

Time began 6.00pm
Time ended 6.40pm

**COUNCIL CABINET
16 JANUARY 2007**

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

In Attendance Councillors Jones and Marshall

This record of decisions was published on 18 January 2007. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

164/06 Apologies

Apologies for absence were received from Councillor Latham.

165/06 Late Items Introduced by the Chair

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late items on the grounds that they could not wait until the next meeting.

- report on Street Lighting PFI
- report of Glossop Street

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

166/06 Identification of Urgent Items to which Call-In will not apply

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

170/06 and 186/06 Street Lighting PFI

The signing of the contracts needed to be accelerated.

It was reported that 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 reason outlined below:-

187/06 Glossop Street

To expedite legal proceedings without delay.

167/06 Declarations of Interest

Councillor Nath declared a personal interest in minute no 172/06 because he was a Council appointed nominee on Derby Citizens Advice Bureau, Derby Law Centre and Derbyshire Housing Aid, he was a worshipper at the Geeta Bhavan Hindu Temple and a member of the Indian Community Centre. Councillor Hussain declared a personal prejudicial interest in minute no 173/06.

168/06 Minutes of the previous meeting held on 19 December 2006

The minutes of the meeting held on 19 December 2006 were confirmed as a correct record and signed by the Chair.

Matters Referred to Council Cabinet

169/06 The Review of Self Assessment of Home Care Services

The Council Cabinet considered a report on the Review of Self Assessment of Home Care Services.

Decision

To note that there was no need to proceed further with this review.

Urgent Key Decision

170/06 Street Lighting PFI

The Council Cabinet considered a report on Street Lighting PFI which stated that confirmation of the energy costs and contract negotiations on the implications of the Changes to the British Standard (BS) for street lighting had meant that the scheme could be realised without making a further application for credits to the Department for Transport (DfT) above the level already requested in the submission to the DfT in July 2006.

Options Considered

None

Decision

1. To rescind the decision made by Council Cabinet on 28 November 2006 to submit an application for further PFI credits to the Department for Transport, to cover the costs of the revisions to the British Standard and the increased cost of undertaking the project.
2. To note that a further report will be submitted to Council Cabinet seeking approval to enter into the final contract after consideration of the Final Business Case.

Reasons

Everything possible should be done to ensure that the Council has an affordable scheme whilst doing whatever possible to minimise the risk of delays in signing of the contract.

In accordance with Procedure Rule A126, the Chair of the Environment Commission had agreed that this item could be considered as an urgent item not subject to call-in.

Key Decisions

171/06 Children's Social Care Voluntary and Community Sector Grant Funding for 2007/08

The Council Cabinet considered a report on Children's Social Care Voluntary and Community Sector Grant Funding for 2007/07. The report set out Children and Young People's social care grant funding, including joint funding with partner agencies, to be provided to Voluntary and Community Sector organisations in 2007/2008.

Options Considered

There were no other options considered.

Decision

1. To approve the proposed grant funding for Children and Young People's social care services, set out in Appendix 2 of the report, subject to the Council's final approved budget. These figures included a 2.5% inflationary increase for 2007/8.
2. To approve in principle an additional £2,000 recurrent grant funding for Children First, subject to receiving an equal contribution from Derby Primary Care Trust.
3. To approve the transfer of grant funding for Derwent Stepping Stones from the Community Grants Budget to Children and Young People's Services, to ensure that this funding agreement was managed by the most appropriate department.

Reasons

An inflationary increase of 2.5% was being recommended for all Council Voluntary Sector grant funding for 2007/8. The inflationary increase was considered necessary to ensure that services did not become unsustainable.

172/06 Community Grants Budget Voluntary and Community Sector Grant Funding for 2007/08

The Council Cabinet considered a report on Community Grants Budget Voluntary and Community Sector Grant Funding for 2007/08. The report set out Community Grants Budget grant funding to be provided to Voluntary and Community Sector organisations in 2007/2008.

Options Considered

There were no options considered.

