

Time began: 6.00pm
Time ended: 6.50pm

COUNCIL CABINET

6 September 2017

Present	Councillor Rawson (Chair items 33/17 – 44/17) Councillor Banwait (Chair items 45/17 – 51/17) Councillors Afzal, Bolton, Hussain, Raju, Repton, Russell and Shanker
In attendance	Councillors Graves, Grimadell, M Holmes, Skelton and Smale Paul Robinson – Chief Executive Christine Durrant – Strategic Director Communities and Place Andy Smith – Strategic Director of People Janie Berry – Monitoring Officer Mark Taylor – Interim Director of Finance Mike Kay – Head of Environmental Health and Licensing Gordon Stirling – Director of Strategic Services and Organisational Development Peter Ireson – Head of Culture and Business Development Karen Brierley – Housing Development and PFI Team Leader Ruth Sadler – Communications Officer Kara MacFadyen – Communications Officer Tiny Simbani - Youth Mayor

This record of decisions was published on 8 September 2017. 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.

33/17 Apologies

There were no apologies for absence.

34/17 Late Items

The Chair reported that there was an additional confidential report setting out further details in relation to the Cattle and Wholesale Markets item with the contract and financial procedure matters report.

35/17 Receipt of Petitions

There were no petitions received.

36/17 Identification of Urgent Items to which Call In will not Apply

There were no items.

37/17 Declarations of Interest

There were no declarations on interest.

38/17 Minutes of the Meeting Held on 12 July 2017

The minutes of the meeting held on 12 July 2017 were agreed as a correct record and signed by the Chair.

Matters Referred

39/17 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 2, prior to commencement of the meeting.

Decision

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

Key Decisions

40/17 Proposal to Merge Brackensdale Infant and Brackensdale Junior Schools to Form a Primary School

The Council Cabinet considered a report which stated that at its meeting of 2 June 2009, Council Cabinet approved the policy of promoting infant and junior school mergers whenever possible and appropriate. The report confirmed the Council's preferred model for the delivery of primary education as an all-through (4-11) primary school, as opposed to separate infant and junior schools. This model offered significant advantages in terms of continuity for pupils, alongside flexibility and efficiency in respect of staffing resources. The current policy was to consider 'mergers', when an opportunity arises due to a headteacher vacancy occurring in either an infant or junior school.

An opportunity has arisen to consider a merger of Brackensdale Infant and Brackensdale Junior Schools due to there being a headship vacancy at the Infant School following the retirement of the headteacher in July 2017. The Cabinet Member for Education and Skills, at a meeting on 24 May 2017, approved the commencement of initial consultation on the proposal to close the infant school and

simultaneously expand the size and age range of the junior school to create an all-through primary school from January 2018.

Initial consultation on the proposals took place over a six week period with consultation papers circulated to all key stakeholders and interested parties. Meetings were also held with staff and parents as part of the consultation process. A summary of responses received was set out in Appendix 2 of the report and a copy of the Consultation Document was attached as Appendix 3 of the report.

Due to the majority of support shown in the consultation responses, and the Council's policy of promoting mergers wherever possible and appropriate, this report recommended that Council Cabinet considers giving approval to move to the next stage of the consultation process, which involves the publication of a statutory notice and a further four week representation period.

The Executive Scrutiny Board made no recommendations to Council Cabinet but requested that the Children and Young People's Scrutiny Review Board monitor and review the SEN and budget concerns at a future meeting following the schools merger.

Options Considered

There was an option to retain existing Infant and Junior Schools. This would result in a missed opportunity to improve standards and continuity for pupils in those schools where clear benefits were envisaged.

Decision

1. To approve the publication of a statutory notice on the proposal to 'merge' Brackensdale Infant and Brackensdale Junior Schools to form an all-through primary school from January 2018.
2. To delegate authority to determine the proposal to the Strategic Director of People Services if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.

