

Time began: 4.00pm
Time ended: 4.57pm

COUNCIL CABINET

13 March 2024

Present	Councillor Peatfield (Chair) Councillors Dhindsa, Hezelgrave, S Khan, Martin, Peatfield, Swan and Whitby
In attendance	Councillors Poulter, Prosser and Smale Sam Dennis – Acting Strategic Director of Place Emily Feenan - Director of Corporate Governance, Property and Procurement and Monitoring Officer Gurmail Nizzer – Director of Commissioning and Delivery Toni Nash – Head of Finance Elly Tomlinson – Group Accountant Verna Bayliss – Director of City Sustainability Tammy Whitaker – Director of City Growth and Vibrancy Charles Edwards – Director of Communities Simon Aitken – Head of Neighbourhood Services Muhammad Muntasir – Youth Mayor Vicki Bandom - Communications and Marketing

This record of decisions was published on 15 March 2024. 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.

148/23 Apologies

Apologies for absence were received from Councillor Shanker, Andy Smith
Strategic Director of People and Harman Kaur – Deputy Youth Mayor.

149/23 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

- **Food Waste – Weekly Collection Service**
To approve the ordering of food waste caddies and food waste service vehicles to secure production slots.

150/23 Receipt of Petitions

There were no petitions.

151/23 Identification of Urgent Items to which Call In will not apply

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

Item 02 – Late Item – Food Waste Weekly Collection Service (minute no 157/23)

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

152/23 Declarations of Interest

There were no declarations on interest.

153/23 Minutes of the meeting held on 14 February 2024

The minutes of the meeting held on 14 February 2024 were agreed as a correct record.

Matters Referred

154/23 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 consider the recommendations alongside the relevant report.

155/23 Recommendation from the Adults and Health Scrutiny Board

The Council Cabinet considered a recommendation from the Adults and Health Scrutiny Board – Dentistry Update minute no 20/23. The Board recommend that Council Cabinet fully supports the call for major reform and investment in Dentistry in this area and throughout the country. That Council Cabinet support the aspiration to achieve 700,000 more urgent appointments and that incentives are put in place for new dentists to work in areas with the greatest need. Council Cabinet support supervised toothbrushing in schools for three to five year-olds, targeted at

areas with the most childhood tooth decay. Council Cabinet support reform of the dental contract to rebuild the service in Derby and throughout the rest of the country so that NHS dentistry is available for all throughout Derby and the country.

The Executive Scrutiny Board resolved to ask the Adults and Health Scrutiny Board and the Health and Wellbeing Board to consider what further preventative initiatives the Council, and/or local NHS, might be able to do to reduce the prevalence of dental problems so that there are fewer acute problems to require dental attention.

Decision

To accept the recommendations from the Adults and Health Scrutiny Board and the Executive Scrutiny Board.

156/23 Recommendation from the Children, Young People and Skills Board

The Council Cabinet considered a recommendation from the Children, Young People and Skills Scrutiny Board – Youth Alliance Annual Evaluation 2022/23 minute no 35/23. The Board recommended

1. That Cabinet support the Youth Alliance with their mapping exercise and potential future workshops across agencies within the Council and beyond.
2. That the Youth Alliance Annual Evaluation 2022-23 be circulated to all Councillors so that they are aware of the provision available for children and young people in the city.
3. When funding opportunities are available Cabinet should consider a tender process for local service providers in the city before tendering to service providers outside of the city.

The Executive Scrutiny Board noted the recommendation from the Children, Young People and Skills Scrutiny Board.

Decision

To accept the recommendations from the Children, Young People and Skills Board.

Key Decisions

157/23 Food Waste – Weekly Collection Service

The Council Cabinet considered a report which stated that following several consultations on the 'Waste and Resources, a Strategy for England', changes in waste regulations were due to come into force over the next two years. These changes included a deposit return scheme, consistency of collections (termed as 'simpler recycling') and the provision of a free weekly food waste collection service.

Following several delays in the national launch, deadlines had now been set in the new regulations that require changes to be delivered at pace.

The aim of the strategy was to encourage recycling at the kerbside by making recycling simpler, with consistency in waste streams across all local authority areas, to use the 'Producer Pays' principle within waste legislation to encourage manufacturers to produce more easily recycled packaging and to contribute to the cost of dealing with waste.

