

Time began	6.00 pm
Time ended	7.25 pm

**COUNCIL CABINET  
16 DECEMBER 2003**

Present: Councillor Burgess – Chair  
Councillors L Allen, Carr, Care, P Hickson, Webb and West

This record of decisions was published on 18 December 2003. The key decisions set out in this record will come into force and may then be implemented on the expiry of 5 clear days unless a decision is called in.

**216/03 Apologies for Absence**

An apology for absence was received from Councillor E Berry

**217/03 Late items to be Introduced by the Chair**

There were no late items.

**218/03 Identification of 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 Scrutiny Management Commission had agreed that it could be treated as an urgent item and therefore not subject to Call-In for the reasons outlined below:

**Derby City Council's Occupational Health Service**

This item was urgent because the Occupational Health Service termination letter needed to go out before the end of December 2003. This was to comply with the three months written notice required by the existing service agreement

**Decision**

To consider the Key Decision set out above as an urgent item in accordance with procedure rule OS44.

**219/03 Declarations of Interest.**

There were no declarations of interest.

## 220/03 Minutes of previous meeting.

The Part 1 minutes of the meeting held on 18 November 2003 were approved as a correct record and signed by the Chair, subject to the deletion of "There were no declarations of interest" from Minute number 190/03.

## Matters Referred to Council Cabinet

### 221/03 Budget Scrutiny - Recommendations

The Council Cabinet considered a report from the Scrutiny Management Commission, setting out the recommendations made by the Overview and Scutiny Commissions as a consequence of the service area budget reviews carried out by the Commissions in October and November 2003. The recommendations of the Commissions are set out below.

#### **Scrutiny Management Commission - Scrutiny of the Central Services Budget**

As a consequence of their budget scrutiny of the Central Services budget, the three members of the Commission considered that a more detailed investigation of:

- procurement and central purchasing Insurances
- insurances
- staffing budgets within service departments and vacancy levels
- the devolvement of centralised budgets
- the devolvement of telecommunications budgets to service departments might reveal opportunities for reductions in expenditure that would not adversely affect service delivery.

It was suggested that these investigations may reveal opportunities for reductions in expenditure that would not adverseley affect service delivery.

#### **Education Commission – High cost additional provision within the Schools Budget – Pupil Referral Unit and aspects of special educational needs**

As a result of their budget scrutiny, the Education Commission recommended to Council Cabinet that:

- the importance of work within schools to address behaviour and special educational needs as early and effectively as possible was acknowledged
- the rights to a full curriculum and an appropriate environment for excluded pupils was recognised
- support was given for the transfer of funding, where pupils were excluded, recognising that this would be part of the annual formula consultation

- support was given to develop provision by Local Education Authorities on a regional basis to achieve more effective educational provision and Best Value
- there was a need to ensure appropriate core funding for the Pupil Referral Unit – PRU – given the long term needs for such provision and the very challenging work faced by its staff

### **Social Care and Health Commission – Placement of Looked After Children with External Service Providers**

As a result of their budget scrutiny, the Social Care and Health Commission recommended to Council Cabinet that:

- as agency placements were significantly more costly than providing in-house services, the recruitment of in-house foster carers should be investigated with urgency
- the viability of employing full-time foster carers be evaluated
- a realistic amount was allocated to children’s services to ensure that the spend remained within budget each year, and that the Council Cabinet should compare Derby’s allocation with that of our comparators.

### **Culture and Prosperity Commission - Budget Scrutiny of the Sport and Leisure Section of the Development and Cultural Services Department**

The Culture and Prosperity Commission offered the following recommendations aimed at enabling the Council’s sport and leisure facilities to compete more effectively with those of the private sector:

- to increase and improve gym/workout facilities to meet the increase in demand in Derby and the public’s expectation of a higher standard of facility
- to match the private sector by improving the standard of cleaning in certain areas of the Council’s older sports and leisure centres
- to introduce a planned programme of maintenance and repairs at all the Council’s sport and leisure centres and match the private sector by taking all practicable steps to expedite repairs and thereby reduce facility ‘downtime’ and loss of income at the sports and leisure centres
- to improve the standard of security of customers’ belongings at the sports and leisure centres
- to define, maintain and publicise a standard of service delivery for the Council’s sports and leisure centres.

