

Time began: 4.00pm  
Time ended: 5.09pm

## **COUNCIL CABINET**

### **9 September 2020**

Present	Councillor Poulter (Chair) Councillors Barker, M Holmes, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors Repton, Shanker and Skelton Paul Simpson – Chief Executive Andy Smith – Strategic Director of People Simon Riley – Strategic Director of Corporate Resources Emily Feenan – Director of Legal, Procurement and Democratic Services Clare Mehrbani – Head of Housing Management and Housing Options Matt Palmer – Head of Housing Options and Homelessness James Joyce – Social Housing Options Manager Ian Fullagar – Head of Strategic Housing Ruth Sadler– Communications Officer Connie Spencer - Youth Mayor Priya Gill - Deputy Youth Mayor

This record of decisions was published on 11 September 2020. 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.

### **27/20      Apologies**

An apology for absence was received from Councillor Smale.

### **28/20      Late Items**

There were no late items

### **29/20      Receipt of Petitions**

There were no petitions

### **30/20      Identification of Urgent Items to which Call In will not apply**

There were no items

## 31/20      Declarations of Interest

There were no declarations of Interest.

## 32/20      Minutes of the Meeting Held on 5 August 2020

The minutes of the meeting held on 5 August 2020 were agreed as a correct record.

## Matters Referred

### 33/20      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. These were submitted to Council Cabinet as Appendix 1, prior to commencement of the meeting.

#### **Decision**

To receive the report and consider the recommendations alongside the relevant report.

## Key Decisions

### 34/20      Adult Social Care 'Your Life Your Choice' Strategy

The Council Cabinet considered a report which stated that in October 2019, Council Cabinet agreed to engage in consultation to update the Adult Social Care "Your Life Your Choice" Strategy. The previous strategy was approved by Council Cabinet following a period of consultation and engagement, in April 2015.

Following consultation and an analysis of the feedback, a revised strategy for 2020 - 2025 had been produced to describe the key areas of focus for the Adult Social Care service in Derby over the coming years. If adopted, the strategy would be launched and communicated widely so that care providers, families, individuals and partners could understand how the Council would support them.

The consultation around the draft strategy was conducted before the start of the coronavirus pandemic and therefore did not focus on the areas that the Council will need to consider in relation to supporting individuals, families and care providers during the ongoing pandemic, and also in the recovery phase. The strategy objectives were focused on areas that would remain important for individuals into the future notwithstanding the impact of the pandemic. The specific actions for

Adult Social Care that arose from the pandemic would be considered as part of the overall Council and NHS response to restoration and recovery.

### **The Executive Scrutiny Board recommended to Council Cabinet**

- **that references to use of technology in the last bullet point on page 10 specifically included the use of assistant communication devices for which early research was indicating that it could reduce loneliness for some older people; and**
- **to agree that a further paper on Adult Social Care “Your Life Your Choice” Strategy be provided to the Adults and Health Scrutiny Review Board on the proposed plans for the delivery of this vision.**

### **Options Considered**

None had been considered. Whilst there was no statutory requirement to have a strategy, it was considered good practice to set out the key ambitions for Adult Social Care, being clear about the priorities for the coming years and explaining clearly how individuals could expect to be supported. A strategy provided a vehicle for engagement with local people and partners and operating within a more up to date strategic context improves transparency, accountability and communication with local people, partners and stakeholders. The previous strategy had come to the end of its natural lifespan and therefore needed refreshing based on current areas of focus.

### **Decision**

1. To approve the revised Your Life Your Choice Strategy for Adult Social Care in Derby.
2. **To accept the recommendations from the Executive Scrutiny Board**
  - **that references to use of technology in the last bullet point on page 10 specifically included the use of assistant communication devices for which early research was indicating that it could reduce loneliness for some older people; and**
  - **to agree that a further paper on Adult Social Care “Your Life Your Choice” Strategy be provided to the Adults and Health Scrutiny Review Board on the proposed plans for the delivery of this vision.**

### **Reasons**

Although there was no statutory requirement to publish a strategy for Adult Social Care, it was considered good practice set out the vision and approach that would be used to support vulnerable adults with needs that the Council has a duty to meet under the Care Act 2014. Keeping such a strategy updated and widely known about ensured that citizens, service users, families, partner agencies and care

providers were aware of the Council's approach and priorities over the coming years.

## 35/20      **Allocations Policy 2020 - 2025**

The Council Cabinet considered a report which stated that each local authority was required to have an allocations scheme for determining priorities for the allocation of social housing. The existing Allocations Policy, approved in March 2013, required formally updating to reflect subsequent legislative changes and to respond to local authorities current and emerging strategic priorities.