Reasons

1. There were clear benefits to be gained in merging the schools to create an all-through primary as outlined in the report. Council Cabinet had previously approved a policy of promoting infant and junior school mergers wherever possible and appropriate.
2. From the consultation responses, there had been a majority of support for the proposal. Of a total of 50 respondents, 45 (90%) expressed support for the proposed merger. A breakdown of consultation responses was set out in Appendix 2 of the report.

41/17 Responding to Ofsted's Inspection of Services for Children in Need of Help and Protection, Looked After Children and Care Leavers

The Council Cabinet considered a report which stated that in March 2017, Derby City's services for children in need of help and protection, looked after children and care leavers were judged to be 'good' by Ofsted for overall effectiveness. The sub judgements findings were:

- The experiences and progress of children who need help and protection – 'requires improvement'
- The experiences and progress of children looked after and achieving permanence – 'good'
 - Adoption performance - 'good'
 - The experiences and progress of care leavers – 'good'
- Leadership, management and governance – 'good'
- Derby Safeguarding Children Board – 'outstanding', Derby was only one of four Local Authorities with this grading

Ofsted commenced inspections against this inspection framework of local authority services for children in need of help and protection; children looked after and care leavers (the 'SIF' inspection) in November 2013.

The framework assesses authorities against three key judgements areas with two sub-judgements under one element of the framework, all of which contribute to an 'overall effectiveness judgement'

- The experiences and progress of children who need help and protection.
- The experiences and progress of children looked after and achieving permanence.
 - Adoption performance.
 - The experiences and progress of care leavers.
- Leadership, management and governance.

There was also an independent review of the Local Safeguarding Children Board (LSCB) simultaneous to the inspection.

To date there had been 146 authorities inspected under the framework and as at the 14 August 2017 (last publication date) there had been 142 reports published with most authorities being judged as 'requires improvement'...

- Outstanding authorities – 2 (1%).
- Good authorities – 42 (30%).
- Requires improvement authorities – 64 (45%).

- Inadequate authorities – 34 (24%).

It was noted that there had been five re-inspections of inadequate authorities.

Derby City's final report was published on the Ofsted website on 13 June 2017 and was presented in Appendix 2 of the report.

Attached at Appendix 3 to the report was a proposed action plan to address the eleven recommendations made by inspectors (Appendix 2, Page 7); alongside wider areas for improvement the inspection highlighted, which must be submitted to the Department for Education (DfE) and Ofsted by 20 September 2017.

The Executive Scrutiny Board resolved to congratulate officers and the Cabinet Member on this achievement.

Options Considered

None.

Decision

1. To note the current position with regards to the SIF inspection programme, as set out in paragraph 1.4 of the report.
2. To note the key highlights from the Ofsted report presented in paragraph 4.3; with the full report set out in Appendix 2 of the report.
3. To note and approve the proposed action plan, which would address the recommendations, set out in Appendix 3 of the report.
4. To note and endorse the recommendation from Executive Scrutiny Board to congratulate officers and the Cabinet Member on this achievement.

Reasons

1. All authorities are inspected by Ofsted under the framework of services for children in need of help and protection, looked after children and care leavers. The findings of the inspection are a critical test of a Local Authority's strengths and areas for improvement and should be communicated with both internal and external stakeholders to ensure appropriate ownership and commitment to on-going improvement work; delivering the best possible outcomes for children and young people.
2. A key requirement of the Inspection Handbook was that the *'The local authority submits their improvement plan within 70 working days of the report being published'*, which was required under regulation 3 of The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007.

42/17 Purchase of a Residential Scheme to Provide Affordable Housing Funded Through the Housing Revenue Account

The Council Cabinet considered a report which sought approval to purchase a new build housing scheme off plan, in the Normanton Ward of Derby, to be funded from the Housing Revenue Account (HRA) new build and acquisitions budget.

It was proposed that the scheme would be incorporated into the council's affordable housing portfolio to be managed by Derby Homes.

The Executive Scrutiny Board resolved to support the proposals.

Options Considered

To do nothing – this would compromise the Council's ability to meet its affordable development targets, absorb its Right to Buy receipts and provide much needed affordable housing. This option was not recommended.

