

Time began: 4.00pm
Time ended: 4:43pm

COUNCIL CABINET

12 October 2022

Present Councillor Barker (Chair)
 Councillors Eyre, Hassall, J Pearce, Smale and Webb

In attendance Councillors AW Graves, Repton, and Skelton
 Alison Wynn – Assistant Director of Public Health (Corporate)
 Alison Parkin – Director of Financial Services
 Alex Hough – Head of Democracy
 Emily Feenan – Director of Legal, Procurement and
 Democratic Services
 Catherine Williams – Head of Regeneration and Major Projects
 Richard Martin – Assistant Director of Public Health - Head of
 Substance Misuse

This record of decisions was published on 13 October 2022. 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.

85/22 Apologies

Apologies for absence was received from Councillor Poulter, Councillor Williams, Councillor Shanker, Councillor Peatfield, Rachel North and Andy Smith.

86/22 Late Items

The Chair agreed to accept an addendum to item 10 - Compliance with Contract and Financial Procedure Rules.

87/22 Receipt of Petitions

There were no petitions.

88/22 Identification of Urgent Items to which Call In will not apply

There were no items.

89/22 Declarations of Interest

Councillor Webb declared an non-pecuniary interest in Item 08 - Establishment of a Joint Executive Committee with Derbyshire County Council for the Derby and Derbyshire Integrated Partnership.

90/22 Minutes of the meeting held on 14 September 2022

The minutes of the meeting held on 14 September 2022 were agreed as a correct record.

Matters Referred

91/22 Recommendations from the Executive Scrutiny Board

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Executive Scrutiny Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet.

Decision

To receive the report and to note that no recommendations had been put forward by the Executive Scrutiny Board.

Key Decisions

92/22 Establishment of a Joint Executive Committee with Derbyshire County Council for the Derby and Derbyshire Integrated Partnership

The Council Cabinet considered a report which stated that the Health and Care Act 2022 detailed the creation of Integrated Care Systems that placed several statutory requirements on the NHS and local government to promote improved partnership working.

Integrated Care Systems were intended to deliver against four aims:

- Improving outcomes in population health and healthcare
- Tackling inequalities in outcomes, experience and access
- Enhancing productivity and value for money
- Helping the NHS contribute to social and economic development

Integrated Care Systems were made up of two formal governance structures:

- Integrated Care Boards (ICBs) which brought the NHS together locally to improve population health and care. ICBs had inherited the commissioning functions of Clinical Commissioning Groups (CCGs).

- Integrated Care Partnerships (ICPs) were a broad alliance of organisations and representatives concerned with improving the care, health and wellbeing of the population, jointly convened by local authorities and the NHS.

The report sought approval to the establishment of a joint committee, to be known as an Integrated Care Partnership for Derby and Derbyshire. Appended to the report were draft terms of reference developed in conjunction with Derbyshire County Council for the joint committee.

The Executive Scrutiny Board noted the report.

Options considered

1. The establishment of the ICP was a legal requirement as described in the Health and Care Act 2022. Therefore, there were limited alternative options, but Council Cabinet could consider the following:
2. To establish a joint committee with revised membership different to that described in the terms of reference to deliver the statutory functions of the Integrated Care Partnership.
3. To establish a joint committee with different locally defined rules to reflect local priorities and governance. The ICP had been meeting in shadow format since February 2022 and had had Cabinet Member and senior officer engagement throughout this period and workstreams had sought to develop and define the proposed arrangements with a range of stakeholders.

Decision

1. To note the development of the Derby and Derbyshire Integrated Care System as part of national NHS reforms set out in the Health and Care Act 2022.
2. To agree the establishment of the ICP as a Joint Committee of Derby City Council, Derbyshire County Council and NHS Derby and Derbyshire Integrated Care Board.
3. To approve the terms of reference for the ICP and to agree member and officer representation from Derby City Council as detailed at Appendix 1 of the report.
4. To agree that the ICP would be hosted by Derby City Council and to note that the ICP would inherit the procedure rules of the host authority, unless specified otherwise within the agreed terms of reference.
5. To note that the ICP would be subject to the health scrutiny arrangements of Derby City and Derbyshire County Councils.

