

Time began: 4.00pm
Time ended: 6.24pm

COUNCIL CABINET

8 September 2021

Present	Councillor M Holmes (Chair) Councillors Barker, McCristal, Pearce, Poulter, Roulstone and Williams
In attendance	Councillors AW Graves, Martin, 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 Heather Greenan – Director of Policy and Insight Pauline Anderson – Director of Learning, Inclusion and Skills Ian Fullagar – Head of Strategic Housing Karen Brierley – Principal Housing Development Manager Nigel Brien – Head of Traffic and Transport Kara MacFadyen – Communications Officer

This record of decisions was published on 10 September 2021. 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.

50/21 Apologies

Apologies for absence were received from Councillors Smale and Webb and Connie Spencer – Youth Mayor.

51/21 Late Items

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late item on the grounds that it should be considered as a matter of urgency

- **Acquisition of a Property for Child X**

The report relates to the purchase of a property from the open market to be adapted for a specific family. We have been looking for a property for a number of years now and this is the first really good option that we've come across because the criteria we need to meet is so extensive. There was a lot of demand for the property and we need to ensure we secure the property as a matter of urgency.

52/21 Receipt of Petitions

There were no petitions

53/21 Identification of Urgent Items to which Call In will not apply

The following item needed to be implemented immediately and therefore had been exempted from call-in on the grounds of urgency.

Item 11 – Mobility Information System Research and Development
(Minute no 60/21)

The Chair of the Executive Scrutiny Board had agreed that the matter could be treated as an urgent item and therefore not subject to call-in.

54/21 Declarations of Interest

There were no declarations of interest.

55/21 Minutes of the meeting held on 4 August 2021

The minutes of the meeting held on 4 August 2021 were agreed as a correct record.

Matters Referred

56/21 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

57/21 Acquisition of a Property for Child X

The Council Cabinet considered a report which sought approval to purchase, refurbish and extend a property from the open market to be funded from the

Housing Revenue Account (HRA) New Build and Acquisition capital budget and part funded by Right to Buy receipts (RtB).

The property would be directly matched to an identified family with a child with very complex needs who were currently inadequately housed.

This property would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation

The Executive Scrutiny Board noted the report.

Options Considered

To do nothing. If the inadequate housing was not addressed then, in the medium to long term, Child X would require residential care throughout the rest of his childhood and into adulthood. The cost of this provision would need to be met by the Council which would be an extensive financial commitment. This option had been discounted.

Decision

1. To approve the acquisition of an identified property.
2. To approve the subsequent refurbishment and extension of the property.
3. To approve that the cost of the purchase, all fees, refurbishment and extension are met from the HRA New Build and Acquisition budget.
4. To approve the incorporation of the property into the Council's affordable housing portfolio to be managed by Derby Homes.
5. To approve the direct match to an identified family with a child with very complex needs who were currently inadequately housed.
6. To approve the property designation as specialist housing in perpetuity exempting it from the Right to Buy.

Reasons

1. To provide an affordable home to meet the needs of an identified family in housing need.
2. To adapt the property to suit the needs of a disabled child with very complex needs.
3. To use an existing budget for the delivery of the property.
4. To ensure the property provides appropriate, affordable accommodation to meet the needs of the identified family.

5. To ensure the property was matched to the family identified in housing need.
6. To ensure the financial investment in the property allowed it to be used as specialist housing in perpetuity in accordance with Paragraph 7, Schedule 5 of the Housing Act 1985.

58/21 Special Educational Needs & Disability (SEND) 'Living My Best Life', Capital Programme in Derby

The Council Cabinet considered a report which stated that the Council and Local Area had a Special Educational Needs and Disabilities (SEND) Strategy and Vision 'Living My Best Life'. Through co-production with our partners, we were improving the lives of children and young people (CYP), 0-25 and their families. The strategy and vision were previously approved by Council Cabinet in November 2020.