Decision

1. To approve the purchase subject to contract of the scheme referred to in Supporting Information and to delegate authority to the Strategic Director for Communities and Place to enter into all necessary agreements required to secure the acquisition of the properties.
2. To approve the scheme to provide affordable homes and their inclusion within the management portfolio of Derby Homes.

Reasons

1. The purchase of the schemes would provide new affordable dwellings. These dwellings would provide New Homes Bonus at the affordable housing rate under the current regime.
2. To ensure the properties were properly managed and maintained as part of the Council's housing stock.
3. To note that the Executive Scrutiny Board supported the proposals.

43/17 Derby Silk Mill Redevelopment – Lease and External Funding Arrangements

The Council Cabinet considered a report which stated that the redevelopment of the Silk Mill Museum supported the Council Pledge to support Derby's museums, galleries and key cultural partners to provide a vibrant leisure and cultural offer across the city, and was a key element of the City Centre Masterplan.

Derby Museums Trust had secured significant, in principle, funding for the redevelopment of the Silk Mill as the Museum of Making, including £9.4m from the Heritage Lottery Fund (HLF) and £2.5m from Arts Council England (ACE). The Council had also secured £4m funding towards the redevelopment project, of which £3.7m would come from the Local Growth Fund 3 (LGF).

A key condition of the funding from both HLF and ACE was that Derby Museums Trust either owned the freehold or had an 'appropriate' lease in place for the Silk Mill. The existing agreement between the Council and Derby Museums Trust was not deemed appropriate by these funding organisations.

It was proposed that a new lease, that met the requirements of HLF and ACE, was granted to Derby Museums Trust. The new lease would be for a term of 20 years following completion of the redevelopment works, so as to ensure continued public access to the redeveloped building. In addition, it was proposed that amendments were made to existing agreements and where necessary new agreements would be entered into, to ensure that the Museum collection remained available for exhibition within the Museum of Making for the duration of the new lease.

The report highlighted the new lease terms, amendments to existing agreements and proposed new agreements, which were required to allow the redevelopment of the Silk Mill to proceed and sought delegated authority for the finalisation and execution of those documents.

The Executive Scrutiny Board recommended that officers check whether the insurance arrangements for the collection require updating to include the new Rolls Royce engine.

Options Considered

The option not to offer a new lease and revised collections agreement was considered but discounted as this would lead to the failure of Derby Museum Trust's grant application and mean that a key council pledge and element of the City Centre Masterplan was not achieved.

Decision

1. To approve the grant of a new lease to Derby Museums Trust for the Silk Mill and all ancillary documentation necessary to give effect to Derby Museums Trust's occupation of the Silk Mill site and to meet the requirements of HLF and ACE in respect of that lease.
2. To consider and approve the detailed recommendations as set out in the confidential report which appeared later on the agenda for the meeting.
3. To note the recommendation of the Executive Scrutiny Board that officers check whether the insurance arrangements for the collection require updating to include the new Rolls Royce engine.

Reasons

The redevelopment of the Silk Mill Museum supported the Council Pledge to support Derby's museums, galleries and key cultural partners to provide a vibrant leisure and cultural offer across the city, and was a key element of the City Centre Masterplan.

Budget and Policy Framework

44/17 Budget Outturn Quarter 1 - 2017/18

The Council Cabinet considered a report which summarised the Council's overall financial position at the end of June 2017 against the budget approved by Council on 15 February 2017 as follows:

- **Revenue budget:** The full year forecast projects a pressure of £3.552m against approved budget of £214.978m due to slippage in savings targets. Action plans to manage identified cost pressures were being developed by relevant DMT's;
- **Capital budget:** Capital expenditure was £8.592m, 8.19% of the total original approved capital budget of £104.935m. This was due to timing as the majority of schools expenditure occurs during the summer months and highways capital expenditure occurs during the third and fourth quarter;
- **Reserves:** the General Reserve balance remained at £8.8m;
- **Treasury:** Total debt was £458.4m and total Investments were £90.2m and no new borrowings had been made in the year;
- **Dedicated Schools Grant (DSG):** The total grant of £215.188m had been allocated to schools and retained educational services, the centrally retained element was expected to be fully spent by the end of the year;
- **Collection Fund:** Council Tax billed for the 2017/18 was just over £106m, of that we had collected £29.5m, which was 27.79%. Business Rates billed for the 2017/18 was around £93.3m and of that we had collected £24.77m, which was 26.47%.
- **Housing Revenue Account (HRA):** The forecast remained as budgeted, to achieve a surplus of £2.138m.