Decision

1. To approve the proposed grant funding for the Community Grants Budget (CGB), set out in Appendix 2 of the report subject to the final decision on the revenue budget made by Council.
2. To approve a review of the CGB application and decision making process, to ensure maximum efficiency, effectiveness and transparency and to balance the need for sustainability with the need to meet strategic priorities. An analysis of the funding for luncheon club provision would need to form part of the review. Owing to the difficult financial position faced by the Council, further savings of at least £10,000 would need to be found during the course of 2007/8. This would be the subject of a subsequent report.
3. To approve the transfer of grant funding for Derwent Stepping Stones from the Community Grants Budget to Children and Young People's Services.
4. To confirm that, since Asian Over 60's had not met some of the key requirements of the Community Legal Service Quality Mark Standard following a recent audit, 6 month's notice would be given to the organisation to provide them with a final opportunity to comply with the standard and to implement improvements to financial procedures. If, after this time, these conditions of funding had still not been met, the grant funding for the advice service would come to an end.
5. To use in future years a matrix similar to that adopted by for Arts Grants to give a clear indication of performance against objectives.

Reasons

1. An inflationary increase of 2.5% was being recommended for all Council Voluntary Sector grant funding for 2007/8. This inflationary increase was necessary to ensure that services did not become unsustainable.
2. The Council restructuring and the mid-year decision to relocate the Community Grants Budget within Corporate and Adult Social Services, left insufficient time for the usual CGB application process. The recommendations contained in this report were therefore based on the results of monitoring and review processes, rather than an application process.
3. The recommendation to transfer the grant funding for Derwent Stepping Stones to Children and Young People's Services was to ensure that this funding agreement was managed within the most appropriate department.
4. Asian Over 60's was the only grant funded advice service which did not achieve the full Community Legal Service Quality Mark. The organisation was very late in securing a provisional Quality Mark, therefore its implementation of the standard was never audited by the Legal Services Commission. It was an established Council policy that meeting the Quality Mark Standard was a condition of grant funding for all organisations providing advice services and the organisation had had over 2 years since the provisional Quality Mark in which to implement the requirements. A six month notice period would provide the organisation with a final opportunity to comply with the Quality Mark Standard and other conditions of funding.

173/06 Adult Social Services Voluntary and Community Sector Grant Funding for 2007/08

The Council Cabinet considered a report on Adult Social Services Voluntary and Community Sector Grant Funding for 2007/08. The report set out Adult Social Services grant funding, including joint funding with partner agencies, to be provided to Voluntary and Community Sector organisations in 2007/2008.

Options Considered

There were no options considered.

Decision

1. To approve the proposed grant funding for Adult Social Services, set out in Appendix 2 of the report subject to the final decision on the revenue budget made by Council.

2. To receive a further report setting out proposals for improvements in the future process for commissioning VCS services jointly with our Health partners.
3. To use in future years a matrix similar to that adopted by for Arts Grants to give a clear indication of performance against objectives.

Reasons

An inflationary increase of 2.5% was being recommended for all Council Voluntary Sector grant funding for 2007/8. The Voluntary and Community Sector continued to provide both preventive and critical services to adults with social care needs, which complemented our direct service provision and filled gaps in statutory services. The inflationary increase was necessary to ensure that key preventive services did not become unsustainable, resulting in vulnerable adults losing their independence and having to rely upon more costly and intensive home care interventions.

(Having declared a personal prejudicial interest in the above item Councillor Hussain left the meeting during the consideration and voting thereon.)

174/06 Revised Tree Management Tree Policy

The Council Cabinet considered a report on Revised Tree Management Tree Policy. In December 2004 the Planning and Environment Commission completed a review of the Council's Tree Management Policy. One of the recommendations was that the Council's Tree Policy leaflet should be redrafted to clearly explain the Council's responsibilities for its trees and the actions it would, and would not, take in response to requests for cosmetic tree work. It was decided to take the revised Policy back to the Commission when the existing supply of leaflets needed to be renewed. The revised Policy was taken to the Environment Commission on 27 November 2006 where it was supported.

Options Considered

There were no options considered.

Decision

To approve the revised Tree Management Policy.

Reasons

The revised Policy needed to be approved so that a new supply of Tree Management Policy leaflets could be produced.