In Derby we strongly believed in an inclusive approach and were investing in the Graduated Response in schools and improving SEND services. Following very careful consideration and initial consultation with parent representatives, SEND partners and headteachers, proposals had been developed to improve both mainstream and specialist provision for CYP with SEND.

The purpose of the report was to seek the approval of to consult on the proposals set out in the report. These proposals were directly informed by an initial call for views process carried out across the local area on the SEND Capital Programme in December 2020. The findings were reported to SEND Governance meetings and Children and Young People Scrutiny Board in January 2021.

The outcomes of the call for views were:

- a) to strengthen the Graduated Response and support CYP earlier in their lives
- b) to Provide more Enhanced Resource Places in mainstream schools across the city
- c) to Provide more support for social, emotional, and mental health of CYP with SEND.
- d) to quality assure specialist provision both within and outside the city.

On this basis we wished to consult the local area on the proposals set out below. (See also Appendices 1- SEND Strategy and Vision, 2- SEND Co-production Charter, 3- Call for Views summary, 4- Map showing schools.) There were no proposals to reduce the overall levels of funding available for CYP with SEND. There was £8.882m of SEND Capital funding available as set out in paragraphs 7.1 to 7.2, of the report and subject to recommendation 2.3.

The key proposals were:

Secondary Provision

Improve secondary specialist provision at **St Clare's School** to provide a school that was fit for purpose and had the capacity to meet all curriculum needs both practical and academic. Expand the school by 14 places (from 146 to 160 places). Providing a broader curriculum and additional places would enable more CYP to remain in a Derby school to achieve good outcomes. The consultation would include a feasibility study for the St Clare's improvements which would enable informed decisions to be made about the funding available for all the options being proposed. If the cost of improving St Clare's required the whole of the capital available, then clearly it would not be possible to develop the proposed enhanced resource bases.

A smaller scale expansion of St Andrew's Specialist School was underway and was providing 16 additional secondary specialist places.

New Proposed Enhanced Resource Bases (See appendix 4- map of proposed schools) Subject to available funding once the St Clare's scheme has been agreed.

- a. Murray Park Community: 15 places for autism needs with Social Emotional and Mental Health (SEMH) support
- b. Landau Forte: 15 places for autism needs with SEMH support
- c. City of Derby Academy: 15 places for autism needs with SEMH support
- d. Chellaston Academy: 10 places for autism needs with SEMH support

Primary Provision

New Primary Inclusion Hub proposed at Cotton's Farm Primary School. This would support the graduated response and include more CYP with SEND in a supportive mainstream setting with a strong focus on early identification of need, skilled staff and high levels of adjustments to support CYP to 'Live their Best Life'.

The proposals also included a new quality assurance framework for existing enhanced resource units provided by the outstanding specialist teaching schools in Derby.

The Executive Scrutiny Board recommended to Council Cabinet

1. to include in the Consultation clear information on the numbers and types of educational needs and disabilities that are not currently being met in the city, based both on children sent to provision outside the city and those currently out of school, that these proposals are seeking to meet; and
2. that if the decision is to rebuild St Clare's School then it should be designed and constructed to be 'zero carbon' in operation, if practicable.

Options Considered

1. The previous SEND Capital consultation proposals were reconsidered with stakeholders and ruled out as preferred options.

2. The option of improving St Clare's without additional ER provision was considered but this would not support our work in strengthening the Graduated Response and creating a more inclusive mainstream system.

Decision

1. To approve a consultation on proposals outlined in the report to improve Derby's specialist provision for children and young people with Special Educational Needs and Disabilities.
2. To receive a further report in due course detailing the outcome of the consultation and final proposals for Council Cabinet to consider improving specialist provision in Derby.
3. To approve the amendment of the approved 2021/22-2023/24 capital programme to add an additional £1,565,260 in High Needs Provision Capital funding, following the announcement of confirmed allocations from the DfE, and to add this in 2023/24, as set out in paragraphs 7.1 to 7.2 of the report.
4. To accept the recommendations from Executive Scrutiny Board subject to the caveat on recommendation 2 that where we can and have the funding the measures will be included, if practicable but this could not be guaranteed.
 - to include in the Consultation clear information on the numbers and types of educational needs and disabilities that are not currently being met in the city, based both on children sent to provision outside the city and those currently out of school, that these proposals are seeking to meet; and
 - that if the decision is to rebuild St Clare's School then it should be designed and constructed to be 'zero carbon' in operation, if practicable.