Further analysis and explanations of key variances were provided in sections 4 to 11 of the report.

Included in the revenue forecast were planned savings of £10.664m, 76.1% of the £14.016m savings target set by Council. A summary of the net revenue cost by directorate was set out in the report.

The Executive Scrutiny Board resolved to note the report and continue to monitor the Budget Outturn at Quarter 2.

Decision

1. To note the revenue projected outturn and key budget variances set out in the report in section 4 and the savings to be delivered in the year in section 5 of the report.
2. To note the capital programme forecast and actual capital expenditure incurred during the quarter summarised in section 6 of the report.
3. To note the reserves position, as set out in section 7 of the report.
4. To note the Council's treasury position, and performance in the quarter, set out in section 8 of the report.
5. To note the forecast DSG position summarised in section 9 of the report.
6. To note the Council Tax and Business Rates Performance as set out in section 10 of the report.
7. To note the HRA Performance as set out in section 11 of the report.
8. To approve the following:
 - the changes and additions required to the 2017/18 capital programme as detailed in Appendix 2 of the report
 - the allocation of S106 funding as summarised in paragraph 6.1.4 of the report
 - the establishment of a New Improved Better Care earmarked reserve of £5.265m and use of the reserve of £1.6m.

At this point Councillor Banwait took the Chair.

Performance

45/17 Performance Monitoring 2017/18 – Future of Derby Pledges June 2017 and Quarter One Results

The Council Cabinet considered a report which summarised progress made towards the Future of Derby 50 Pledges (Council Delivery Plan) and included highlights from key performance measures included in the Council Scorecard.

As at June 2017, three Pledges were completed, 44 Pledges were 'on track' and three Pledges were showing 'minor slippage'. Quarter one updates for Cabinet Member Pledges were shown in Appendix 2 of the report.

At the end of quarter one (up to 30 June 2017), 74% of performance measures in the Council Scorecard were forecast to meet or exceed their year end target. Results were assessed using traffic light criteria, according to their performance against improvement targets. A dashboard which summarised performance for the Council Scorecard was shown in Appendix 3 of the report.

Achievements noted at quarter one included...

- Re-award of Derby's Purple Flag status showing Derby was a safe city at night-time.
- The launch of a new Crowdfunding platform to generate new funding for local community groups.
- Introduction of a new incentive scheme for Derby Homes' tenants.
- 738 new jobs had been created for local people in the city.
- 122 repairs, improvements and adaptations had been made by the Healthy Housing Hub.

Accountable officers had provided commentary to put performance into context and identify actions that they were taking to address poor performance (Appendix 4 of the report).

The Executive Scrutiny Board resolved to note the report.

Decision

1. To note the 2017/18 quarter one performance results and the June progress report on the Cabinet Member Pledges.
2. To note the indicators highlighted in the Improvement Report at Appendix 4 of the report.
3. To note that Executive Scrutiny Board review performance on a regular basis and may select indicators for Performance Surgery on the basis of this report.
4. To note amendments to the Council Scorecard set out in paragraph 4.16 of the report.

Contract and Financial Procedure Matters

46/17 Contract and Financial Procedure Matters

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.

- submitting an outline and full business cases for Local Growth Fund Round 3 (LGF 3).
- submitting a bid into the Homes and Communities Agency's (HCA) Accelerated Construction Programme.