## **Planning and Environment Commission - Scrutiny of the Development and Cultural Services Footway Maintenance Budget**

The Planning and Environment Commission offered the following recommendations aimed at improving the condition of the city's footways:

- that consideration be given to using all of one year's Local Transport Plan allocation by Central Government for footway maintenance
- to consider raising the necessary money locally by increasing the level of Council Tax to provide the funding needed to carry out the work
- to use a combination of the points above to raise the necessary funding
- to investigate ways drivers could be discouraged from parking on or driving over footways and verges
- to agree a standard for remediation with Statutory Undertakers and carry out inspections before they commence their excavation
- to inform the public of the details of the footway maintenance programme and of the financial constraints under which the programme operates.

## **Corporate Parenting Sub Commission - Potential Service Area Budget Review – resources for data analysis and consultation processing**

The Sub-Commission made the following recommendations:

- there was a need for the Council to examine and review its resources for data analysis and consultation. This includes in-house resources and the use of external bodies
- that Scrutiny Management Commission carry out a budget review of this issue or refer the Issue to Council Cabinet to consider as part of the budget proposals.

Individual reports on the outcome of the budget scrutiny carried out in October/November 2003 by the Scrutiny Management Commission and by other Overview and Scrutiny Commissions that had carried out budget scrutiny, were attached as Appendices 2-7 of the report. The reports gave the reasons for the Commission's recommendations.

The Community Regeneration Commission intended to carry out its budget scrutiny in January 2004. The Scrutiny Management Commission agreed to passport the Community Regeneration Commission's report to Council Cabinet as soon as it was received.

## **Decision**

- 1 To thank the Overview and Scrutiny Commissions for the work undertaken.

- 2 To note the report.

## 222/03 The Roundhouse – Report of Call-In

The Council Cabinet considered a report from the Scrutiny Management Commission, setting out the views of the Commission following the call-in of the decision made by the Council Cabinet at its meeting on 18 November 2003. The Scrutiny Management Commission recommended that:

- the matter be returned to the Council Cabinet to reconsider the options
- Council Cabinet be asked to tighten up the terms of the agreement with Urban Catalyst.

### **Decision**

- 1 To note the report.
- 2 To confirm unamended the original decision made on 18 November 2003.

## 223/03 Rethinking Rubbish – Report of Call-In

The Council Cabinet considered a report from the Planning and Environment Commission, setting out setting of the views of the Commission following the call-in of the decision made by the Council Cabinet at its meeting on 28 October 2003. The Planning and Environment Commission recommended that:

- the Council Cabinet reconsidered the decision it made on 28 October in respect of the report on rethink rubbish.
- the remainder of Boulton ward should be included in the current scheme.
- the Council Cabinet should inform the Commission as to what had happened to the money allocated by the previous administration for the development of recycling in Derby.
- all seven areas originally proposed be converted into the Rethink Rubbish recycling scheme during 2004/05.

### **Decision**

- 1 To note the report.
- 2 To confirm unamended the original decision made on 28 October 2003.

## 224/03 Council Support to Derby Loans

The Council Cabinet considered a report from the Community Regeneration Commission, setting out the response of the Commission to the Council Cabinet decision to not provide financial assistance to Derbyloans. The Commission recommended that the City Council be prepared to act as guarantee for a £50,000 overdraft facility to be arranged between Derbyloans and one or more commercial banks, for an initial period up to December 2004.

### **Decision**

- 1 To note the report.
- 2 To not act as guarantee for a £50,000 overdraft facility between Derbyloans and one or more commercial banks.

## 225/03 School Organisation Plan 2003-2008

The Council Cabinet considered a report from the Education Commission, setting out the response of the Commission to the draft School Organisation Plan 2003-2008. The Education Commission agreed with the content of the School Organisation Plan and supported it.

### **Decision**

- 1 To note the report of the Commission.
- 2 To recommend Council to adopt the School Organisation Plan 2003-2008 as part of the Budget and Policy Framework.

## 226/03 Best Value Review Programme 2004/2006

The Council Cabinet considered a report from the Director of Finance, setting out a revised Best Value review programme for 2004/06 to reflect timing and resource implications likely to have an impact on some of the reviews. In discussion, it was noted that we should look at how we conduct our review programme and come forward with a proposal later in the year.