To enable the commencement of a weekly food waste collection scheme in Derby by the deadline of 1 April 2026 a series of project actions and target dates had been identified and the report sought approval to progress the two most significant actions.

To add a scheme to the 2025/26 Vehicle Plant and Equipment capital programme and allow orders to be placed.

The Executive Scrutiny Board recommend to Council Cabinet that it writes to Defra to seek assurances that all capital and revenue costs will be met without shortfall.

Options considered

Operating the service within the indicative capital funding envelope provided by DEFRA would reduce the number of households receiving the weekly food waste collection meaning we would not be able to provide the service mandated by Government.

Decision

1. To approve a new scheme to be added to the capital programme of £2.057m to cover the purchase of food waste caddies and food waste service vehicles.
2. To approve the order of food waste caddies at a total capital cost of £0.634m to secure the production slots in line with project deadlines.
3. To approve the order of food waste service vehicles at a total capital cost of £1.423m.
4. To approve the order to secure the delivery of the caddies to individual properties when required at a revenue cost of £0.260m.
5. To accept the recommendation from the Executive Scrutiny Board to write to Defra to seek assurances that all capital and revenue costs will be met without shortfall

Reasons

1. National waste changes were being implemented at pace and the council needed to be well prepared to operationalise these changes at a time when all other councils would be seeking to do the same.
2. Officers had been working with suppliers to negotiate competitive prices and guaranteed production slots, but orders needed to be placed to secure these opportunities.
3. Some funding was provided from central government to initiate these changes but robust modelling in Derby had demonstrated a shortfall capital funding of £0.381m, the report sought to confirm agreed funding to bridge the shortfall and gain approval to secure production of the required bin caddies and vehicles to successfully deliver the council's new obligations.

158/23 Adult Social Care Fees and Charges 2024/25

The Council Cabinet considered a report which stated that under the Care Act 2014, Councils had a duty to ensure that there was a sustainable and affordable social care market locally. This included establishing fee levels that providers would expect to receive for commissioned care that was delivered to meet a person's needs. To ensure that the Council was aware of and taking account of the cost pressures affecting local providers of care, engagement and consultation with independent sector providers had been undertaken in recent months. This had been focused on those providers of care homes and home care operating "standard" care, as well as providers of supported living services. The report summarised the engagement findings, the reported cost pressures and feedback from providers.

The report set out details of the funding model itself and the proposed rates for 2024/25 for standard residential / nursing care, standard homecare and care at home services described as Supported Living.

The report also set out the proposed charges for Council-provided adult social care services for 2024/25, which formed the annual review referred to in the Council's Adult Social Care Charging Policy. It should be noted that the full cost of care was only paid by around a tenth of customers, the majority were subsidised following the outcome of a Financial Assessment.

The Executive Scrutiny Board noted the report.

Options considered

1. The Council could determine not to award any inflationary increase to the fees it pays for in-house and independent sector care. This was not being recommended as having a sustainable and viable social care market was vital to ensuring that the Council could discharge its statutory duties in relation to vulnerable adults.

2. The Council could decide not to increase the charges it levied for in-house and independent sector care. This was not being recommended as it would create an unmanageable pressure in the adult social care budget.
3. The Council could decide not to exercise the powers granted in the Care Act 2014 to levy administrative charges for certain activities. This was not being recommended as it would create an unmanageable pressure in the adult social care budget.

Decision

1. To approve a **7.8%** increase for standard residential care and nursing care weekly fee rates (net of the Registered Nursing Care contribution) from April 2024.
2. To approve a **7.1%** increase for Homecare service fees from April 2024.
3. To approve a **7.1%** increase on fees to providers of Supported Living services from April 2024.
4. To approve an increase in existing Direct Payments, where an inflationary uplift was requested and evidenced, of up to **7.1%**, which was identical to the proposed uplift for homecare/ care at home providers.
5. In relation to paragraph 2.4 of the report and the Direct Payment Information Pack (Nov 2023) – see Appendix 1 – to delegate authority to the Strategic Director of People Services, following consultation with the Cabinet Member for Integrated Health and Adult Care, to agree a process and associated criteria for increasing individual Direct Payments where a customer's provider had increased their care or support fee where the full award was not warranted.
6. To approve an increase to the charging rates for Council-provided services of **6.8%** in relation to administration and set up for Deferred Payment Agreements, Self-Funder Community Care Administration, and the Appointeeship Service.
7. The exceptions to paragraph 2.5 of the report were for Bonsall View which it was proposed charges would be increased by **7.8%** to match the standard residential care increase, for Carelink which it was proposed would be increased by **7.7%**, and for the Shared Lives Carer Service which it was proposed would be increased by **7.1%** to match the standard homecare increase from April 2024.
8. To approve that all the new rates would apply from the date of the rise in benefits for 2024/25, which was expected to be 8 April 2024.
9. To delegate authority to the Strategic Director of People Services, following consultation with the Cabinet Member for Integrated Health and Adult Care, to agree fee levels on an individual basis for complex customers placed with

