

## **Council Cabinet Response to Scrutiny Recommendations**

### **SUMMARY**

- 1.1 This report outlines the recommendations made by the Corporate Scrutiny and Governance Board to Council Cabinet and Council Cabinet's responses to these recommendations. The relevant responses have been extracted (and condensed where appropriate) from the Council Cabinet Minutes and included in Section 4 of this report.

### **RECOMMENDATION**

- 2.1 To note the responses from Council Cabinet recorded in the Council Cabinet Minutes.

### **REASON FOR RECOMMENDATION**

- 3.1 To ensure that the Corporate Scrutiny and Governance Board receives a response from Council Cabinet to the recommendations made.

### **SUPPORTING INFORMATION**

#### **Matters Referred**

#### **4.1 61/15 Recommendations from Corporate Scrutiny and Governance Board**

The Council Cabinet considered a report on Recommendations from Corporate Scrutiny and Governance Board. The Corporate Scrutiny and Governance 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.

Council Cabinet also consider a further recommendation from the Corporate Scrutiny and Governance Board on the Annual report on Private Fostering April 2014 to March 2015 recommending to Council Cabinet that any further work done with commissioners in relation to GP contracts should consider the statutory reporting of any private foster care arrangements to the Local Authority and the possibility of developing incentives to encourage carers who were involved in a private foster care arrangement be explored.

## **Decision**

1. To receive the report and accept all the recommendations from the Corporate Scrutiny and Governance Board.
2. To receive the recommendations received from the Corporate Scrutiny and Governance Board in relation to the Annual Report on Private Fostering April 2014 to March 2015 and request that a response be prepared.

### **Council Cabinet decision**

To receive the report and accept all the recommendations from the Corporate Scrutiny and Governance Board.

## **Key decisions**

### **4.2 145/15 Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2017-18**

The Council Cabinet considered a report on Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2017-18.

#### **Council Cabinet Decision**

1. To approve the proposed admission arrangements for Community and Voluntary Controlled infant, junior, primary and secondary schools as set out in Appendix 2 of the report as the determined (set) admission arrangements for the 2017-2018 academic year.
2. To approve the published admission numbers as set out in Appendix 3 of the report.

### **4.3 146/15 Updating the Adult Social Care Charging Policy**

The Council Cabinet considered a report on Updating the Adult Social Care Charging Policy. The Council's current Fairer Contributions Policy was introduced following public consultation in early 2011 and was last updated in 2013. A number of recent events had an impact on the Council's policy, which was now out of date and no longer fit for purpose.

The Corporate Scrutiny and Governance Board supported the recommendations in the report.

#### **Council Cabinet decision**

1. To agree to the introduction of charges for Deputyship and Appointeeship services as described in paragraphs 4.7 to 4.10 of the report.
2. To adopt the revised Adult Social Care Charging Policy attached as appendix 6 of the report, to be implemented from 4 April 2016.

#### **4.4 147/15 Fees and Charges - Adult Social Care**

The Council Cabinet considered a report on Fees and Charges – Adult Social Care. Engagement and consultation with “independent sector” care home and home care providers operating under the Council’s standard (rather than specialist) terms and conditions, had been undertaken in recent months with the aim of informing the Council’s decision-making about setting 2016/17 standard fees.

The Corporate Scrutiny and Governance Board supported the recommendations in the report.

##### **Council Cabinet decision**

1. To approve a 4.78% fee increase for independent sector standard residential care, dementia residential and nursing care weekly fee rates (net of the Registered Nursing Care Contribution) from April 2016.
2. To approve a 5% fee increase for standard independent sector homecare services.
3. To approve increases to the charging rates for 2016/17 of 3.1% for residential and nursing placements, 2.9% for homecare services and 3% for all other fees and charges where the Council had discretion.
4. To approve the new administration charges and interest rates to be applied to Deferred Payment Agreements from 2016/17.
5. To approve the new administration charges to be applied to the Deputyship and Appointeeship service from 2016/17.
6. To approve that all the new rates would apply from 11th April 2016 (in line with the date of the rise in state benefits for 2016).
7. To delegate the decision on any changes to charging for the Shared Lives Service as a result of the review to the Acting Strategic Director of Adults and Health following consultation with the Cabinet Member for Integrated Health and Care.
8. To delegate the decision on any changes to the Resource Allocation System in relation to Direct Payments to the Acting Strategic Director of Adults and Health following consultation with the Cabinet Member for Integrated Health and Care.