Reasons

1. To improve provision of the full secondary phase curriculum at St Clare's School leading to better life chances and outcomes for CYP.
2. To provide more Enhanced Resource (ER), places for CYP who may need more support than in mainstream school but do not need to attend specialist schools. Schools have been chosen as potential sites for ERs because they have an inclusive ambition and do not require new buildings to be constructed. Respective Multi Academy Trust (MATs) and school leaders have given authority to proceed to consultation if approved by Council Cabinet.

3. To strengthen the Graduated Response in mainstream schools through the first Inclusion Hub in Derby leading to improved outcomes for CYP in this setting.
4. To support more young people to attend their local school rather than travelling away from their community to attend school.
5. In accordance with Financial Procedure Rules, additions to the Council's capital programme not provided for in the approved budget are required to be reported to Council Cabinet.

59/21 Private Sector Empty Homes Strategy 2021-2026

The Council Cabinet considered a report which sought approval for the adoption of the new Private Sector Empty Homes Strategy.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that the Empty Homes Policy should make clear that Council grants or loans would not routinely be provided to support the creation of more Houses in Multiple Occupation.

Options Considered

An option was to do nothing and allow the current strategy to expire, without replacement. This would however leave the Council without strategic direction for tackling empty homes and vulnerable to challenge when considering enforcement to bring empty homes into use.

Decision

1. To agree the adoption of the new Private Sector Empty Homes Strategy 2021-2026.
2. To refer the recommendation from Executive Scrutiny Board to the Regeneration and Housing Board for consideration.
 - that the Empty Homes Policy should make clear that Council grants or loans would not routinely be provided to support the creation of more Houses in Multiple Occupation.

Reasons

1. Derby's current Empty Homes Strategy required updating and refreshing. The draft new strategy sets out the Council's position from 2021 onwards. It provided the basis for action to bring empty homes up to a suitable standard and into beneficial use and/or tackle environmental and community issues associated with empty homes.
2. The strategy had been reviewed and updated to ensure it continued to contribute to the Housing focus within the Council Plan's Theme of a City of

Health and Happiness. This underpinned the Derby Recovery Plan 2021/22, which formed the Council's strategic response to tackling the impacts of Covid-19 upon the city. This included:

- a) The delivery of four key priorities to improve the housing offer for Derby.
- b) A new action plan, which would aim to respond to the four key priorities, which were:
 - Increase the number of empty homes brought into use.
 - Increase the number of empty homes that are used for affordable housing.
 - Ensure thermal efficiency is improved in empty homes brought into use.
 - Maximise income opportunities including debt recovery and funding opportunities that arise.

60/21 Compulsory Acquisition 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, 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 resolved to note the report.

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 local land charges registered against property 2 and the debt recovery process was at an early stage. Resolution to compulsory purchase provided an additional option, should the debt be repaid by the owner. There were currently no relevant financial charges

registered against the other properties that would facilitate this option.

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:
 - a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders;
 - b) 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 the report; apply financial procedure rules regarding acquisition and disposal of property;
 - c) 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;
 - d) take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings;
 - e) 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) had 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.

At this point Councillor Poulter took the Chair

61/21 Mobility Information System Research and Development

The Council Cabinet considered a report which sought approval to enter into the necessary agreements to trial a Mobility as a Service (MaaS) platform in Derby. This would be a restricted trial of a research and development project, targeted at the 2021 student intake and was being undertaken as part of the Future Transport Zone programme.