6. To note that Council approved revised terms of reference for the Health and Wellbeing Board on 21 September 2022, to reflect its role within the Derby and Derbyshire Integrated Care System.
7. To request that the Director of Legal, Procurement and Democratic Services make consequential amendments to the Council Constitution under existing delegated powers.

Reasons

1. To ensure the Council meets its duty under the Health and Care Act 2022 to establish the joint arrangements necessary to formally establish the local ICP.
2. To establish robust governance arrangements for the ICP and to ensure relevant partners could fully participate in the work of the joint committee.
3. Derby City Council had agreed in principle to act as the host authority for the Joint Committee. A financial contribution had been determined, payable by Derbyshire County Council and the ICB, to cover officer time and other overheads likely to be incurred.
4. In accordance with the Local Government Act 2000, the ICP was to be established as a joint committee of the executive and would discharge executive functions, as detailed within its terms of reference. Therefore, the joint committee would be subject to each constituent council's established scrutiny arrangements.

93/22 Castleward Urban Village Acquisitions and Funding Agreements Update

The Council Cabinet considered a report which outlined changes to the funding arrangements for acquiring land and property interests required for the next phase of housing development at Castleward Urban Village (CUV) and sought approval to increase the Council's financial contribution to the scheme and the associated changes to the Capital Programme.

The report also sought approval to the serving of a notice under a General Vesting Declaration (GVD); being the compulsory purchase notices, to remaining property interests that needed to be acquired for the next phase of housing development at Castleward (Phase 4).

The report also sought approval to changes to the Compulsory Purchase Order Indemnity Agreement (CPOIA) and the Development Agreement (DA) between the Council and Compendium Living (CL) and delegate authority for the signing of this agreement.

The Executive Scrutiny Board noted the report.

Options Considered

The confidential version of this report explains the other options explored.

Decision

1. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Regeneration, Decarbonisation and Strategic Planning & Transport to negotiate and enter into a Deed of Variation (DoV) to the existing CPOIA with developer partner CL and a DoV to the overarching DA, in advance of giving notice of compulsory purchase. The headline terms of these changes are outlined in paragraphs 4.9 – 4.13 of the report.
2. Subject to completion of the necessary Deeds of Variation and CL Board approval; to approve the acquisition by compulsory purchase of remaining property interests required for the next development Phase 4 of the CUV regeneration programme.
3. To approve an increase to the Castleward Compulsory Purchase Order (CPO) capital budget by £0.330m (funded from capital reserves in the first instance) and update the capital programme accordingly.
4. To delegate authority to the Strategic Director of Corporate Resources to approve the capital budget transfers and replenish the temporary funding from capital reserves to the value of £0.330m and also action any associated funding switches required, at 2022/23 capital outturn.

Reasons

1. To implement use of CPO powers that were obtained in April 2021 and ensure continued delivery of the CUV regeneration programme. Compulsory acquisition would be served through the formal procedure known as General Vesting Declaration (GVD) with sufficient notice to achieve vacant possession of the site as required by the developer partner for Phase 4. This phase created a further 112 homes including 34 affordable homes.
2. The forecast costs for the acquisition of land and interests required for the next phase of housing development had increased, as explained in paragraph 4.7 of the report. In order to proceed with the GVD, the Council and CL had agreed in principle to revised cost underwriting arrangements by the developer, and an increased contribution from the Council's existing budgets to address this forecast cost increase, subject to necessary approvals as required by Financial Procedure Rules.
3. A key component to the recovery and regeneration of the city centre was the creation of further residential space and an increase in city living. Continuing delivery of the CUV regeneration programme would contribute towards this objective.

4. The changes to the budget and funding on the Council's Capital Programme required approval by Council Cabinet to comply with the Council's Contract and Financial Procedure Rules.

Contract and Financial Procedure Matters

94/22 Compliance with Contract and Financial Procedure Rules

The Council Cabinet considered a report and an addendum which dealt with the following items which required reporting to and approval by Council Cabinet under the Contract and Financial Procedure Rules.

- Addition of Chaddesden Wood Local Nature Reserve (LNR) scheme to the capital programme and associated funding and profiling.
- Contract Waiver to Making Space for support for Dementia.
- Bid for and accept funding of Section 31 revenue grant of £0.638m from Office of Health Inequalities and Disparities for Rough Sleeping Drug and Alcohol Treatment.
- Award the Office of the Rough Sleeping Drug and Alcohol Treatment grant to Derby City Mission.
- Household Support Fund - acceptance of funding of £2.224m (subject to final confirmation) and allocation as appropriate.
- Department for Education Funding – Short Breaks Innovation Fund. To seeks approval to submit a joint bid with Derbyshire County Council of between £0.5 - £1m for an innovative project to address gaps in current Short Breaks services for Children and Young People CYP) with SEND.