#### **Budget and Policy Framework**

#### **4.5 148/15 Council Funding for Services in the Voluntary, Community and Faith Sector**

The Council Cabinet considered a report on Council Funding for Services in the Voluntary, Community and Faith Sector. Derby City Council had a long history of working with and investing in the local voluntary sector to support local communities. Over the last decade Council grant spending in the VCS had been approximately £21m.

The Corporate Scrutiny and Governance Board requested Council Cabinet to find the means of continuing to provide support to Voluntary, Community and Faith Sector Groups if it had proved successful over the last 12 months.

#### **Council Cabinet decision**

1. To approve that officers continue to work with the voluntary sector and other partners to identify opportunities for the sector in the future.
2. To approve in line with Councils 2016/17 budget, exit from the Council element of funding with the named organisations listed at appendix 2 of the report.
3. To approve that officers of the Council offer support and advice to organisations wherever possible to mitigate the impact of the funding decision.
4. To accept the recommendation from the Corporate Scrutiny and Governance Board to find the means of continuing to provide to support Voluntary, Community and Faith Sector groups if it had proved successful over the last 12 months.

#### **4.6 149/15 Derby Housing: City Centre Living Initiative**

The Council Cabinet considered a report on Derby Housing: City Centre Living Initiative. The purpose of the report was to update Council Cabinet with the approved designation of Derby City Centre as a Housing Zone, this included three key regeneration sites and the area covered by the City Centre Living Initiative.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

#### **Council Cabinet decision**

1. To approve the receipt of, and transfer to a reserve, the grant of £213,616 Capacity Funding from the Homes and Communities Agency to use in line with the grant planned use.
2. To approve the delegation of any future amendments to the Housing Zone Delivery Plan referred to in Paragraph 4.4 of the report to the Acting Strategic Director of Communities and Place following consultation with the Cabinet Member for Communities and City Centre Regeneration.
3. To note the progress with the City Centre Living Initiative.

#### **4.7 150/15 Infrastructure Programme Board Capital Programmes 2016/17 and 2017/18**

The Council Cabinet considered a report on Infrastructure Programme Board Capital Programmes 2017/18 (part). The report set out the following proposed 2016/17 work programmes for approval:

- Highways & Transport (H&T),

- Vehicles Plant & Equipment (VP&E)
- Land Drainage & Flood Defences (LD&FD)

Approval was also sought for the Asset Management element of the 2017/18 H&T Work Programme.

### **Council Cabinet decision**

1. To approve the capital and revenue H&T work programme for 2016/17 and 2017/18 (Asset Management only) and the allocation of capital budgets across the LTP strategy areas, as detailed in appendix 2A of the report.
2. To approve the s106 spend programme for the H&T work programme for 2016/17 and 2017/18 (Asset Management only) as detailed in appendix 2B of the report.
3. To approve the proposed VP&E work programme for 2016/17. This was detailed in appendix 3 of the report.
4. To approve the proposed LD&FD work programme for 2016/17. This was detailed in appendix 4 of the report.
5. To continue to give delegated authority to the Acting Strategic Director for Communities and Place, following consultation with the relevant Cabinet Portfolio Member either the Cabinet Member for Cohesion and Integration and/or Cabinet Member for Communities and City Centre Regeneration to respond to changing priorities throughout the year by introducing new schemes or bringing forward the implementation of some schemes at the expense of others. To continue to give delegated approval to Infrastructure Programme Board as per its Terms of Reference in Appendix 5 of the report. Please note the ToR was about to be updated to reflect updated roles and processes.

#### **4.8 151/15 Revision to the Discretionary Rate Relief Policy**

The Council Cabinet considered a report on the Revision to the Discretionary Rate Relief Policy. Discretionary Rate Relief (DRR) was a means by which Derby City Council (DCC) could use their discretionary powers to reduce the amount of business rates a business has to pay.