The Executive Scrutiny Board resolved to note the report.

Options Considered

1. MaaS was part of the Department for Transport approved programme for Future Transport Zone funding. If this were not to be taken forward, we would not be able to fulfil our element of the approved bid and the funding would need to be considered with Nottingham City Council as Accountable Body.
2. The other alternative was not to facilitate the proposed trial but work on the development of a whole city scheme. This was not considered appropriate at this stage as it would delay implementation for up to two years and Derby would not have the same unique innovation opportunities. It would also be a higher risk for the Council and the providers to launch a full scheme on a full city-wide scale, without having a trial and a period for further research and development to test and improve the product.

Decision

1. To approve entering into the necessary commercial contractual and data agreements with Kinto UK Limited (part of the Toyota Manufacturing UK Group) to facilitate the trial and development of a MaaS scheme over 18 months from September 2021.
2. To approve the delegation to sign said agreements to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport.

3. To approve the addition of the £635,000 scheme to the 2021/22 Highways & Transportation Capital Programme. The scheme was funded from and would be used in the implementation of the Future Transport Zone (FTZ) programme, which was a joint programme with Nottingham City Council. The scheme would fund the implementation of the platform including research and development, specialist support and contingency. The FTZ was overseen by the Mobility Programme Board and Joint Mobility Board with Nottingham City Council.

Reasons

1. MaaS was one of the 'live lab' test products to be delivered as part of the Future Transport Zone programme. The proposed trial would be targeted on the new intake of students at Derby University and Derby College, and for maximum impact it needed to be ready for the start of the new academic year in 2021.
2. The opportunity to deliver an ambitious and innovative trial was also the first major project to be developed in collaboration agreement with Toyota (via its Kinto UK Limited arm). Working with Toyota and specialist mobility partners this was an opportunity to implement a significant MaaS trial which should contribute to our mobility and decarbonization ambitions.

62/21 Decriminalisation of Moving Traffic Offences

The Council Cabinet considered a report which stated that The Department of Transport confirmed in June this year that Local Authorities could apply for powers to enforce moving traffic offences such as banned turns, box junctions and driving in formal cycle lanes. Local authorities were required to signal their intention to request powers and then follow a Government process to obtain the authorisation to implement schemes. The report sought approval to apply for the powers.

This amendment to regulations transferred enforcement responsibilities to local authorities for contraventions which were currently enforced by the Police. It was intended to allow local authorities to fulfil the statutory responsibilities and improve the management and safety of the road network, particularly in areas where enforcement by officers would be impractical. It was proposed to install civil enforcement cameras for the purpose of enforcing moving traffic contraventions in response to activation of regulations (under Part 6 the Traffic Management Act 2004) in specific sites initially.

The Executive Scrutiny Board resolved to note the report.

Options Considered

Acquiring the powers to enforce moving traffic offences would enhance local decision making and allow the Council and partners to more effectively use collective resources to tackle persistent areas of contravention. These powers

were being extended to all Local Authorities and their acquisition would be in line with the appropriate neighbouring Councils.

Decision

1. To approve an application to acquire the powers for the enforcement of moving traffic offences under Part 6 of the Traffic Management Act 2004 via:
 - an informal email notifying Government of our future intention to submit a formal letter by 15 September 2021.
 - a formal letter from the Chief Executive to request powers by the date above.
2. To approve the initial implementation method and locations.
3. To delegate authority on service standards and operational deployment of enforcement measures to the Director of Planning, Transport and Engineering, following consultation with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport.