specialist providers and subject to non-standard contracts, within the overall budget of Adult Social Care Services.

10. In relation to paragraph 2.9 of the report to delegate authority to the Strategic Director of People Services, following consultation with the Cabinet Member for Integrated Health and Adult Social Care, to agree terms for a process and associated criteria for fee increases requested by providers falling under paragraph 2.9 of the report where the full award was not warranted.

Reasons

1. The Council must publish its intended fees for care taking into account market conditions and cost pressures. The Care Act 2014 requires this as part of Council's "market shaping" duties which also requires Councils to hold sufficient intelligence about their local care market. General information and consultation feedback from independent sector care providers had therefore been gathered and analysed, largely focusing on specific inflationary and cost pressures affecting care businesses.
2. Maintaining income levels for Council-provided services was crucial to the management of the overall budget for the Council. This included considering whether care services that were directly provided need to have their charges reviewed in line with inflation.
3. The proposed start date for all 2024/25 fees and charges aligned with the date that the Department of Work and Pensions (DWP) benefit rates were expected to change.
4. Council Cabinet minutes of 15 March 2023 item 11 approved the inclusion of Supported Living within the future Adult and Social Care Fees and Charges processes for 2024/25 onwards, hence were incorporated into the report to streamline internal processes and to provide consistency across the social care markets.
5. Aside supported living, more specialist fee levels for people with more complex needs in residential and community settings did not fit into the usual standard fee frameworks. Instead, these were individually set and agreed with providers at the point at which a contract for care was entered into. These did not lend themselves to be considered for a standard approach given they were bespoke to each individual.

159/23 Proposal for Infinity Park Derby (IPD) to be part of a bid for an East Midlands County Combined Authority (EMCCA) Investment Zone (IZ)

The Council Cabinet considered a report which sought approval for Infinity Park Derby (IPD) to be part of a bid to Government for an East Midlands County Combined Authority (EMCCA) Investment Zone (IZ) and to be designated as an area for Business Rates Retention and Tax Incentives (paragraph 4.4 of the report).

The Executive Scrutiny Board recommend to Council Cabinet that manufacturing and high-tech industries be the aspiration for the IPD and to ask Council Cabinet and the EMCCA to ensure that full consideration is given to the impacts of businesses and staff relocating to Derby, including on housing and school place pressures, alongside the economic, skills and innovation benefits to the area.

Options considered

1. Do Nothing

If IPD was not part of the IZ, the existing EZ arrangements at IPD would continue. This could mean that economic growth at IPD would slow down, as Government had identified that green industries and advanced manufacturing were priority sectors for support, along with digital and technology, life sciences and creative industries, therefore funding and support should be targeted at those sectors.

If Derby along with the EMCCA area did not target support at those sectors, there was a risk that Derby and the EMCCA area would lag behind other regions of the UK.

2. Do the minimum

The Council could choose for IPD to benefit from only the flexible funding and not the tax incentives or Business Rates retention; however, as for the previous paragraph, without those benefits businesses might not locate to IPD.

Decision

1. To approve, in principle, the inclusion of Infinity Park Derby (IPD) as part of a bid for an East Midlands County Combined Authority (EMCCA) Investment Zone (IZ).
2. To delegate the finalisation of bid documentation to the Strategic Director of Communities and Place, following consultation with the Section 151 officer, the Cabinet Member for Strategy, Governance and Finance and the Cabinet Member for City Centre, Regeneration, Culture and Tourism.
3. To agree in principle for Infinity Park Derby (IPD) to be designated as a Business Rates Retention and Tax Incentives area in line with Government policy, subject to:
 - a) The Council being satisfied with the final terms of the Business Rates Retention Policy applicable to the East Midlands Investment Zone.
 - b) The Council being satisfied with the final terms of the Reinvestment Strategy developed by EMCCA to guide the reinvestment of the retained Business Rates within the East Midlands area.