The Corporate Scrutiny and Governance Board made no further recommendations on the General Fund Revenue Budget 2016/17 to 2018/19 in addition to those already included at Appendix 8 of the report.

### **Council Cabinet decision**

1. To approve the revised DRR policy attached at Appendix 2 of the report.
2. To approve the principle that any award of DRR as a direct result of a business basing themselves within Infinity Park or other qualifying Enterprise Zone established within the Council's administrative area so long as the policy remains in effect, was limited to 31 Mar 2020.

3. To agree that in the event that regulations were enacted extending the date set out in the recommendation contained in paragraph 2.2 of the report to 31 March 2023, or such other date as central government deemed appropriate, the date 31 Mar 2020 be deemed automatically extended to the prescribed date so as to comply with such regulations without the need to bring the DRR policy back to Council Cabinet.
4. Following completion of an equality impact assessment to report back to Council Cabinet should any amendments to the policy be required.

#### **4.9 152/15 The Council's City Wide Event Strategy**

The Council Cabinet considered a report on the Council's City Wide Event Strategy. The adoption of this strategy, along with the formal implementation of CWESIG, would provide potential major event organisers with a straightforward, single-portal process for proposing major new events for the city, as well as supplying the Council with a robust, transparent methodology for the assessment of major event proposals, and a mechanism for realising a broad, balanced, representative and sustainable year-round calendar of major events for Derby.

##### **Council Cabinet Decision**

1. To approve the adoption of the Council's City-Wide Events Strategy, including endorsing the operation of CWESIG.
2. To delegate approval to the Acting Strategic Director of Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to consider for approval the recommendations made by CWESIG.

#### **4.10 153/15 Compulsory Acquisition of Empty Homes**

The Council Cabinet considered a report on the Compulsory Acquisition of Empty Homes. The report sought approval to initiate compulsory purchase proceedings in relation to six long term vacant houses. The houses had stood vacant for some years, had been neglected and were the source of nuisance to and/or complaint from local residents.

##### **Council Cabinet Decision**

1. To approve that the Council makes 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 2 of the report for the purposes of their renovation, and reoccupation as housing accommodation.
2. To authorise the Acting Strategic Director of Communities and Place following consultation with the Cabinet Member for Urban Renewal, the Director of Governance and the Head of Strategic Asset Management and Estates to:
  - I. Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders;

- II. Acquire the legal interests in the properties, whether by voluntary agreement, or compulsorily, using statutory powers set out in the preceding paragraph;
- III. Suspend the compulsory purchase order proceedings, or withdraw an order, in relation to any particular property on being satisfied that the subject house would be satisfactorily renovated and re-occupied voluntarily;
- IV. Take necessary action to deal with all matters relating to the payment of compensation and statutory interest including, where appropriate, instituting or defending related proceedings;
- V. Dispose of the properties in accordance with the proposals set out in the report; and
- VI. Take all other necessary action to give effect to these recommendations.

## **Budget and Policy Framework**

### **4.11 154/15 Council Housing Rent and Service Charges for 2016/17 to 2019/20**

The Council Cabinet considered a report on Council Housing Rent Service Charges for 2016/17 to 2019/20.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

## **Council Cabinet Decision**

1. To approve a rent decrease of 1% to all Council HRA rents during the 4 year period from 1 April 2016 to 31 March 2020.
2. Subject to regulation being put in place to give effect to the government's commitment to defer a rent decrease in relation to supported housing for one year during 2016/17, to approve a rent increase of 0.9% for 2016/17 for all Council HRA Supported Housing in line with the Government formula of CPI plus 1%
3. To agree that increases to other Council rents be set in line with September's RPI of 0.8%.
4. To approve that the cost of all Service Charges, with the exception of items specifically listed in this report are increased in line with September's RPI of 0.8%.
5. To approve that Service charges for grounds maintenance be increased by 7% and cleaning charges by 10%.
6. To freeze service charges for energy and furniture packs.