Reasons

1. Moving Traffic Contraventions were proposed to be decriminalised in November 2021. At present the enforcement of restrictions was only carried out by the Police but transfer of the powers had been successfully implemented in London and Mayoral Combined Authorities. Government had signalled that Local authorities across the country would now be able to acquire these powers to enforce restrictions including, banned turns, one-way streets, some access restrictions, yellow box marking on junctions.
2. Within our local communities, the contravention of restrictions was regularly raised with local Councillors and at Neighbourhood Boards as road safety concerns. At present the only solutions were further physical measures to make prohibited movements more difficult, or short-term enforcement activity, which had resource and prioritisation implications for a busy police service.
3. Any deployment of powers would need to have robust justification. There were existing locations where there were concerns over contraventions and safety which could be considered. The evidence must be sufficient to justify camera enforcement as a proportionate approach. There would also need to be operational criteria for when cameras may be removed if driver behaviour is improved.

63/21 Contracting Arrangements for Children's Accommodation and Support for 16/17-year olds (Housing Framework)

The Council Cabinet considered a report which provided an update on the current and proposed commissioning arrangements for the provision of support and accommodation for young people aged 16/17 years old. A review and consultation had been undertaken regarding the current Derby City Council Supported Accommodation Dynamic Purchasing System (DPS), which was how these placements were mostly sourced at present. The outcome of the review proposed changes for Council Cabinet to consider and approve.

Support and accommodation for 16/17-year olds was primarily sourced at present through the Derby City Council Supported Accommodation DPS. Some services were also sourced through the Nottinghamshire County Council High Needs DPS for complex young people.

Derby City Council, Derbyshire County Council, Nottingham City Council and Nottinghamshire County Council (D2N2) have agreed to work collaboratively to commission a new suite of contracts to meet the requirements for local Supported Accommodation placements, led by Derby City Council. The report requested approval to proceed with:

- a procurement process to establish a new collaborative arrangement with neighbouring Local Authorities for Supported Accommodation placements,
- a procurement process to establish a new block contract for Derby City,
- termination of the existing Derby City Supported Accommodation Dynamic Purchasing System (currently contracted until March 2024), as it would be replaced by the D2N2 and block contract arrangements.

The Executive Scrutiny Board resolved to note the report.

Options Considered

1. Continued use of the Derby City Supported Accommodation DPS up to 2024. Whilst this could be done, it was acknowledged that although the current service was delivering local sufficiency, it was not delivering the desired consistent quality or tailored support at value for money.
2. Sole use of Nottinghamshire's High Needs DPS for all housing placements. This was not recommended as the DPS was being terminated by Nottinghamshire County Council in June 2022 and had a focus on more complex young people.

Decision

1. To approve the re-tendering of the existing services through a change of procurement method from a DPS to a Derby City Block Contract and a D2N2 Joint Contracting Arrangement.
2. To delegate approval to the Strategic Director of People Services to approve entering into contracts and/or agreements associated with the procurement of the Derby City Block Contract and a D2N2 Joint Contracting Arrangement.
3. To note the period of the Derby City Block Contract and D2N2 Joint Contracting Arrangement was for a maximum of 4 years, with a contract value of £1.5m per annum.

Reasons

1. The Supported Accommodation (DPS) was heavily utilised; semi-independent placements were required to ensure safe and sufficient provision for our vulnerable young people and to prevent the use of Bed and Breakfast provisions for 16/17 year olds. The Council has a statutory duty to Looked After Children as a corporate parent, and to children who were homeless, to provide sufficient local accommodation. There was a Sufficiency Duty as part of the Childrens Act 2004, and the Southwark Judgement. Supported Accommodation also reduced the risk for vulnerable young people being at risk of exploitation.
2. The current Derby City Supported Accommodation DPS was contracted from April 2020 until 2024. The Nottinghamshire High Needs DPS was contracted until June 2022. The proposal was to terminate both DPS' by June 2022.
3. This proposal followed an annual review and consultation exercise across D2N2 during May 2021 and June 2021. The need to terminate the DPS and retender these services had been driven in response to feedback from young people, social care, health and service providers, in a bid to better meet the current and emerging needs.
4. The advantages of a change in procurement and contracting arrangements include:
 - A smaller, collaborative arrangement to support the ability of Derby City Council to develop services that were more local, with a smaller number of providers, which was a key factor in ensuring best value for money, quality and sufficiency of local placements;
 - A joint procurement would allow access to the wider market, learning and best practise, sharing of resource and would enable the undertaking of larger procurements required to meet the needs of our young people, including a mix of accommodation and support types. Success of this approach had been evidenced through D2N2 external foster and residential contracts established February 2020.