### **Decision**

To approve the revised Best Value review programme for 2004/2006 as set out in Appendix 2 of the report.

# Urgent Key Decision

## 227/03 Occupational Health Service

The Council Cabinet considered a report from the Director of Policy, setting out proposals to terminate the existing contract for an Occupational Health Service provided by the Derbyshire Fire and Rescue Service and replace it with a new in-house service. The proposals were prompted by the findings of the Best Value Review of Personnel Services, the needs of linked services and reviews, the concerns expressed by service users, and the Government's increasing focus on occupational health issues.

### **Options considered**

#### **Option 1 – retain current arrangements**

The current service did not satisfy the needs of major groups of service users, and it was likely that they would resist its retention. This would only hinder the overall aim of managing health issues better. Work could be done to audit, develop and monitor the service, but this would be costly and time-consuming.

#### **Option 2 – partnership arrangement**

This option could allow the Council access to the expertise and facilities of an established local Occupational Health service. Further work would be needed to identify potential partners, and determine whether they had the capacity, and willingness, to share their Occupational Health services with the Council. The size of the workforce, and the diverse nature of jobs, meant that there may not be many organisations able to do so. As current arrangements were shared, there were concerns that this option would simply result in the same problems.

#### **Option 3 – external contract for all Occupational Health services**

Buying in an externally managed Occupational Health service appeared an attractive option. The Council would have the benefit of the provider's experience, access to its network of Occupational Health professionals and services, and wouldn't need to recruit staff. However, contracted services were very expensive and costs would inevitably include a profit element. Some providers had their own premises, but unless these were located in the centre of Derby, complaints about accessibility, remoteness, and lack of familiarity with Council workplaces were likely to recur. Service users would prefer a visible, on-site service, so the issue of accommodation remained a problem, even if Occupational Health staff were contracted in.

#### **Option 4 – hybrid arrangement**

This option would involve a combination of in-house and contracted Occupational Health staff. Further work would be needed to decide the optimum balance between the two. As a minimum, the service would need an in-house Occupational Health

adviser to manage the service, plus administrative support for appointments and medical records. This option would give the Council a nominally in-house, integrated service, provided suitable accommodation could be located. Supporting contracts for extra staff or services could give an additional degree of flexibility. The success of this option would depend on the ability of the service manager to co-ordinate, monitor, and integrate contracted services. It would also depend on the allocation of sufficient funding to allow appropriate contracts to be set up.

## **Decision**

- 1 To formally approve the replacement of the existing, externally-provided Occupational Health service with a new in-house service.
- 2 To authorise the Chief Personnel Officer to serve notice terminating the existing Occupational Health agreement on 31 March 2004.

## **Reasons**

This was the outcome of an in-depth review of the Council's current occupational health provision and its future requirements.

## **Key Decisions**

### **228/03 Draft Affordable Housing Supplementary Planning Guidance**

The Council Cabinet considered a report from the Director of Development and Cultural Services and Policy, setting out proposals to introduce supplementary Planning Guidance to establish how the Council would implement its affordable housing policy in the Local Plan.

The Council had been successful in securing affordable housing through the planning system for over ten years. The City of Derby Local Plan provided the policy background for seeking an affordable housing component from housing developments within the City. The Affordable Housing Policy provided details of how affordable housing would be secured. However, it had become apparent that further explanation was required to aid all parties involved and give the public a clearer idea of the Council's policy.

The guidance, attached to the report at appendix 2, had been drawn up to explain the definition of affordable housing, when the Council would seek it, and how its policies worked and could be implemented. It also offered good practice advice on how to make the process as easy and quick as possible, so that affordable housing was delivered effectively.



## **Options Considered**

None

## **Decision**

- 1 To approve the 'Affordable Housing Supplementary Planning Guidance', attached at appendix 2, as a draft for public consultation.
- 2 To refer the report to the Community Regeneration Commission for comment.

## **Reasons**

The supplementary planning guidance set out clearly how the City Council would implement its affordable housing policy in the Local Plan. Consultation on the guidance would give the document more weight in the planning application process.