### **The Executive Scrutiny Board recommended to Council Cabinet**

- **that young people who were living in Derby under the care of another local authority should be given priority in terms of having a local connection as they leave care;**
- **that the policy clarifies the difference between someone sharing facilities within a recognised house in multiple occupation and someone staying with friends on an ad hoc basis when assessing them for a priority need band; and**
- **that the policy clarifies whether Age is or is not a fairness factor.**

### **Options Considered**

1. The local authority was required to have an allocations scheme. The current scheme was outdated and needed updating.
2. The local authority could choose to retain the existing two bands for rehousing; emergency and general needs. This would continue to meet the statutory requirements but would not offer greater opportunity to target the use of social housing to those where the current and emerging need is greatest.

### **Decision**

1. To approve the draft Allocations Policy 2020-2025.
2. **To accept subject to seeking legal clarification the following recommendations from Executive Scrutiny Board**
  - **that young people who were living in Derby under the care of another local authority should be given priority in terms of having a local connection as they leave care;**
  - **that the policy clarifies the difference between someone sharing facilities within a recognised house in multiple occupation and**

**someone staying with friends on an ad hoc basis when assessing them for a priority need band; and**

- **that the policy clarifies whether Age is or is not a fairness factor.**

## **Reasons**

To ensure the local authority makes best use of available social housing.

## **36/20 Compulsory Purchase of Empty Homes**

The Council Cabinet considered a report which sought approval to initiate compulsory purchase proceedings in relation to 5 long-term vacant properties and 1 uncompleted new-build, where the owners had not sufficiently demonstrated that they would be occupied in the near future.

The Council's Empty Homes Strategy aimed to facilitate the renovation and re-occupation of vacant dwellings; thereby contributing towards meeting local housing demand. The actions would also help tackle any anti-social and environmental nuisance that neglected properties could present. The re-use of these homes would contribute towards the Council's New Homes Bonus income under the Government's current rules.

Where owners could not be traced or were unwilling/unable to bring the property into use, there was a compelling case in the public interest for the Council to take enforcement action to achieve the aims of the strategy.

Compulsory purchase could return problematic empty homes to useful housing stock.

The Executive Scrutiny Board noted the report and agreed that the empty homes team be thanked for the work that they are doing, and to expand this activity if possible.

## **Options considered**

1. Do nothing. This was not considered appropriate. The properties would remain a waste of potentially good housing and increasingly blight their respective neighbourhoods.
2. Enforced sale. There were currently no relevant financial charges registered against the properties that facilitate this option. Any debts owed in relation to these properties were still a personal debt and were not registered as a charge.
3. Empty Dwelling Management Orders. These involved the return of the properties to the original owner in the longer term. As the owners had failed to bring these empty homes into beneficial use a permanent change of ownership was considered to be most beneficial to the public interest.

4. Other enforcement powers. The local authority has powers to deal with structural danger, nuisance or other environmental problems. These alone were piecemeal and reactive in nature and did not provide a long-term strategic solution for these long term empty homes.

## **Decision**

1. To approve the making of Compulsory Purchase Orders under the Acquisition of Land Act 1981(pursuant to the power under section 17 of the Housing Act 1985) for the acquisition of the houses, together with the associated land, as identified in Appendix 1 of the report for the purposes of their renovation and reoccupation as housing accommodation.
2. To authorise the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Adults, Health and Housing, the Director of Legal, Procurement and Democratic Services and Monitoring Officer and the Director of Financial Services to:
  - take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders;
  - acquire the legal interests in the properties, whether by voluntary agreement or compulsorily using statutory powers set out in the preceding paragraph; dispose of the properties in accordance with the proposals set out in this report; apply financial procedure rules regarding acquisition and disposal of property;
  - suspend or abandon the compulsory purchase order proceedings, or withdraw an order, in relation to any particular property on being satisfied that the subject dwelling will be satisfactorily renovated and re-occupied voluntarily;
  - take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings;
  - take all other necessary action to give effect to these recommendations.

## **Reasons**

1. The properties identified in Appendix 1 (this exempt appendix appears later in the agenda) have been vacant for a number of years and all reasonable options open to the Council to encourage the respective owners to voluntarily bring them back into use have proven unproductive.
2. Restoring the houses to the useful housing stock would contribute to meeting the increasing housing needs in Derby.

3. The risk of common problems associated with empty buildings such as trespass, vandalism, fly tipping or anti-social activities would be reduced.

## Budget and Policy Framework

### 37/20      2020/21 Quarter 1 Financial Monitoring for General Fund, Capital Budgets, Dedicated Schools Grant, Collection Fund and Housing Revenue Account and Medium Term Financial Strategy and Plan Update

The Council Cabinet considered a report which summarised the Council's forecasted financial outturn position to 31 March 2021 based on the financial position as at 30 June 2020 and latest Medium-Term Financial Plan (MTFP) position and associated strategy.

#### Summary

- a) **Revenue budget:** The Council was currently forecasting an overspend of £8.330m against our base budget requirement of £238.292m

The Council's forecast overspend for 2020/21 was 3.5% of the current budget. Within this forecast was the expectation that £2.970m savings was delivered against a target of £4.746m included within the 2020/21 budget approved by Council in February 2020.