Budget and Policy Framework

64/21 2021/22 Quarter 1 Financial Monitoring & Medium Term Financial Strategy Update

The Council Cabinet considered a report which summarised the Council's forecasted financial outturn position at 30 June 2021.

Summary

- a) Revenue budget:** The Council was currently forecasting a pressure of £11.683m against our base budget requirement of £255.973m. However, this was being mitigated by use of the Covid Reserve, Covid placeholder budgets and the Business Rates smoothing reserve to give a forecast out-turn pressure on the budget risk reserve of £6.412m.

Within this forecast was the expectation that £8.525m savings were delivered against a target of £9.654m included within the 2021/22 budget approved by Council in February.

- b) Capital budget:** Capital expenditure to date was £18.325m and our forecast was estimated at £179.916m against an approved capital budget of £252.748m.
- c) Reserves:** The General Reserve balance remained at £8.933m and our Earmarked Reserves including the budget risk reserve had a future years' forecast balance of £12.872 after taking account of the current forecast overspend of £6.412m. The Council would continue to seek to reduce the in-year overspend and would review the level and need for specific earmarked reserve levels as part of the budget process.
- d) Treasury Management:** Total debt was £422.95m and total investments were £53.157m compared to £433.076m and £37.159m as at 31st March 2021.
- e) Dedicated Schools Grant (DSG):** The total grant of £272.785m had been allocated to schools and retained educational services. There was an overspend forecast on the High Needs Block of the DSG of £3.8m.
- f) Collection Fund:** Council Tax billed for the 2021/22 financial year was £133.4m of which £36.645m or 27.41% had been collected. Business Rates billed for the 2021/22 financial year was £63.513m of which £17.656m or 27.58% had been collected.
- g) Housing Revenue Account (HRA):** The full year forecast projected a planned use of the HRA reserve of £2.769m.
- h) Performance on sundry debt collection:** As at 30th June 2021 the Council had billed £71.1m in Sundry Debts and we had collected 95.23%. This indicator is measured in a 12 month rolling cycle.

- i) **Covid forecast:** The current full year potential forecast pressure for both revenue and capital was £8.187m (see Appendix 3 of the report) after use of Covid reserves, HRA reserves, MTFP Covid placeholder pressures and additional NHS funding allocated to Covid this left a forecast shortfall of £1.1m (shortfall included in forecast outturn overspend detailed in section 6.4.2 of the report), if there were no further changes this shortfall would need to be funded from the budget risk reserve and was included as a commitment within the revenue forecast outturn position.

Further analysis and explanations of key variances were provided in section 4 of the report. A summary of the net revenue forecast by directorate and the 2021/22 revenue budget variance were set out in the table in paragraph 1.3 of the report.

Given the £11.68M budget overspend at the end of quarter 1 and the weakness of the budget reserves, the Executive Scrutiny Board resolved to recommend to Council Cabinet that rather than continue to draw on reserves or rely on uncertain Government supplementary funding, the Council Cabinet should work cross-party and with the city, early on in the civic year, to establish a sustainable budgeting framework going forward.