175/06 Responding to Climate Change

The Council Cabinet considered a report on Responding to Climate Change. The phenomenon of climate change had become a mainstream political issue for nation states which had started to 'wake up' to the potential consequences that a changing climate could have on the overall social, economic and environmental stability of the planet. At a local level the Council had a major role to play in reducing the green house gas emissions from its own activities, educating and motivating local people about this issue and setting an example for other organisations to follow. It had acknowledged its responsibilities in this area through its revised Environmental Policy and by signing the Derby Declaration on Climate Change – see Appendix 2. To further demonstrate its commitment a petition had recently been signed from the Derby Campaign Against Climate Change group committing the authority to reduce its carbon emissions by 25% over the next 5 years. In order to meet this challenging target the production of a corporate climate change action programme was required adopting the rigours of a project management methodology. This would help break down this enormous project into a series of manageable steps leading to carbon reduction measure that could be accurately assessed and costed.

Options Considered

The all encompassing, multifaceted nature of climate change lends itself to the development of a corporate climate change action programme to ensure that we build on the good work we are already doing in this area and look at all the councils activities in a logical and rigorous way. Adopting a piece meal approach to try and achieve the 25% target would run the danger of reinventing the wheel and potentially overlooking key areas where significant carbon reduction savings could be made with very little investment.

Decision

To approve the development of a corporate climate change action programme as outlined in section 1.13.

Reasons

The development of a corporate climate change action programme would ensure that the carbon emissions across all the Council's main activities were taken into account and rigorously assessed. The programme would also include a comprehensive package of support to help 'win the hearts and minds' of our 13,000 employees who all have a very important role to play in helping the council meet its 25% carbon reduction target. The development of the programme is also in keeping with the various commitments outlined in the Derby Declaration on Climate Change that was signed by the Council earlier this year.

In accordance with Procedure Rule AI26, the Chair of the Scrutiny Management Commission had been advised that this item would be

considered although not included in the Forward Plan.

176/06 Disposal of Land at Vicarage Road – Mickleover Ward

The Council Cabinet considered a report on Disposal of Land at Vicarage Road – Mickleover Ward. The report included the proposed terms for the disposal of land on Vicarage Road, Mickleover which was part of the site of the old Vicarage Road Children's home and situated opposite to the site which was currently being developed for the new Mickleover library. The proposed terms were set out in the confidential report.

Options Considered

All vacant property was reported to the Corporate Asset Management Group with all departments having the opportunity to submit proposals to reuse the property. In this case there was demand for just half the site for the library with the other half being declared surplus.

Decision

To authorise acceptance of the highest offer set out in the confidential report.

Reasons

The disposal of this surplus land would achieve a capital receipt that would contribute towards the costs of the development of a new library in Mickleover.

177/06 Disposal of Land at the Former Merrill College Site Jubilee Road – Chellaston Ward

The Council Cabinet considered a report on Disposal of Land at the Former Merrill College Site Jubilee Road – Chellaston Ward. The report included the proposed terms for the disposal of the former Merrill College Upper School site for residential development, sought approval to split of the capital receipt and approval to the subsequent purchase of part of the land by the Council for the Housing PFI scheme.

The proposed terms were set out in the confidential report.

Options Considered

The land was not required for the new school.

Decision

1. To note the proposal of the school governors to accept the highest offer as set out in the confidential report. Should the highest bidder fail to complete the sale within a reasonable time limit to accept an offer from the next highest bidder, subject to the minimum value not falling

below the threshold identified in Appendix 3 and failing that to remarket.

2. To authorise the subsequent acquisition of part of the land by the council from the Developer to provide the 24% affordable rented housing element of the development scheme through the Housing PFI scheme.

Reasons

To dispose of the surplus land for the school Governors and achieve an appropriate receipt part of which would be used to cover the cost of demolition, provide new facilities at Merrill College and the remainder to be split between other PFI schools, the Council and Merrill feeder schools as detailed in the confidential report.