7. To receive a further report reviewing charges for furniture packs with a view to implementing changes to the scheme by or before 2017/18.
8. To delegate to the Acting Strategic Director of Communities and Place following consultation with the Cabinet Member for Urban Renewal, the ability to introduce an appropriate service charge for the new Extra Care facility.

#### **4.12 155/15 Quarter 3 Capital Budget Monitoring 2015/16 – 2017/18**

The Council Cabinet considered a report on Quarter 3 Capital Budget Monitoring 2015/16 – 2017/18. The report provided details of the revised financial position for the 2015/16 Capital Budget for Quarter 3 together with a comparison of the previously reported quarter 1 and 2 positions as well as actual spend to date.

##### **Council Cabinet Decision**

1. To approve the changes and additions required to the 2015/16 capital programme as detailed in Appendix 2 of the report.
2. To note the revised programme for 2015/16 in table 1 and the revised indicative programme for 2015/16-2016/17 as shown in table 2 and detailed in Appendix 3 of the report.
3. To note the changes to 2015/16 capital funding as detailed in Appendix 4 and Section 5 of the report.

#### **4.13 156/15 Treasury Management Strategy 2016/17**

The Council Cabinet considered a report on Treasury Management Strategy 2016/17. The report outlined and sought approval of the Council's Treasury Management Strategy for the financial year 2016/17 and the Treasury Management Indicators derived from this strategy.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

##### **Council Cabinet Decision**

1. To approve the Treasury Management Strategy for 2016/17 outlined at sections 6, 7 and 8 of the report.
2. To approve the Treasury Management Indicators for 2016/17 to 2018/19 in section 9 of the report.
3. To delegate authority to the Director of Finance to amend investment levels following appropriate advice from the Council's treasury advisors as detailed in paragraph 8.17 of the report.
4. To delegate authority to the Director of Finance for the repayment of the transferred debt with Derbyshire County Council once the terms had been agreed and to replace with appropriate borrowing.



#### **4.14 157/15 Council Plan 2016-2019**

The Council Cabinet considered a report on the Council Plan 2016 – 19. The report presented an updated Council Plan for 2016-19 based on the Derby 2030 vision and pledges consulted on as part of the Council's budget proposals – Safe, Strong and Ambitious.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

##### **Council Cabinet Decision**

1. To approve the Council Plan 2016-19 (as shown in Appendix 2 of the report).
2. To refer the Council Plan 2016-19 to Corporate Scrutiny and Governance Board and Council for approval.
3. To delegate authority to the Chief Executive to make any final amendments to the Council Plan 2016-19 following consultation with the Leader of the Council.

#### **4.15 158/15 Dedicated Schools Grant 2016/17 to 2018/19**

The Council Cabinet considered a report on the Dedicate Schools Grant 2016/17 to 2018/19.

The report detailed the proposals for the use of the Dedicated Schools Grant for Derby for the financial year 2016 -17 and indicative proposals for 2017-18 and 2018-19.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

##### **Council Cabinet Decision**

1. To remove the Early Years contingency of £0.7 million.
2. To provide growth to the Early Years sector, to increase hourly rates paid to the Private, Voluntary and Independent (PVI) sector by 6% and nursery classes in schools by 3%.
3. To increase the pupil funding factor in primary and secondary schools by 4%.
4. To increase the high needs top up for schools by £0.252 million which supported children in mainstream settings with Education and Health Care Plans.
5. To increase the budget supporting specialist placements in independent special schools by £0.298 million.
6. To reduce the high needs contingency by £0.98 million

7. To apply DSG reserves, £2.1 million to support the new locality high needs model of funding and £0.781 million into delegated primary and secondary school budgets.

## **Performance**

### **4.16 159/15 Performance Monitoring 2015/16 – Quarter Three Results**

The Council Cabinet considered a report on Performance Monitoring 2015/16 – Quarter Three Results.

#### **Council Cabinet Decision**

1. To note the 2015/16 quarter three performance results.
2. To note the indicators highlighted in the Improvement Report at Appendix 3 of the report and those selected for performance surgery as set out in paragraph 4.19 of the report.
3. To note that Corporate Scrutiny and Governance Board review performance on a regular basis and may select indicators for Performance Surgery on the basis of this report.
4. To approve target amendments in paragraph 4.10 of the report.