Decision

1. To note:

- a) The revenue projected outturn and key budget variances set out in section 4.1 of the report with a detailed analysis in Appendix 1 and the savings to be delivered in the year in section 4.2.
- b) The current forecast Covid spend and funding as set out section 4.3 and in Appendix 3 of the report.
- c) The Council's reserves position, as set out in section 4.4 and Appendix 2 of the report.
- d) The capital programme forecast, and actual capital expenditure incurred during the quarter summarised in section 4.5 of the report.
- e) The changes already approved under scheme of delegation to the capital programme detailed in Appendix 5 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 Medium Term Financial Strategy update as set out 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 6 of the report.
 - b) Writing off the business rates debt of £0.021m as uncollectable outlined in section 4.8.10 with details at Appendix 8 of the report. A confidential paper was on this agenda outlined further detail.
 - c) To approve the use of £0.759m from the Business Rates Smoothing reserve to partially offset the funding pressure detailed in section 4.1.24 of the report.
 - d) To approve the use of the Corporate Capital Contingency Reserve to create a Social Care Housing Fund Reserve as detailed in section 4.4.4 of the report.
3. To note the recommendation from Executive Scrutiny Board and keep the door open for discussion.

Contract and Financial Procedure Matters

65/21 Compliance with Contract and Financial Procedure Rules

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

- Derby Adult Learning Service - acceptance of funding of £0.750m from Futures Nottingham and approval for negotiations with Futures for the acceptance of the National Careers Service contract.
- Safety of Women at Night Fund - approval to bid for up to £0.300m to tackle violence against women.
- Derby Museum & Art Gallery – to note the Expression of Interest and approve the full application for funding bid to the Museum Estate Development (MEND) of £0.750m and approval for a budget re-allocation of £0.200m to enable the project to reach RIBA stage 3 design.
- Derby Football Hub project – approval of changes to the scope and delivery method for the Derby Football Hub project and use of the Capital Feasibility reserve of £0.041m.
- Leisure & Culture Marketing Team – approval of budget transfer from Communities and Place to Corporate Resources directorate of £0.315m for staffing and marketing budgets.
- Traffic Signals Maintenance Grant - approval to accept a Traffic Signals Maintenance Specific Grant award from the Department for Transport and to

add the grant to the Highways and Transportation Capital Programme based on the conditions of the grant.

It was reported that the following was no longer required:

- Safety of Women at Night Fund - approval to bid for up to £0.300m to tackle violence against women, this was being delivered by the Office of the Police and Crime Commissioner.

The Executive Scrutiny Board resolved to note the report.

Decision

1. To approve negotiations, with Futures as the main contractor and Derby City Council as the subcontractor, for funding through the National Careers Service (NCS) contract of £0.750m as outlined in section 4.1 of the report.
2. To approve the acceptance of £0.750m to deliver the NCS contract in Derby as a delivery partner for Futures and to delegate authority to negotiate terms for, accept and implement the proposals of the NCS Funding from Futures, to the Strategic Director for Peoples Services, following consultation with the Cabinet Member for Children, Young People and Skills as outlined in section 4.1 of the report.
3. To approve bidding for up to £0.300m from The Safety of Women at Night Fund as outlined in section 4.6 of the report.
4. To approve a full application for a bid for funding to the Museum Estate and Development (MEND) Fund for £0.750m to address the urgent works required to the Museum & Art Gallery to prevent the water ingress into the building and protect the Council's collections as outlined in section 4.15 of the report.
5. To approve an estimated high-level re-allocation of £0.200m to develop the MEND project to RIBA stage 3 design as outlined in section 4.15 of the report.
6. To approve the changes to the scope of the Derby Football Hubs project as outlined in section 4.26 of the report.
7. To approve the proposed phasing and cost to develop the Derby Football Hubs project and conduct a feasibility study up to and including RIBA stage 3 and planning, but not stage 4 at this point, funded through the existing Football Foundation grant and approved Capital Reserve allocation as outlined in section 4.25 of the report.
8. To approve an additional contribution of £0.041m to complete RIBA stage 4 of the Derby Footballs Hubs project from the Capital Feasibility Reserve as outlined in section 4.25 of the report.