- b) **Capital budget:** Capital expenditure to date was £10.786m and our forecast was estimated at £176.610m against an approved capital budget of £183.663m.

- c) **Reserves:** The General Reserve balance remained at £10.933m and our Earmarked Reserves had a future years' forecast balance of £5.352m after taking account of the current forecast overspend of £8.33m. However, within the Earmarked Reserves future forecast was an over-commitment of £4.1m at 2023/24 against the budget risk reserve, primarily due to the current forecast outturn impacting on our previous forecasts. Given the Council was already forecasting a significant overspend so early in the financial year, then action needed to be taken to reduce this overspend where possible. An assessment of reserve commitments was also being undertaken.

- d) **Treasury Management:** Total debt was £447.843m and total investments were £106.875m compared to £447.967m and £76.873m as at 31 March 2020. No new long-term borrowing had been made or was anticipated to be made in the year. A large PWLB loan of £20m was due to be repaid in March 2021.

- e) **Dedicated Schools Grant (DSG):** The total grant of £253.297m had been allocated to schools and retained educational services. There was an overspend forecast on the High Needs Block of the DSG of £3.3m. DSG Reserve Balances were reported at £2.582m at the start of the financial year

therefore it was highly probable that the DSG would close in a deficit position. Actions Plans were being developed to try and mitigate this.

- f) **Collection Fund:** Council Tax billed for the 2020/21 financial year was £126.41m of which £32.984m or 26.05% has been collected. Business Rates billed for the 2020/21 financial year was £56.65m of which £15.89m or 27.75% had been collected.
- g) **Housing Revenue Account (HRA):** The full year forecast projects a planned use of the HRA reserve of £4.592m.
- h) **Performance on sundry debt collection:** As at 30 June we had billed £17.155m in Sundry Debts and we had collected 94.71%.
- i) **Covid forecast:** The current full year potential forecast pressure was £28.7m, this was excluding pressures on the collection fund and expenditure relating to specific grants received to support the market, such as Business grants, Test and Trace, Infection Control, Future High Street Fund and Hardship grants. To date we had received £17.3m in government funding of which £0.527m was used to fund pressures in 2019/20 leaving a balance of £16.8m .The £17.3m funding did not include any allocation for the income guarantee allocation as the Council were awaiting further guidance. There was a risk that the shortfall would need to be funded from reserves if no more Government funding was available. The current forecast pressure would require £11.9m reserves funding. This was expected to reduce following clarification of the Income guarantee but could increase in the event of a second wave or localised lockdown.

Further analysis and explanations of key variances were provided in section 4 of the report.

A summary of the net revenue forecast by directorate was set out in the table 1 of the report.

An update of the latest Medium-Term Financial Strategy and Plan and National and local funding considerations as set out in section 4.10 of the report.

**The Executive Scrutiny Board recommend to Council Cabinet that if lower waste levels mentioned in 4.2.25 reflects higher recycling performance, and noting the recent addition of aluminium foil and food trays to the blue bin collections, the Council uses these to encourage further recycling by citizens across the city.**

## **Decision**

### **1. To note:**

- a) The revenue projected outturn and key budget variances set out in the report in section 4.2 and the savings to be delivered in the year in section 4.3 of the report.



- b) The current forecast Covid Pressures as set out in appendix 2 of the report.
- c) The capital programme forecast, and actual capital expenditure incurred during the quarter summarised in section 4.4 of the report.
- d) The changes already approved under scheme of delegation to the capital programme detailed in Appendix 3 of the report.
- e) The Council's reserves position, as set out in section 4.5 and Appendix 1 of the report.
- f) The Council's treasury position and performance in the quarter, as set out in section 4.6 of the report.
- g) The forecast Dedicated Schools Grant position summarised in section 4.7 of the report.
- h) The Council Tax and Business Rates Collection Performance as set out in section 4.8 of the report.
- i) The Housing Revenue Account Performance and projected outturn as set out in section 4.9 of the report.
- j) The latest MTFS and Plan outlined in section 4.10 of the report.

2. To approve:

- a) To approve changes to the 2020/21 - 2022/23 capital programme outlined in section 4.4 and detailed in Appendix 4 of the report.
- b) To approve the creation of a revenue reserve for £2m for the City Growth fund and that delegated approval be given to the Director of Finance to utilise this reserve in line with its intended use as appropriate.

3. To accept the recommendation from the Executive Scrutiny Board.

- **that if lower waste levels mentioned in paragraph 4.2.25 of the report reflects higher recycling performance and noting the recent addition of aluminium foil and food trays to the blue bin collections, the Council uses these to encourage further recycling by citizens across the city.**

38/20      Exclusion of the 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

### 39/20      Compulsory Purchase of Empty Homes

The Council Cabinet considered exempt information in relation to the compulsory purchase of empty homes.

The Executive Scrutiny Board resolved to note the report.

**MINUTES END**