## **229/03 Neighbourhood Nursery Initiative**

The Council Cabinet considered a report from the Director of Education, setting out proposals for the Council to take on the role of the accountable body for the Early Years Development and Childcare Partnership in accordance with the conditions of the Neighbourhood Nursery Initiative grant funding.

The Council had been awarded revenue funding from the Department for Education and Skills and Capital funding from the New Opportunities Fund on behalf of the Early Years Development and Childcare Partnership to participate in the Government's Neighbourhood nursery Initiative programme 2001/2004. The initiative was a government programme aimed at creating 45,000 new childcare places by March 2004. These would provide full day care for children aged 0-4 from the 20% most disadvantaged areas.

## **Options Considered**

The Council could have turned down the Neighbourhood Nursery Initiative but this would have had resulted in failure to meet its targets within the Early Years Development and Childcare Plan. As the provision of affordable and accessible childcare was at the heart of the Government's target to reduce child poverty, this was not considered a viable option.

## **Decision**

- 1 To take on the role of the accountable body for the Early Years Development and Childcare Partnership in accordance with the conditions of the Neighbourhood Nursery Initiative grant funding.
- 2 To enter into an agreement with the providers of proposed Neighbourhood Nurseries as the accountable body.

## **Reasons**

- 1 The Council had been awarded revenue funding from the Department for Education and Skills (DfES) and capital funding from the New Opportunities Fund on behalf of the Early Years Development and Childcare Partnership, to participate in the Government's Neighbourhood Nursery Initiative programme 2001/2004. It was a condition of receiving the grant that the Council acts as the accountable body for the EYDCP and it is considered that the Council's expertise in fulfilling this role will benefit the programme.
- 2 The Neighbourhood Nursery Grant Agreement would clarify the relationship between the providers and the Partnership and regulate the provision of grant funding.

## **230/03 Scheme for Funding Schools**

The Council Cabinet considered a report from the Director of Education, setting out amendments to the scheme for funding schools relating to the clawback of surplus balances.

Under the financial framework for schools with delegated budgets, an individual school's surplus or deficit was automatically carried forward to the next financial year. The Council had no power at the present time to take back surplus balances from schools.

The Council's scheme for funding schools required that, where a school had balances which exceeded 10% of its budget, in the case of primary and special schools, or 5% in the case of secondary schools, it should report on the reason why the balances had arisen and the plans it had for using them.

The overall level of school balances had increased significantly in recent years, from £2.6m at the end of the 1999/2000 financial year to £5.2m at the end of the 2001/02 financial year. There was a further increase to £5.8m during 2002/03. Despite the requirement for schools to report on their use of balances, some schools had high levels of balances for several years. There was, however, no consistent pattern in schools of particular types or in particular areas.

## **Options Considered**

The only other option available would be to take no action. This would not be consistent with the Council's responsibility to encourage schools to make effective use of their resources.

## **Decision**

To agree amendments to the Scheme for Funding Schools relating to the clawback of surplus balances, subject to Department for Education and Skills – DfES - approval.

## **Reasons**

The DfES permitted Local Education Authorities to claw back surplus balances from schools in certain circumstances. The Council has been concerned at the levels of balances held in some schools and at the increase in these balances over recent years.

## **231/03 Outcome of Public Consultation and Adoption of the Air Quality Action Plan**

The Council Cabinet considered a report from the Director of Corporate Services, setting out the outcome of the public consultation process on the draft Air Quality Action Plan. The outcome of the consultation had been positive and had resulted in few changes being made to the draft plan.

### **Options Considered**

No other options were considered.

### **Decision**

- 1 To note the outcome of the public consultation process on the draft Air Quality Action Plan.
- 2 To adopt the Air Quality Action Plan for the nitrogen dioxide Air Quality Management Area.

## **Reasons**

The public consultation process on the draft Air Quality Action Plan was particularly thorough. There had been widespread support for the proposals contained within it.

In particular, it should be noted that DEFRA said that the Action Plan was 'clear and well written'. DEFRA reported that certain aspects represented 'best practice' and therefore had placed it on their website for other councils to follow.