9. To approve the permanent transfer of £0.315m for the Leisure & Culture staffing and marketing budget from the Communities and Place directorate to the Corporate Resources directorate as outlined in section 4.36 of the report.
10. To approve acceptance of £0.500m Traffic Signals Maintenance Specific Grant award from the Department for Transport for use as outlined in section 4.39 of the report.
11. To approve the addition of the £0.500m Traffic Signals Maintenance Grant award to the Highways and Transportation Capital Programme as outlined in section 4.39 of the report.

Performance

66/21 Performance Monitoring Quarter 1 – 2021/22

The Council Cabinet considered a report which stated that the Council's Recovery Plan for 2021/22 was approved by Council Cabinet in February 2021. The report presented a consolidated overview of performance in line with commitments made in the Recovery Plan, bringing together priority performance measures, projects and strategic risks.

A summary of key highlights covering the period of April 2021 to June 2021 (quarter one) could be found in paragraph 4.4, with details of key achievements presented within paragraph 4.7 of the report. Areas for further work were detailed within paragraphs 4.9 to 4.13 of the report, and a full overview of progress against the Recovery Plan was available in Appendix 1 to the report.

Based on the quarter one outturns, a proposed performance forward plan for Executive Scrutiny Board was presented at Appendix 2 of the report.

There were no areas identified for a Performance Surgery based on outturns at the end of June 2021, however there were three strategic risks that would be the subject of targeted reviews before the end of September 2021.

The Executive Scrutiny Board resolved to note the report.

Decision

1. To note the latest performance position, paying particular attention to the latest profile of our strategic risks and emerging priorities for improvement.
2. To note the draft areas identified for consideration by Executive Scrutiny Board, as part of their annual performance plan for 2021/22.
3. To note that there were no areas recommended for evaluation via a Performance Surgery based on the latest performance outcomes.

67/21 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

68/21 Compulsory Acquisition of Empty Homes

The Council Cabinet considered exempt information in relation to the Compulsory Purchase of Empty Homes.

The Executive Scrutiny Board noted the report.

69/21 Acquisition of a Property for Child X

The Council Cabinet considered a report which sought approval to purchase, refurbish and extend a property from the open market to be funded from the Housing Revenue Account (HRA) New Build and Acquisition capital budget and part funded by Right to Buy receipts (RtB).

The property would be directly matched to an identified family with a child with very complex needs who were currently inadequately housed.

This property would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation

The Executive Scrutiny Board noted the report.

Options Considered

To do nothing. If the inadequate housing was not addressed then, in the medium to long term, Child X would require residential care throughout the rest of his childhood and into adulthood. The cost of this provision would need to be met by the Council which would be an extensive financial commitment. This option had been discounted.

Decision

1. To approve the acquisition of an identified property as set out in paragraph 2.1 of the report.
2. To approve the subsequent refurbishment and extension of the property at the cost set out in paragraph 2.2 of the report.

3. To approve that the cost of the purchase, all fees, refurbishment and extension are met from the HRA New Build and Acquisition budget.
4. To approve the incorporation of the property into the Council's affordable housing portfolio to be managed by Derby Homes.
5. To approve the direct match to an identified family with a child with very complex needs who were currently inadequately housed.
6. To approve the property designation as specialist housing in perpetuity exempting it from the Right to Buy.

Reasons

1. To provide an affordable home to meet the needs of an identified family in housing need.
2. To adapt the property to suit the needs of a disabled child with very complex needs.
3. To use an existing budget for the delivery of the property.
4. To ensure the property provides appropriate, affordable accommodation to meet the needs of the identified family.
5. To ensure the property was matched to the family identified in housing need.
6. To ensure the financial investment in the property allowed it to be used as specialist housing in perpetuity in accordance with Paragraph 7, Schedule 5 of the Housing Act 1985.

Budget and Policy Framework

70/21 2021/22 Quarter 1 Financial Monitoring and Medium Term Financial Strategy Update

The Council Cabinet considered exempt information in relation to the 2021/22 Quarter 1 Financial Monitoring and Medium Term Financial Strategy Update.

The Executive Scrutiny Board noted the report.

MINUTES END