Budget and Policy Framework

178/06 Statement of Community Involvement – Consideration of Inspector's Report and Adoption

The Council Cabinet considered a report on Statement of Community Involvement – Consideration of Inspector's Report and Adoption. The preparation of the Statement of Community Involvement (SCI) was a requirement of the Planning and Compulsory Purchase Act 2004 and formed part of Derby's Local Development Framework. The SCI sets out the Council's intentions for involving the local community in the preparation and review of development plans. It also indicated how the Council would consult on planning applications. The final version of the Statement of Community Involvement was the result of a number of stages of preparation. The comments received from the participants at the informal and formal consultation stages helped to shape the SCI document for Submission to the Secretary of State. The Council approved the draft SCI for Submission on 1 March 2006 and it was submitted to the Secretary of State in April 2006. The draft SCI was then examined by a Planning Inspector in October 2006. The Inspector has deemed the SCI "sound" subject to a few minor changes being made. Now that the Inspector's Report into the SCI had been received, Cabinet was being asked to formally adopt the SCI. The final version of the SCI and a copy of the binding Inspector's Report are contained in Appendices 2 and 3 were available on CMIS. The SCI was set to meet its target for adoption in January 2007 as established in the Council's Local Development Scheme. The adoption of the SCI would be advertised in the local press and copies would be made available to the public. The adopted SCI would play a key role in guiding consultations on future Local Development Documents.

Decision

To recommend Council

1. To note the contents of the binding Inspector's Report on the Statement of Community Involvement.
2. To resolve to adopt the amended Statement of Community Involvement and to authorise the Corporate Director, Regeneration and Community to make the necessary arrangements to comply with statutory procedures.

179/06 Council Tax Base 2007/08

The Council Cabinet considered a report on Council Tax Base 2007/08. The Council had to calculate the 'Council Tax Base' for 2007/08 as a means of raising council tax income from Derby council tax payers. The tax base was an estimated figure which equated to the effective number of domestic properties in terms of Band D in the Council's area during the year. It was used to translate total council tax income requirements in a headline charge for Band D. Charges for other bands were calculated as defined fractions of the headline charge. Due to the continued growth in the number of domestic properties the Council Tax Base could be increased from 68,966 to 69,560.06 Band D equivalent properties.

Decision

That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003 (SI 12003/3012), to approve the council tax base for the year 2007/08 as 69,560.06 band D equivalent properties in accordance with the methodology and estimates shown at appendices 2 and 3 and that Council be recommended to approve the calculation.

180/06 Housing Rents and Service Charges 2007/08

The Council Cabinet considered a report on Housing Rents and Service Charges 2007/08. The Government had set a policy to restructure social housing rents over the 10 year period 2002/03 to 2011/12. This involved moving rents incrementally towards a target so that at the end of the tenth year, council housing rents would have converged with those of other Registered Social Landlords – RSLs. 2007/08 was the sixth year of rent restructuring and included some revisions to Government policy on the process. These changes were introduced last year and required a change to the policy used by the Council in determining the rent increase for its tenants. In 2006/07 Cabinet approved a variation to the policy of setting rents to a capped 5% increase for the two years 2006/07 and 2007/08, in line with Government policy. The Government had also set a policy that Service Charges should increase by no more than RPI plus 0.5% in 2006/07 and subsequently. In November 2005 Cabinet approved a new policy for setting pitch fees at the Shelton Lock Mobile Homes Park, which would have meant phased real terms increases in the fees. However, new regulations came into effect on 1 October 2006 and effectively mean that pitch fees could only be

increased or decreased in accordance with the Retail Price Index, RPI, unless there were capital investments at the site.

Decision

1. To recommend that Council on 1 March approve the revision of rent and service charges from 2 April 2007 on the basis set out in the report including:
 - an average weekly rental increase of £2.53 or 5% calculated over 52 weeks
 - an average weekly increase of 4.1% on Service Charges, including furniture packs
 - an average weekly increase of 5% on Garage Rents.
2. To approve the proposed increase of 4.1% in pitch fees at Shelton Lock Mobile Homes Park, representing RPI for 15 months from the last increase in January 2006 from April 2007, or an equivalent increase from an anniversary date where the occupier does not agree to a fixed April date for increases:
 - small plot £11.24 - increase of £0.44 a week for 9 plots (previously £10.80 a week)
 - medium plot £14.05 - increase of £0.55 a week for 24 plots (previously £13.50 a week)
 - large plot £16.24 - increase of £0.64 a week for 5 plots (previously £15.60 a week).