## **232/03 Integrated Management of Services for People with Learning Disabilities**

The Council Cabinet considered a report from the Director of Social Services, setting out the project plan to establish a Learning Disability Partnership from October 2004. The partnership would progress the introduction of an integrated service model for people with learning disabilities in Derby, with Social Services as the Lead Agency.

### **Options Considered**

Continuing to operate separate services in Health and Social Care would mean the loss of benefits of integration and would be contrary to national and local policy.

### **Decision**

- 1 To approve the appointment of a Joint Head of Service for people with Learning Disabilities from April 2004.
- 2 To approve the project plan to establish a Learning Disability Partnership from October 2004.

### **Reasons**

Integrated management had been recognised nationally and locally as beneficial for people with learning disabilities, family carers and staff in achieving better delivery of services.

## **233/03 Implementation of Community Care (Delayed Discharges etc) Act 2003**

The Council Cabinet considered a report from the Director of Social Services, setting out the joint protocol and procedures for discharging the Council's duties under the Community Care (Delayed Discharges etc) Act 2003.

### **Options Considered**

The legislation was a statutory requirement.

### **Decision**

- 1 To approve the joint protocol and procedures for discharging the Council's duties under this legislation.
- 2 To approve the investment plan against the specific grant to prevent delayed discharges.
- 3 To approve the Home of Choice policy.

### **Reasons**

The Act would be implemented in full on 6 January 2004 and was a statutory requirement.

## **234/03 Citizenship Ceremonies**

The Council Cabinet considered a report from the Director of Corporate Services, setting out proposals for the introduction of Citizenship Ceremonies from 1 April

2004. The Nationality, Immigration and Asylum Act 2002 introduced measures to place greater emphasis on the value and significance of becoming a British Citizen. It was proposed that this should be done by preparing people for citizenship through language training, education about life in the United Kingdom and celebrating the acquisition of citizenship. The Act therefore introduced a requirement for all successful applicants for British citizenship to attend a citizenship ceremony provided by a local authority.

### **Options Considered**

None, as set out in Reasons below.

### **Decision**

- 1 To approve the proposals for introducing Citizenship Ceremonies from 1 April 2004, as outlined in the report.
- 2 To delegate the resolution of the detailed arrangements to the Director of Corporate Services.
- 3 To invite the Mayor to Citizenship Ceremonies to welcome new citizens and present the citizenship certificates.
- 4 To consult the Minority Ethnic Communities Advisory Committee on the local content of the ceremonies to make sure that it appropriately reflects Derby's cultural diversity.
- 5 To hold ceremonies normally at the Darwin Suite, Assembly Rooms, with the Mayor's Reception Room being used for smaller ceremonies where appropriate.
- 6 To agree that, in accordance with Home Office guidance, the preference would normally be for group ceremonies, but to authorise the Director of Corporate Services, through the Superintendent Registrar, to agree an appropriate supplementary fee where the prospective citizen requests a ceremony at a different location or out of office hours.

### **Reasons**

Organising Citizenship Ceremonies would be a statutory duty on local authorities with responsibility for the Registration of Births, Deaths and Marriages. The procedures and form of the ceremony would be laid down by the Home Office, subject to certain local variations. The recommendations were in line with guidance from the Home Office and the Local Authorities Co-ordinators of Regulatory Services.

## **235/03 Introductory Tenancies for Council Tenants**

The Council Cabinet considered a report from the Director of Policy, setting out proposals to introduce Introductory Tenancies for Council owned Housing Stock. The

purpose of introductory tenancies was to encourage people to behave responsibly and in a way that was acceptable to the rest of the community. Introductory Tenancies would make repossession much easier.

### **Options Considered**

None.

### **Decision**

- 1 To agree in principle to Derby Homes' request to approve its proposal to implement Introductory Tenancies across the housing stock.
- 2 To ask the Community Regeneration Commission for their comments on the proposal.

### **Reasons**

- 1 To encourage new tenants to behave responsibly.
- 2 To make repossession much easier in cases of new tenancies where anti-social behaviour occurs.

## **236/03 Disposal of Council-Owned Land for Affordable Housing**

The Council Cabinet considered a joint report from the Directors of Corporate Services and Policy, setting out proposals to dispose of council owned land for affordable housing at Glossop Street, Elton Road and Cotton Lane, Osmaston and Grove Street, Normanton.

