year 2005/6 for each of the categories of dwellings shown below:

All dwellings in Valuation Band:

	£		£
A	TBA	E	TBA
B	TBA	F	TBA



C	TBA	G	TBA
D	TBA	H	TBA

12. To note the budget plans for 2006/7 and 2007/8 set out in this report for budget planning purposes and their indicative status.

13. To authorise the publication of the requisite notices in accordance with the provisions of Section 38(2) of the Local Government Finance Act 1992.

## 313/04 School Funding 2005/06

The Council Cabinet considered a joint report from the Directors of Education and Finance regarding School Funding 2005/06. Each year the Council consults with schools over proposed changes to the formula and scheme for funding schools. The report summarised the responses to this years consultation and set out the proposals for allocating funding to schools during 2005/06. Major changes to funding for additional educational needs in mainstream schools had been introduced last year. The principle focus of formula changes this year had been on funding special schools and enhanced resource school places.

At the meeting the Director of Education advised the Council Cabinet that the second paragraph under 'ICT in schools; infrastructure and hands-on support (£1.704m)' in appendix 4 be amended to read:

"The split of the grant would be

- £541,000 for connectivity
- £294,000 to meet the governments target that two-thirds of teachers should have laptops by 2006
- £50,000 to continue the LEA programme of hands-on support
- The balance of £777,400 to be allocated on the basis of pupil numbers, with a minimum allocation of £5,500 for primary £4,500 for special schools, and £2,000 to nursery schools."

The Director of Education also reported that the Education Commission had discussed the proposals but had not made any specific recommendations to the Council Cabinet.

### **Decision**

To recommend to Council:

1. To make changes to the formula for funding schools, subject to the final budget decisions, as follows:

- implement the new banding system for funding system for funding special and enhanced resource school places, and nurture groups
- introduce a revised formula for the remainder of the special schools' budget and delegate the budget for self-prepared and residential meals

- increase the new special school formula factors by 5%
  - increase age-weighted funding for the Foundation Stage and Key Stages One and Two by 2.62% to support primary and nursery schools in implementing workforce forum
  - add £178,000 to funding distributed through the English as an Additional Language factor
  - add £150,000 to the catering allocation through a factor for paid meals
  - introduce a factor to support primary schools which have a net inflow of pupils with statements from outside their normal area
  - introduce a “PFI factor” as a technical measure to comply with passporting requirements
  - introduce a temporary PFI factor for da Vinci Community College from 2006/07 to support the school as it builds up its numbers
  - apply 17% of the remaining growth above inflation to the Foundation Stage, 7% to Key Stage One, 40% to Key Stage Two and special schools, 21% to Key Stage Three and 15% to Key Stage Four
  - exempt the special school formula, enhanced resource school places and nursery schools’ transitional protection from the minimum funding guarantee
2. To agree the principles of allocating Standards Funds set out in Appendix 4 of the report and to distribute teachers’ pay and threshold grants on the basis of actual numbers.
  3. To make changes to the Scheme for Funding Schools set out in Appendix 5 relating to contract procedure rules and buildings issues.

## 314/04 Treasury Management Strategy and Prudential Code Indicators 2005/06

The Council Cabinet considered a report from the Director of Finance regarding Treasury Management Strategy and Prudential Code Indicators 2005/6.

### **Decision**

To recommend to Council:

1. To approve the planned prudential indicators set out in Appendix 2 and summarised in Appendix 4 of the report.
2. To adopt the Treasury Management Strategy for 2005/6, including the Annual Investment Strategy, as set out in Appendix 3 of the report.
3. To authorise the Director of Finance to determine whether to agree to the transfer to the Council of net external loans from Derbyshire County Council relating to assets transferred to the Council upon Local Government Reorganisation in 1997.

## 315/04 Capital Programme 2005/06 – 2007/08

The Council Cabinet considered a report from the Scrutiny Management Commission regarding the Capital Programme 2005/06 – 2007/08. Having considered the report on the Capital Budget 2005/6-2007/8 the Commission agreed to support the Capital Budget proposals that had been presented to them.

The Council Cabinet also considered a report from the Director of Finance setting out the proposed Capital Programme 2004/5-2007/8.

At the meeting the Director of Finance circulated a paper setting out minor amendments to the report.

### **Decision**

To recommend to Council:

- 1 To approve the changes to the 2004/05 Capital Programme as detailed in Appendix 2 of the Capital Programme 2004/5-2007/8 report from the Director of Finance and to note the latest monitoring position.
- 2 To approve the commencement of schemes over £100,000 as set out in section 2.11 of the Capital Programme 2004/5-2007/8 report from the Director of Finance.
3. To approve the 2005/6 to 2007/8 capital programme set out in the Capital Programme 2004/5-2007/8 report from the Director of Finance.

## 316/04 Housing Capital Programme 2005/06 to 2007/08

The Council Cabinet considered a joint report from the Directors of Policy and Finance setting out the proposed Housing Capital Programme 2005/06 to 2007/08.

The Director of Policy reported that the Community Regeneration Commission had expressed concern over the shortfall of private rented accommodation in the City.

### **Decision**

To recommend to Council to approve the proposed housing capital programme for 2005/06 to 2007/08.