- submitting a bid/s to the Department for Communities and Local Government's (DCLG) Housing Infrastructure Fund.
- submitting a bid for the Warm Homes Fund (WHF).
- acceptance of grant awarded through LGF 3, Accelerated Construction Programme and the Housing Infrastructure Fund acceptance of Local Growth Fund Round 3 grant awarded.
- Procuring a contract with an estimated value of over £75,000.
- Approving capital funding towards the clearance works for the Cattle and Wholesale Market.
- The additional of the Market Hall refurbishment / remodelling scheme stage 1 and 2 works to the 2017/18 – 2019/20 capital programme.

The Executive Scrutiny Board resolved to request a breakdown of the £300k required to terminate existing leases and complete demolition of the wholesale market for consideration by Council Cabinet before a decision is taken to add this amount to the Capital Programme. To this end the Director of Communities and Place agreed to provide a more detailed exempt report alongside this report to Council Cabinet to give Executive Members a more detailed breakdown for additional funds required. The report was considered as part of the confidential part of the agenda.

Decision

1. To delegate the agreement of the final submission of :

- outline and full business cases for LGF 3 projects including Derby Performance Venue, Castleward Urban Village and Silk Mill World Heritage Site
- bid to the Accelerated Construction Programme
- bid/s to the Housing Infrastructure Fund
- bid to WHF

to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Regeneration and Economy and/or the Cabinet Member for Urban Renewal, as appropriate, and the Director of Governance and Director of Finance.

2. To delegate the acceptance of:

- LGF3 grant from the D2N2 Local Enterprise Partnership totalling £13.75m including Castleward (£1.5m) and Derby Performance Venue (£8.6m) and Silk Mill World Heritage Site (£3.65m).
- Accelerated Construction Programme grant funding
- Housing Infrastructure grant funding
- WHF grant funding

to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Regeneration and Economy and/or the Cabinet Member for Urban Renewal, as appropriate, and the Director of Governance and Director of Finance.

3. To approve the procurement and award of a contract capped at no more than £100,000 for the provision of specialist consultancy services, as detailed in Section 8 of the report.
4. To approve the addition of £300,000 to the 2017/18 capital programme to progress with the clearance works for the Cattle and Wholesale Market. This was to be temporarily funded from capital receipts already received for the property rationalisation project and replenished from the receipts generated from the sale of the Cattle and Wholesale Market.
5. To approve the addition of £1m to the 2017/18 - 2019/20 capital programme for the market hall as detailed in paragraphs 10 - 10.3 of the report
6. To approve the procurement of the necessary contractors and consultants to deliver stage 1 and 2 of the Market Hall Refurbishment project.

Other

47/17 Deployment of Public Protection Officers to Tackle Waste Enforcement Issues

The Council Cabinet considered a report which stated that issues relating to fly-tipping, littering and bins-on-streets, particularly within inner-city wards, had been a regular source of complaint to the Council. In response, the Council had taken action to address this. Waste enforcement had been made a priority and was included as one of the Council Leadership's 50 Pledges and would also support the Pledge to make Derby one of the country's cleanest cities. Waste enforcement was a key part of the Neighbourhood Charter, which was due to be published shortly and the work supported the principles of working together also set out in the recently launched Metro Strategy.

A small team of Public Protection Officers had been seconded from Nottingham City Council to deal with fly-tipping, littering and other waste enforcement issues in Derby. Given the size of the team, the most effective approach would be a targeted, intelligence-led one, focusing on 'hot spot' areas. A pilot project using this approach was nearing completion and a summary of the successful actions achieved to date and an example of a direct impact of these actions was included in the report. Approval was sought to extend this approach to further hot spot areas.

The initial success of the work undertaken so far would bring its own challenges, from maintaining the improvements made within the target areas and from similar issues that emerged across the city that local residents would expect to be tackled. These challenges would need to be kept under review.

The Executive Scrutiny Board resolved to request:

- 1) That the Cabinet Member ensures that the rollout of the scheme does not impact on the effectiveness of the scheme by giving enforcement officers too much to do;
- 2) That a more detailed report on the effectiveness of the scheme be taken to a future meeting of the Communities Scrutiny Review Board;
- 3) If the pilot scheme proves to be successful and cost-effective, that the Council should look at employing its own enforcement officers to deliver the service;
- 4) That other localised issues (such as pavement parking) could also be included for enforcement in the scheme if this is to be continued and expanded.