### **Options Considered**

The option to dispose of the Osmaston site at full market value was considered but rejected on the grounds that the Council's regeneration objectives and targets for affordable housing would not be met through this option.

The other options considered for the use of the Grove House site in Normanton were the retention of the building with changed use, and the disposal of the building and site on the open market. Consideration had been given to disposing of the site to a commercial company for the change of use of the building to managed workspace for business start-ups. While this could be a financially viable option in that it would achieve the same capital receipt as the recommended option, the main reasons against pursuing this option were potential parking and access problems, site security, and incompatibility with the Arboretum Park development. The option of selling the site on the open market was rejected because the capital receipt would not be any greater than the other two options and the Council would not have any

say in the use of the building, which could have led to uses which would not enhance the regeneration of the Normanton area.

### **Decision**

- 1 To note that both sites had been included in bids by housing associations to the Housing Corporation Approved Development Programme for Social Housing Grant for the development of affordable housing in 2004/05 and 2005/06.
- 2 To approve the sale of land at Glossop Street, Elton Road and Cotton Lane, Osmaston to Derwent Housing / Lovell Partnerships.
- 3 To authorise the Director of Corporate Services to finalise the sale of the site to Derwent Housing / Lovell Partnerships in accordance with the recommendations of the report, subject to clarification of possibility of including land at Glossop Street entrance to Crowshawe Street, and to apply to the Secretary of State for consent to the disposal.
- 4 To approve the disposal of the land at Grove Street, Normanton, comprising the site and buildings known as Grove House, to Tuntum Housing Association for the provision of affordable family housing.
- 5 To authorise the Director of Corporate Services to finalise the sale of the Grove House site to Tuntum Housing Association.

### **Reasons**

- 1 Bids from three interested parties to develop the Glossop Street site had been received following a tendering process. Only the bid from Derwent Housing Association / Lovell Partnerships fully met the requirements of the Development Brief.
- 2 If the Glossop Street site were to be sold at open market value, the Development Brief specifying social housing, low cost home ownership housing and public open space would not be achieved.
- 3 The disposal of the Grove House site to Tuntum Housing Association at open market value would help meet the need for affordable large family houses in the Normanton area, and the need for housing for people from black and minority ethnic – BME – communities.
- 4 The bid deadline for the Housing Corporation Approved Development Programme was 5 December 2003. The bidding round was for two years, so any developments not included in the bid would not be able to access Social Housing Grant for 2004/05 or 2005/06. The sites in the report had been included as they were likely to be prioritised by the Housing Corporation as meeting regeneration, as well as housing, objectives.

## Budget and Policy Framework

### 237/03 Derby and Derbyshire Waste Local Plan - Revised Deposit Edition

The Council Cabinet considered a report from the Director of Development and Cultural Services, setting out proposals not to make any changes to the Derby and Derbyshire Waste Local Plan, Revised Deposit Edition. In May and July 2003 Council Cabinet Members from the City and County Councils approved the Revised Deposit of the Joint Waste Local Plan. Consultation on the document took place from August to October 2003.

The Council Cabinet was invited to consider the representations received in response to consultation on changes to the plan, and to consider if there were any further changes required.

Appendix 2 of the report set out the details of the consultation process on the Revised Deposit Plan and Appendix 3 provided a summary of the consultation representations with Officer responses, including in most cases an extract of the change to the Local Plan which had been objected to.

#### **Decision**

- 1 To approve the recommendations set out in the summaries and assessments document attached to the Report (Appendix 3) and, consequentially, not to make any changes to the Revised Deposit Edition of the Derby and Derbyshire Waste Local Plan.
- 2 To authorise the undertaking of the necessary formal procedures and arrangements in preparation for holding a Public Local Inquiry into unresolved objections to the Waste Local Plan.
- 3 To delegate to the Director of Development and Cultural Services in consultation with the Council Cabinet Member for Planning, Transportation and the Environment the authority to make decisions regarding any further proposed pre-inquiry changes which come about as a result of negotiations.
- 4 To seek the views of the Planning and Environment Overview and Scrutiny Commission on this report and, if the Commission expressed views, to reconsider these recommendations in light of them at the next suitable meeting of the Council Cabinet.