The Executive Scrutiny Board noted the report.

Decision

1. To approve the addition of the Chaddesden Wood Local Nature Reserve (LNR) capital scheme to the 2022/23 Capital Programme, the scheme would be profiled over ten years as outlined in section 4.1 of the report and as per the recommendation below.
2. To approve the use of £0.112m S106 funding in total (£0.012m funding per annum over a 10 year period) as outlined in section 4.1 of the report.
3. To approve the award of grant of £0.012m over a 10 year period totalling £0.112m to the Friends of Chaddesden Wood LNR, as outlined in section 4.1 of the report.

4. To approve a Cabinet Waiver to direct award a contract to Making Space for one year with an option for a further extension for a further year, for a contract value of £0.175m per annum (Total £0.350m), as outlined in section 4.2 of the report.
5. To approve a bid and accept funding for round two of a Section 31 revenue grant of £0.319m for 2022/23 and £0.319m for 2023/24 from Office of Health Inequalities and Disparities for the Rough Sleeping Drug and Alcohol Treatment grant as outlined in section 4.3 of the report.
6. To approve the award of the Rough Sleeping Drug and Alcohol Treatment grant, subject to the appropriate grant agreement to Derby City Mission for delivery of services as outlined in section 4.3 of the report.
7. To approve delegated authority to the Director of Public Health following consultation with the Strategic Director of People Services and the Cabinet Member for Adults, Health, and Housing and the Strategic Director of Corporate Resources, to accept round 2 grant funding and award the Rough Sleeping Drug and Alcohol Treatment grant to Derby City Mission – subject at acceptable terms, as outlined in section 4.3 of the report.
8. To note the acceptance of the 1 October 2022, award for 2022/23 Household Support Fund of circa £2.224m as outlined in section 4.4 of the report.
9. To approve delegated authority of the final details of a new Household Support Scheme due to start on 1 October 2022 to the Strategic Director of People Services and the Cabinet Member for Children, Young People and Skills, as outlined in section 4.4 of the report.
10. To approve the development and submission a bid for the DfE's Short Breaks Innovation Funding opportunity for Children and Young People with SEND.
11. If a bid is successful, and subject to acceptable grant conditions, delegate approval to accept the Department for Education Short Breaks Innovation Funding to the Strategic Director for People Service, following consultation with the Strategic Director of Resources and Cabinet Member for Children and Young People, to:
 - a) approve the Council entering into such contractual arrangements with the DfE as were necessary to secure the funding;
 - b) agree the terms for application of the funds to service providers whether directly or as part of a consortium with any or all of the project partners identified in paragraph 4.4 of the addendum report.

Other

95/22 Derby and Derbyshire Drug and Alcohol Strategic Partnership

The Council Cabinet considered a report which set out details of the government's New Drug Strategy – *Harm to Hope*, and the requirement to form a local dedicated Drug and Alcohol Strategic Partnership.

The report sought approval to enter into a county-wide strategic partnership to tackle drug and alcohol related harm.

The Executive Scrutiny Board noted the report.

Decision

1. To agree to enter into the Drug and Alcohol Strategic Partnership.
2. To delegate authority to the Strategic Director of People Services following consultation with the Cabinet Member for Adults, Health and Housing to finalise the terms of a partnership agreement with the County Council and other key stakeholder and to determine the Council's appointments to the partnership as appropriate.

96/22 Exclusion of Press and Public

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

Key Decisions

97/22 Castleward Urban Village Acquisitions and Funding Arrangements Update

The Council Cabinet considered exempt information in relation to Castleward Urban Village acquisitions and funding arrangements update.

The Executive Scrutiny Board noted the report.

Options considered

These were set out in paragraphs 6.1 to 6.4 of the report.

Decision

To approve the recommendations set it in paragraphs 2.1 to 2.4 of the report.

Reasons

These were set out in paragraphs 3.1 to 3.4 of the report.

MINUTES END