- c) The Council being satisfied with the governance arrangements for the East Midlands Investment Zone, when finalised, and the Council's role within them
4. To note that subject to the IZ bid being successful, a report would be brought to Council Cabinet at a later date, once the full financial implications and operation of the Investment Zone were finalised, including business rates implications, the Memorandum of Understanding (MOU) that would be required for the sharing of future Business Rates growth with the Combined Authority, plus requests for additional delegated authority if required.
5. To note that, in order for IPD to be designated as a Business Rates Retention area, this would require Business Rates growth to be shared with the East Midlands County Combined Authority (see paragraph 4.8 of the report); this would require changes to Business Rates administration, which would be covered in the future report to Council Cabinet to include a recommendation to Full Council for approval.
6. To note the recommendation from the Executive Scrutiny Board.

Reasons

1. The submission of bids required Council Cabinet approval in line with the Council's Contract and Financial Procedure rules.
2. The finer details of the IZ were still to be finalised and the Council may not be satisfied with the final arrangements.
3. As Business Rates retention would be applicable to the IZ, changes to Business Rates administration were required in order to enable IPD to be included within the IZ, which would require Full Council approval.
4. The full financial implications of the IZ were unknown at this stage, although the benefits of the IZ were anticipated to be significant (see paragraph 4.4 of the report).

160/23 Infrastructure Programme Board Capital Programme 2024/25

The Council Cabinet considered a report which set out the proposed Infrastructure Programme Board Capital work programmes for 2024/25 for approval comprising:

- Highways and Transport (H&T) – £8.040m
- Vehicle Plant and Equipment (VPE) – £2.304m
- Flood Defence (FD) – £0.250m
- Parks and Open Spaces (P&OS) – £0.967m

The H&T programme supported the achievement of the goals of Derby's long-term plan, set out in our Local Transport Plan, LTP3. It responded to the nine challenges

in LTP3 but in particular – provided network efficiency, reduced unnecessary delays and facilitated economic activity. The H&T programme helped to keep the transport network moving efficiently and effectively. It should also be acknowledged that potential major investment schemes were also being identified for submission to the East Midlands County Combined Authority.

In the FD programme, funding was prioritised based on available funding and schemes which supported the Flood Risk Management Plan and the Environment Agency's Humber Flood Risk Management Plan.

In the VPE programme, funding was typically prioritised against a replacement criterion based on the expected life of the different types of vehicles and equipment arising from the statutory and operational demands of the service.

In the P&OS programme, funding was prioritised on availability of funds and associated conditions to improve infrastructure assets, allotments, parks buildings and community centres across parks and green spaces in the city.

The Executive Scrutiny Board resolved:

1. to agree that Council Cabinet agree that the Parks and Open Spaces funding will be allocated based on the condition of a park, its facilities/play equipment and a list of all proposed projects be relayed to councillors via locality meetings in due course alongside any report taken to overview and scrutiny;
2. to agree that Council Cabinet review the resources required to deliver parks improvements where funding has already been identified (for example S106) to ensure they are brought forward promptly; and
3. to acknowledge the current challenges in respect of the limitations in resources and the deliverability of the Local Transport Priorities but feels that neighbourhood and ward input to the program is invaluable in supporting the local community's needs. Will Cabinet give reassurance that Ward Councillors and localities teams will continue to be consulted on their LTP priorities, annually?

Options considered

1. The development of the H&T and FD programmes had involved the consideration of various schemes for inclusion. The draft programme was the best fit of the objectives of LTP3 and the Council's MTFP, with the level of budget available. The programme also contributed to our statutory functions.
2. The VPE programme had been developed in consideration against Council objectives, Streetpride service standards and statutory obligations. They offered the maximum value for money against available budgets.

3. The P&OS programme had been developed based on available funding and offered the maximum value for money against available budgets.