### 238/03 Local Government Revenue Funding 2004/05 – General Fund and Housing Revenue Settlement



The Council Cabinet considered a report from the Director of Finance, setting out guidance to Chief Officers for planning the 2004/05 general fund revenue budget and detailing significant improvements to the housing revenue account which were to be taken into account when planning the 2004/05 Housing Revenue Account budget.

### **Decision**

- 1 To agree to maintain the guidance to Chief Officers for planning the 2004/05 general fund revenue budget, and that this should determine the basis of the specific budget proposals to be issued for consultation.
- 2 To agree that the significant improvement in the financial outlook for the housing revenue account should be taken into account in planning the 2004/05 housing revenue account budget, within a context consistent with the Council's existing policies aimed at securing the longer term future of the Housing Revenue Account.

## **239/03 Council Tax Discounts on Unoccupied and Second Homes**

The Council Cabinet considered a joint report from the Directors of Finance, Policy and Corporate Services, setting out proposals to change Council Tax charges on unoccupied and second Homes. The Local Government Act 2003 allowed the Secretary of State to make regulations giving local authorities discretion to reduce the amount of discount granted on empty homes and second homes from 2004/05. Draft regulations had been issued for consultation and the recommendations in the report were based on the draft proposals.

### **Decision**

- 1 To approve changes to Council Tax charges on unoccupied dwellings and substantially unfurnished empty domestic properties from the financial year 2004/05, so that the current discount granted to the liable person after the property has stood empty for more than 6 months is reduced from 50% to 10%.
- 2 To agree that the Director of Finance be authorised to reduce liability by up to 100% where satisfied that the liable person of any empty domestic property had made their best efforts to sell or let the property and to levy the 90% Council Tax charge would cause financial hardship to the liable person.
- 3 To approve changes to Council Tax charges on furnished properties which were not the sole or main residence of an individual from financial year 2004/05 such that the current discount granted to the liable person was reduced from 50% to 10% to the extent permitted by the proposed Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003.

- 4 To agree that there should be no locally defined discounts or exemptions in 2004/5, other than the relief of financial hardship in relation to empty domestic property.
- 5 To refer this report and the Council Cabinet decisions to the Scrutiny Management Commission for consideration on 6 January 2004. Final recommendations would be considered by full Council on 28 January 2004.

## 240/03 Timing Of Future Rent Rises

The Council Cabinet considered a joint report from the Directors of Finance and Policy, setting out proposals to change the date of future Council Rent rises to April.

This change would simplify explanations and calculations of rent increases in the future, and there would be an opportunity to make financial savings on postage and stationery within the Housing Benefits Service by eliminating the need to send out amended benefit entitlement notifications in October of each year to over 9,000 council tenants. The percentage increase in rents in April 2005 would be approximately half the size of an increase in September 2005, although the total rent to be paid by tenants in 2005/6 would be unchanged. Tenants would get both a lower rise and a consistent financial position for the whole year, in contrast to the current position in which tenants receiving benefits saw changes in both April and October.

For adequate consultation to take place with the Derby Homes Board and tenants, it was considered that the change should be agreed in principle now for April 2005. The Chief Executive of Derby Homes believed that there was a danger that the required timetable to implement this change by April 2004 might lead to a perception that any consultation was not meaningful.

### **Decision**

- 1 To agree to change the date of future Council Rent rises to April, with effect from April 2005, subject to the outcome of continued consultation with tenants and Derby Homes.
- 2 To agree that rent increases in subsequent years should also take place at the beginning of April.

At this point Councillor Burgess left the meeting and Councillor P Hickson took the Chair.

# Performance Monitoring

## 241/03 Report of the Ombudsman

The Council Cabinet considered a report from the Director of Corporate Services, setting out details of a report from the Local Government Ombudsman into a complaint by an individual whom the Ombudsman referred to as Mr Burns. The complaint concerned a planning application for a second floor extension, next door to Mr Burns' tenanted property, which was granted by the Council under Officers' delegated authority.