181/06 Council Priorities and Draft Corporate Plan 2007/10

The Council Cabinet considered a report on Council Priorities and Draft Corporate Plan 2007/10. The purpose of the report was to present Members with a first draft of the Corporate Plan 2007-2010 and supporting action plan. The Corporate Plan described how the Council would deliver its priorities. Following consideration by Cabinet and Scrutiny Management Commission six priorities had been proposed, for 2007-2010, which were supported by 18 key outcomes. The increase in priorities, from four in the 2006-2009 Plan to six for 2007-2010, showed a slight change in focus for the Council. The inclusion of the priority 'leading Derby towards a better environment' set out the Council's commitment to tackling climate change and sustaining the area for future generations, whilst the introduction of the priority 'creating a 21 century city centre' strengthened the link between the Corporate Plan and the Community Strategy. To make sure that the priorities for 2007-2010 were clear, they had been revised using the principles of Plain English. The changes that had been made are detailed at Appendix 2.

Decision

1. To request Council to confirm the Council's priorities and key outcomes for 2007-2010, as set out in Appendix 3.
2. To note the contents of the draft Corporate Plan 2007-2010, including the changes that have been made to the structure and layout of the document.
3. To note the contents of the supporting action plan; which included information on how our priorities would be delivered.

Contract and Financial Procedure Matters

182/06 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on Contract and Financial Procedure Matters Report. The report dealt with the following items that required reporting to and approval by Council Cabinet under contract and financial procedure rules:

- proposed amendment to the Regeneration and Community capital programme for 2006/07 to allocate the £160,000 balance of the capital budget for car parks improvements to the Inner Ring Road Maintenance Scheme – IRRIMS.
- To recommend to Council that the prudential code limit on investments over one year be increased from £35m to £45m

Decision

1. To amend the approved capital programme 2006/07 to re-allocate £160,000 car parks improvements capital budget to the IRRIMS capital scheme.
2. To recommend to Council that the prudential code limit on investments over one year be increased from £35m to £45m.

183/06 Highways Maintenance Term Contract Renewal

The Council Cabinet considered a report on Highways Maintenance Term Contract Renewal. The existing Highways Maintenance Term Contract was due to terminate in August 2007. There were benefits to be gained by negotiating a new term contract, based on the concept of partnering. The recommended minimum duration for the new contract is five (5) years, with a three (3) year extension awarded annually and based on performance.

Decision

1. To prepare documents and seek bids for the renewal of the Highways Maintenance Term Contract based on the concepts of partnering for the period 2007 – 2012, with permitted extensions up to 2015.
2. To note the contents of the report and also note that a further report would be submitted to Cabinet seeking approval to enter into the Final Contract.

Exclusion of Press and Public

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

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

Key Decisions

184/06 Disposal of Land at Vicarage Road – Mickleover Ward

To consider exempt information in relation to land at Vicarage Road.

185/06 Disposal of Land at Former Merrill College Site Jubilee Road – Chellaston Ward

To consider exempt information in relation to land at Former Merrill College Site Jubilee Road.

186/06 Street Lighting PFI

To consider exempt information in relation to Street Lighting PFI.

187/06 Glossop Street

The Council Cabinet considered a report which set out the position reached against travellers occupying land at Glossop Street.

Options Considered

Not to change the approach adopted in the proceedings.

Decision

1. To authorise the current proceedings to be discontinued and undertake fresh consultation/enquiries of the travellers in accordance with Government guidance.
2. To authorise the Director of Corporate and Adult Social Services and Cabinet Member for Neighbourhood, Social Cohesion and Housing Strategy to consider the results of the consultations and enquiries before authorising new proceedings.

Reasons

To increase the likelihood of success in the legal proceedings.

In accordance with Procedure Rule AI26, the Chair of the Scrutiny Management Commission had agreed that this item could be considered as an urgent item not subject to call-in.

MINUTES END