Decision

1. To approve the proposed H&T programme and the addition of new schemes to be added to the capital programme for 2024/25 as detailed in appendix 1a and s106 allocations in appendix 1b of the report.
2. To approve the proposed VPE programme and the addition of new schemes to be added to the capital programme for 2024/25, as shown in appendix 2 of the report.
3. To approve the proposed FD programme and the addition of new schemes to be added to the capital programme for 2024/25, as shown in appendix 3 of the report.
4. To approve the proposed P&OS programme and the addition of new schemes to be added to the capital programme for 2024/25 as shown in appendix 4a and s106 allocations in appendix 4b of the report.
5. To note the proposed changes to the Infrastructure Programme Board Capital Work programmes included in the report post the capital programme approved at February Council Cabinet detailed in appendix 5 of the report.
6. To note the continued delegated authority to the Director of City Sustainability and the Director of Communities, following consultation with the Cabinet Member for Climate Change, Transport and Sustainability, to respond to changing priorities throughout the year by introducing new schemes or bringing forward schemes to replace others, within the scope of the approved budget, and to respond to new opportunities and demands as a result of the East Midlands County Combined Authority, and available funding.
7. To note the recommendations from the Executive Scrutiny Board.

Reasons

1. Approval of the work programmes prior to the start of the financial year meant that schemes, projects and initiatives were delivered in the best possible way and achieve value for money.
2. In the interests of the effective management of the programmes, it was appropriate to maintain the delegated approvals as outlined in the Infrastructure Board Terms of Reference. Any revisions to the H&T programmes would still reflect the strategy of LTP3, whilst any changes to either the VPE, FD and P&OS programmes would continue to maintain the methodology of their original development.

Contract and Financial Procedure Matters

161/23 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.

- Addition of a new scheme to the 2023/24 & 2024/25 capital programme for the Safer Streets Phase 5 – SSR5, City Centre CCTV scheme.
- Acceptance of a grant from the Department for Levelling Up, Housing and Communities – DLUHC of up to £0.615m for Domestic Abuse and Safe Accommodation.
- A procurement exercise For Domestic Abuse and Safe Accommodation for up to a maximum of £2.4m equating to £0.600m a year, for a maximum of four years, subject to funding, to contract for providers, for victims of domestic abuse and their families in refuge and other safe accommodation.
- Bid for and acceptance of £0.348m of funding from National Trading Standards.

The Executive Scrutiny Board noted the report and welcomed the extra funding.

Options considered

1. **CCTV** - Do nothing. This option had been discounted. Whilst the city centre had an extensive CCTV network, there were still a number of 'blind spots' where crimes take place. The SSR5 funding provided an opportunity to enhance our CCTV capabilities, reassurance to the public and the gathering of quality evidence.
2. **Bid for funding – NTS-** Discontinue the matter and not progress the case to a prosecution.
3. **Bid for funding – NTS-** Derby City Council to consider funding or, part funding the case to conclusion.

Decision

1. To approve the addition of a new scheme for City Centre CCTV to the 2023/24 and 2024/25 capital programme of £0.135m, of which £0.084m was profiled in 2023/24 and £0.051m was profiled in 2024/25 as outlined in section 4.1 of the report.
2. To approve the acceptance of funding from DLUHC for Domestic Abuse and Safe Accommodation of £0.615m to commission support to victims of domestic abuse and their children in safe accommodation and to meet the administrative new burdens cost of delivering the functions under the duty as outlined in section 4.2 of the report.

3. To approve the procurement of services up to a maximum of £2.4m equating to £0.600m a year, for a maximum of four years, subject to funding, to contract providers for victims of domestic abuse and their children in safe accommodation as outlined in section 4.2 of the report.
4. To delegate authority to the Strategic Director of Communities and Place following consultation with the Section 151 Officer and the Cabinet Members for Communities & Streetpride, Housing, Property and Regulatory Services to authorise entering a contract for the provision of services to victims of domestic abuse and their children in safe accommodation as outlined in section 4.2 of the report.
5. To approve a bid to National Trading Standards for funding for the amount of £0.348m for the financial year 2024/25, to support the ongoing costs associated with bringing a complex fraud investigation before the courts as outlined in section 4.3 of the report.
6. To approve to accept funding for the amount of £0.348m, for the financial year 2024/25, should it be awarded by National Trading Standards.
7. To delegate authority to the Strategic Director of Place, following consultation with the Cabinet Member for Cabinet Member for Housing, Property and Regulatory Services, and the Director of Finance, following the grant award to apply the funds received in accordance with the grant terms.

Reasons

To comply with Contract and Financial Procedure Rules.

MINUTES END