The Ombudsman report concluded that the Council had been guilty of maladministration causing injustice and recommended that the Council:

- should pay the complainant £250 for his time and trouble
- ensure that what the Ombudsman had identified as deficiencies in its administration were rectified
- compensate the Complainant in full for any loss of value to his property arising from the existence of the extension if or when it was built, or the granting of planning permission for the extension if Mr Burns sold his property before it was built.

While the Council accepted that there was a failure to notify Mr Burns' tenants of the planning application, the Ombudsman made two assumptions:

- that Mr Burns and at least two of his four tenants would have made objections to the planning application had they known about it
- that if the Planning Control had considered the application, it would have been refused.

These assumptions had been challenged by Officers but the Ombudsman had not been persuaded by the arguments.

### **Decision**

To recommend Council to:

- 1 agree to the payment of £250 to the complainant for time and trouble
- 2 ask the Director of Development and Cultural Services to rectify deficiencies in the administration of the planning process
- 3 agree to consider the question of compensating the complainant for any loss of value to his property related to the extension only after its construction.

## 242/03 Benefits Service – Performance Monitoring Position Statement at 30 November 2003

The Council Cabinet considered a report from the Director of Finance, setting out progress made in the Revenue and Benefits Service

### **Decision**

- 1 To thank the Benefits Service staff for their efforts in reducing the backlog of work.
- 2 To note the progress made in the Revenues and Benefits Service where the workload position was under control.
- 3 To agree to receiving annual out-turn reports in future to monitor progress in line with the Council's Service Improvement Strategy objective to be performing to a level where the Council compared with the best performing unitary and metropolitan authorities by 2005/06.

## 243/03 Performance Management Review – Second Quarter 2003/04

The Council Cabinet considered a report from the Director of Finance, setting out the performance of the Council against targets included in the 2003/04 Performance Plan

Performance management was a key responsibility of the Council Cabinet. Demonstrating effective performance management was an important element in delivering good and improving services to the people of Derby and was featured in the Comprehensive Performance Assessment framework. The report highlighted performance achievements up to and including the second quarter of 2003/04, July to September, and areas for improvement

### **Decision**

- 1 To note the performance of the Council against the targets included in its 2003/04 Performance Plan.
- 2 To give particular attention to areas where performance is below target and the action being taken to address this, and to those areas where targets have been exceeded.

## 244/03 Social Services Inspectorate (SSI) Annual Review of Performance 2003

The Council Cabinet considered a report from the Director of Social Services, setting out the outcome of the SSI Annual Review of Performance 2002-2003 of Derby Social Services and the star ratings for Derby Social Services.

The 2002/03 star rating for Social Services was published on 13 November 2003. The Council retained its two star status. The judgement was that children's services were serving most people well with promising prospects and adult services were serving some people well with promising prospects.

### **Decision**

- 1 To recommend Council to note the SSI Annual Review of Social Services performance and the 2002/03 star ratings for Social Services.
- 2 To ask the Director of Social Services to report to Council Cabinet in six months to review how the areas for improvement in the report were being addressed.

## Contract and Finance Procedure Matters

### 245/03 Contract and Financial Procedure Matters

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

- Housing Revenue Account Monitoring Update
- Waiver of contract procedure rules
- Acceptance of a tender other than the lowest
- St Helen's House Furniture.

### **Decision**

- 1 To note the latest monitoring position and expected out-turn of the Housing Revenue Account, HRA, in 2003/4.
- 2 To approve replacement spending within the HRA, resulting from the effect of savings as a result of the Supporting People grant.
- 3 To approve the waiver of Contract Procedure Rule C15 and enter into a contract with Manchester Geomatics to carry out an address matching exercise.
- 4 To approve the acceptance of a tender other than the lowest from CACI-RISys for the purchase and implementation of the performance information system.

- 5 To agree to pay the costs of withdrawing four items of furniture from auction subject of the costs being recovered from public donors and the entering into of an appropriate agreement with Derby Heritage Centre for a short term loan of the furniture.

## 246/03 Exclusion of the press and public

To exclude the press and public from the meeting during discussion of the following item on the grounds that it involved 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 Decision

### 247/03 Property Disposals

The Council Cabinet considered a report from the Directors of Policy and Corporate Services, setting out details of land disposals considered at the meeting

#### **Decision**

To note the report.

MINUTES END