## **Contract and Financial Procedure Matters**

### **4.17 160/15 Contract and Financial Procedure Matters**

The Council Cabinet considered a report on Contract and Financial Procedure matters.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

#### **Decision**

1. To reprioritise £300,000 of Oracle and E Business reserves to fund the final Serco contract exit costs in 2016/17, as detailed in section 4 of the report.
2. To recommend to Council addition borrowing of £1.5m in the form of a Salix Finance interest free loan as detailed in section 5 of the report.
3. To approve the use of the Street Lighting PFI reserve to replace £1.3m council borrowing and manage the cash flow timing of savings and the repayment of the Salix borrowing associated with the street lighting LED project, as detailed in section 5 of the report.
4. To delegate authority to accept a Salix Finance interest free loan to the Director of Finance, following Council approval of the addition borrowing as detailed in section 5 of the report.
5. To extend the 'Them You Me' contract by a further 6 months, as detailed in section 6 of the report.

6. To contract with the Big Word under the NHS Shared Business Service Framework for Interpretation and Translation Services under Lot 6, for the managed service, as detailed in section 7 of the report.
7. To tender and award, subject to contract procedure rules, the Council's own Framework for British Sign Language Interpreters to meet the specific needs of Derby's Deaf Community, as detailed in section 7 of the report.

## **Executive Non Key Decision**

### **4.18 161/15 Osmaston Vision – Marble Hall**

The Council Cabinet considered a report on Osmaston Vision – Marble Hall. The report sought to update Members on the progress of the refurbishment and conversion of the Marble Hall, Nightingale Road, and sought a number of approvals relating to the progression and future operation of this project.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

## **Council Cabinet Decision**

1. To note the progression and successful completion of the Marble Hall refurbishment Project.
2. To approve the use of in house resources (Connect Derby (Business Centre Management and support staff) alongside Estates and Legal) to manage the building for up to 5 years, following confirmation of approval from the ERDF.
3. To approve the provision of revenue support of up to £175,000, over three years, from the Regeneration Fund, as approved by the Regeneration Fund Board in January 2015.
4. To approve the lease between DCC and the YMCA whereby the YMCA would operate a café and a catering training facility within the building - Paragraph 4.18-4.25 of the report and to delegate authority to the Head of Service (Regeneration Projects) to agree the lease terms.
5. To note the success of a bid for £24,523.60 to the Heritage Lottery Fund by Derby Homes, supported by DCC Regeneration Projects.

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None.

**This report has been approved by the following officers:**

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	N/A
<b>Service Director(s)</b>	N/A
<b>Other(s)</b>	David Walsh – Democratic Services Manager

<b>For more information contact:</b>	Clare Harrison 01332 643648 <a href="mailto:clare.harrison@derby.gov.uk">clare.harrison@derby.gov.uk</a>
<b>Background papers:</b>	Council Cabinet Minutes and Reports 10 February 2016.
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 Costs associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Legal**

- 2.1 Rule OS23 of the Council's Constitution relate are relevant to this report in its final submissions to Council Cabinet. Rule OS23 states that the Council or Council Cabinet shall consider the report of the overview and scrutiny board within one month of it being submitted to the proper officer.
- 2.2 Legal implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Personnel**

- 3.1 Personnel implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**IT**

- 4.1 IT implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Equalities Impact**

- 5.1 Effective scrutiny benefits all Derby people and the very nature of the Scrutiny Board's work means that equality issues are addressed.

**Health and Safety**

- 6.1 None directly arising from this report.

**Environmental Sustainability**

- 7.1 None directly arising from this report.

**Property and Asset Management**

- 8.1 Asset management and acquisition implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Risk Management**

- 9.1 Risks management implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Corporate objectives and priorities for change**

- 10.1 Our aim is to work together so that Derby and its people will enjoy a thriving sustainable economy, good health and well-being and an active cultural life.