Decision

1. To note the actions taken within the pilot area and the improvements achieved.
2. To approve the rollout of this targeted enforcement approach to other identified hot spot areas within the city as set out in Appendix 5 of the report.
3. To accept the recommendation of the Executive Scrutiny Board
 - That the Cabinet Member ensures that the rollout of the scheme does not impact on the effectiveness of the scheme by giving enforcement officers too much to do;
 - That a more detailed report on the effectiveness of the scheme be taken to a future meeting of the Communities Scrutiny Review Board;
 - If the pilot scheme proves to be successful and cost-effective, that the Council should look at employing its own enforcement officers to deliver the service;
 - That other localised issues (such as pavement parking) could also be included for enforcement in the scheme if this is to be continued and expanded.

48/17 Exclusion of the Press and Public

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

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items on the grounds that they involve 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

49/17 Purchase of Residential Scheme to Provide Affordable Housing Funded Through the Housing Revenue Account

The Council Cabinet considered exempt information in relation to the purchase of residential scheme to provide affordable housing funded through the Housing Revenue Account.

50/17 Derby Silk Mill Redevelopment – Lease and External Funding Arrangements

The Council Cabinet considered exempt information in relation to the Derby Silk Mill Redevelopment – Lease and External Funding Arrangements.

Options Considered

These were set out in paragraphs 5.1 and 5.2 of the report.

Decision

1. To approve the grant of a new lease to Derby Museums Trust for the Silk Mill and all ancillary documentation necessary to give effect to Derby Museums Trust’s occupation of the Silk Mill site and to meet the requirements of HLF and ACE in respect of that lease.
2. To approve the making of necessary amendments to the existing Partnership Agreement and Collections Agreement (and any ancillary documents) between the Council and Derby Museums Trust to meet the requirements of HLF (and ACE if required) and to approve the Council entering into an agreement with the HLF governing continued access to the Museum collection for the duration of the Silk Mill lease.
3. To approve the submission by the Council of a full business case to D2N2 in respect of £3.7m of LGF funding for the redevelopment of the Silk Mill and, if successful, the acceptance of such LGF funding by the Council as accountable body by entering into a funding agreement with D2N2 (Derbyshire County Council).
4. Further to 3 above, to approve the Council entering into a funding agreement with Derby Museums Trust in respect of LGF.
5. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Leisure and Culture, the

Interim Director of Finance and the Director of Governance and Monitoring Officer, to agree final terms in respect of those matters detailed in paragraphs 2.1 to 2.4 of the report.

6. To note that the Council, as landlord, was currently responsible for maintenance and repair of the Silk Mill. The Council would retain this responsibility under the new 25 year lease, but would no longer have the ability to exercise break clauses in respect of it.
7. To note the progress made by Derby Museums Trust and the Council in acquiring the necessary funding for the Silk Mill redevelopment.

Reasons

These were set out in paragraphs 3.1 to 3.3 of the report.

Contract and Financial Procedure Matters

51/17 Contract and Financial Procedure Matters

The Council Cabinet considered a report which set out exempt information in relation to a contract and financial procedure matter to approve capital funding towards the clearance works for the Cattle and Wholesale Market.

Decision

1. To approve that the sum set out in paragraph 4.5 of the report be added to the 2017/18 capital programme to progress with the clearance works for the Cattle and Wholesale Market. This was to be temporarily funded from capital receipts already received for the property rationalisation project and replenished from the receipts generated from the sale of the Cattle and Wholesale Market.
2. To note that the funding of the £500,000 currently included in the 2017/18 capital programme would be dealt with in the same way in that it would be temporarily funded from capital receipts already received for the property rationalisation scheme and replenished from the receipts generated from the sale of the Cattle and Wholesale Market.

MINUTES END