## 317/04 Derby Cityscape Masterplan

The Council Cabinet considered a joint report from the Directors of Development and Cultural Services regarding the Derby Cityscape

Masterplan proposals for the regeneration of the City Centre.

## Decision

To recommend to Council:

1. To adopt the Masterplan principles as a guide to the City Council's regeneration plans for Derby City Centre.
2. To ask the Planning Control Committee be asked to take the Masterplan proposals into account as a key material consideration in the planning process.
3. To approve the principle of producing a Development Plan Document in the form of an action plan to carry forward the Cityscape proposals in the Castle Ward and Derby Royal Infirmary areas.
4. To authorise the Director of Development and Cultural Services to refer any applications resulting from Cityscape proposals which are technically departures to the City of Derby Local Plan to the Secretary of State.

## Performance Monitoring

### 318/04 Self Evaluation of the Education Functions of the Council

The Council Cabinet considered a report from the Director of Education regarding Self Evaluation of the Education Functions of the Council. The evaluation covered 46 component judgements. Of the judgements graded in the current exercise and in the last inspection, nearly half showed improvement by at least one grade.

Improved	21
Unchanged	18
Worse	5

This indicated substantial improvement in much of the service, as the judgement criteria had changed to reflect higher expected standards since the last inspection. No area declined by more than one grade. Four areas improved by two grades and one by three grades.

The following table summarises the outcome by grade. Details were included in Appendix 2 of the report.

<i>Grade</i>		<i>2002</i>	<i>2004</i>
1	Very good	1	0
2	Good	8	13
3	Highly Satisfactory	13	26

4	Satisfactory	3	2
5	Unsatisfactory	3	2
6	Poor	1	0
7	Very poor	0	0
		45	46

These grades were reflected in the three overall judgements, which were that:

- The Council had continued to make highly satisfactory (grade 3) progress
- The Council offered highly satisfactory (grade 3) support to education (compared to grade 4 in 2002)
- There continued to be highly satisfactory (grade 3) capacity for further improvement (even after noting current staffing changes)

### **Decision**

To note the findings of the self-evaluation and to endorse the proposed actions.

## **319/04 Derby Pointer Panel – November 2004 Questionnaire Results**

The Council Cabinet considered a report from the Director of Policy regarding the Derby Pointer Panel – November 2004 Questionnaire Results. The topics covered in the November 2004 questionnaire were:

- Arts and entertainment
- Services to develop business and prosperity
- Library service
- Transport
- Community cohesion

### **Decision**

To note that the results and proposed service improvements would be reported to panel members in the next 'Panel News' newsletter, which would be sent out to panel members with May 2005 survey.

## **320/04 Anti-Social Behaviour Strategy Update**

The Council Cabinet considered a report from the Director of Policy providing an update on progress made on the Anti-Social Behaviour – ASB - Action Plan. Action Plan key achievements were:

- Reduction of police calls for service for ASB – 23% reduction from July 2004 to January 2005.
- Increased use of prevention and enforcement techniques.

- Closer partnership work with local communities.
- Development of a performance management framework.
- Identification of Derby as a Home Office Action Area.
- Effective partnership working with police and Derby Homes.
- Nuisance neighbours: Nuisance Neighbour Panel operational, targeting those families who cause most disruption to local communities.
- Supporting victims and witnesses: Increased the number of residents consulted and supported – 291 current quarter compared to 25 in same quarter 2004.
- Street disorder: Prostitution action plan implemented, reduction in city centre begging.
- Environmental: Community based problem solving, targeting of graffiti taggers, use of new powers in ASB Act 2003 – crack house closures and dispersal orders.
- Prevention: Increased use of acceptable behaviour contracts – 20% increase to 70 in 2004, compared to 39 in 2003.
- Enforcement: Effective and targeted use of ASBOs and possession notices in partnership with Derby Homes.

### **Decision**

- 1 To note the progress being made in tackling anti-social behaviour, in partnership with key agencies and the communities that suffer most harm from anti-social behaviour – ASB.
- 2 To refer the update to the Community Regeneration Commission.
- 3 To ask the Director of Policy to pass on to the Community Safety Partnership the congratulations of Council Cabinet on the excellent progress made in tackling Anti Social Behaviour.

### **321/04 Exclusion of the Press and Public**

To exclude the press and public from the meeting during discussion of the following items, on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 9 of part 1 of schedule 12A of Section 100(A) of the Local Government Act 1972.

### **Key Decisions**

#### **322/04 Consortium of Local Authorities Special Projects (CLASP)**

The Council Cabinet considered a report from the Director of Corporate Services regarding the Consortium of Local Authorities Special Projects – CLASP and proposals to form a Trading Company.

### **Decision**

- 1 To agree to participate as a shareholder in the proposed trading company if established.
- 2 To instruct the clerk to the CLASP consortium to prepare the necessary legal documentation, company formation formalities, draft and issue the necessary protocols for the financial and governance arrangements and obtain appropriate insurances.
- 3 To recommend to Council:
  - To appoint a Councillor to the Board of Directors of the Company
  - To nominate a Councillor to be the shareholder's representative
  - To support the continuation of the CLASP Consortium and nominate a Councillor to represent the Council on the Management Committee
  - To approve the use of CLASP reserves to establish the trading activities of the Company.

MINUTES END