

Time began: 6.00pm
Time ended: 6.45pm

COUNCIL CABINET

11 March 2020

Present	Councillor Poulter (Chair) Councillors Barker, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors Eldret and AW Graves Rachel North – Strategic Director of Communities and Place Simon Riley – Director of Financial Services Gurmail Nizzer – Director of Children's Integrated Commissioning Emily Feenan – Director of Legal, Procurement and Democratic Services Gagandeep Kaur – Deputy Youth Mayor Connie Spencer – Youth Mayor Elect Priya Gill – Deputy Youth Mayor Elect Keith Cousins – Communications Officer

This record of decisions was published on 13 March 2020. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

154/19 Apologies

There were no apologies for absence.

155/19 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 because the contract needed to be signed on 12 March 2020 and this was before the next scheduled meeting.

- Social Impact Bond for Children in Care and on the Edge of Care

156/19 Receipt of Petitions

There were no petitions

157/19 Identification of Urgent Items to which Call In will not apply

There were no items.

158/19 Declarations of Interest

There were no declarations of Interest.

159/19 Minutes of the Meeting Held on 12 February 2020

The minutes of the meeting held on 12 February 2020 were agreed as a correct record.

Matters Referred

160/19 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

161/19 Establishment of a Single Early Years Inclusion Fund

The Council Cabinet considered a report which stated that following consultation and very careful consideration, Council Cabinet on 10 October 2018, approved the establishment of the enhanced resource funding provided to Central Community Nursery School (£142,055) and Lord Street Nursery School (£110,000), totalling £252,055 into an overall single Early Years Inclusion Fund. Maintained Mainstream settings and Private, Voluntary and Independent (PVI) settings could make applications for additional support for early years children with Special Educational Needs and Disabilities (SEND) across the city.

The establishment of a single Early Years Inclusion Fund following the closure of enhanced resource provision at Central Community Nursery School and Lord Street Nursery School formed part of the strategic city-wide review to improve SEND provision in Derby. The aim was to help ensure that parents and carers of children with SEND had a wider choice of early years options available and were able to access local childcare places. This funding would result in the Early Years

Inclusion Fund increasing to £502,000 and would create a more transparent and consistent approach to providing funding to meet the needs of children in early years settings.

The current allocation of enhanced resource funding to Central Community Nursery School and Lord Street Nursery School was based on an historic funding arrangement. The funding was allocated as a fixed sum to each of the nurseries and was not based on numbers of commissioned places for children with SEND, or actual placements made.

Following Council Cabinet approval on 10 October 2018, the Council had been working very closely with the nurseries on planning the decommissioning of their enhanced resource provisions, including in relation to the new criteria for the inclusion fund, for which they would be eligible, and opportunities for city wide early years inclusion support. On 9 October 2019, Council Cabinet approved moving to the next stage of the process which included publishing a statutory notice, and a further four-week consultation period on the proposals to formally remove the enhanced resource provisions from Central Community Nursery School and Lord Street Nursery School on 1 April 2020.

The four-week statutory consultation period started on Monday 13 January 2020 and ended on Monday 10 February 2020. Three responses were received during the consultation period; two in support of the proposals and one objection to the proposals. A summary of the responses received was set out in Appendix 1 of the report. The report sought a final decision from Council Cabinet on the proposals to close the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School on 1 April 2020 and the establishment of a single Early Years Inclusion Fund.

It was important to note that the proposed removal of the enhanced resource provisions from the two nurseries would not displace any children and overall early years SEND funding would not be reduced.

The Executive Scrutiny Board noted the report.

Options considered

There was an option to not go ahead with the formal removal of the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School. The proposal, however, was to continue with the removal of the provisions at the two nurseries to release SEND funding for children in a wider choice of childcare settings and to create a more transparent and consistent approach to funding SEND support in early years settings.

Decision

To approve the removal of the enhanced resource provisions from Central Community Nursery and Lord Street Nursery on 1 April 2020.

Reasons

On 9 October 2019, Council Cabinet approved the publication of a statutory notice and a further four-week consultation period on proposals to formally remove the enhanced resource provisions from Central Community Nursery and Lord Street Nursery on 1 April 2020. The required four-week statutory consultation period had now closed. A summary of the responses received is set out in Appendix 1 of the report. Council Cabinet was now being asked to take a final decision on the proposals.

162/19 Schools Capital Programme 2020/21 – Phase 1 – Mickleover Primary

The Council Cabinet considered a report which stated that the Council was currently awaiting notification from the Department for Education (DfE) of confirmed school capital condition maintenance allocations for 2020/21.

Early approval for essential school capital condition works at Mickleover Primary School was required in order to complete necessary works during the school summer holiday period, and prior to September 2020.

It was proposed to seek scheme approval based on indicative 2020/21 condition budget allocations of circa £1,230,000. A breakdown of the indicative schools capital programme funding for 2020/21 was set out within Appendix 1 of the report, along with the proposed first scheme of the school capital programme for 2020/21. It was proposed to bring forward further schemes for Council Cabinet consideration and approval in April 2020.

The proposal was to allocate £1,560,000 to the school capital programme to undertake a major project at Mickleover Primary School by replacing the two storey-six classroom block. Cost estimates were provided following initial feasibility works and were subject to full design, specification and procurement.

Feasibility appraisals had been undertaken on a range of options, with all options requiring decanting arrangements due to the size and scale of this project. The recommended option required temporary decanting of two year groups to Hackwood Primary Academy, Mickleover, in order to minimise disruption to teaching and learning.

As this was a major project on a tight site, detailed consultation had been undertaken with Mickleover Primary School to develop the most appropriate decanting solution. The Council and school were working in very close partnership to develop the most appropriate solution to minimise impact on learning for our children and young people, and for parents, carers and families. A communication strategy had been developed to support the school, children and parents and carers before and during the decanting arrangements.

The Executive Scrutiny Board recommended to Council Cabinet that the new build is constructed so that it is able to be 'zero carbon' in operation, and that

if this is not possible that the Secretary of State for Education be written to and asked that school designs be updated to enable new schools to be constructed to 'zero carbon' standards in future.

Options considered

1. Available condition capital funding was prioritised to deal with the most urgent condition and health and safety issues within schools.
2. The Council had very carefully considered different options for addressing the urgent condition works required at Mickleover Primary, and had worked closely with the school to put forward the most suitable scheme having given full consideration to available funding sources, decanting implications and achievable works.

Decision

1. To approve, subject to recommendation 2.4, the Schools Capital Programme priority scheme for Mickleover Primary for 2020/21 outlined in Appendix 1 of the report and the allocation of up to £1,560,000 to the Council's capital programme, to be funded from Basic Need, School Condition and Mickleover Primary contributions as set out in paragraph 7.2 to 7.6 and Appendix 1 of the report.
2. To approve, subject to recommendation 2.4, scheme commencement and the addition of the Mickleover Primary School partial rebuild to the 2020/21-2022/23 capital programme.
3. To approve a revision to the Schools Capital Programme total for 2020/21 to remove a previous indicative allocation of £3,785,000, as detailed in paragraph 7.4 of the report.
4. To note that final DfE school condition allocations, and a further phase of proposed priority schemes, would be reported to Council Cabinet for consideration in April 2020.
5. **To accept the recommendations from the Executive Scrutiny Board to request that the new build is constructed so that it is able to be 'zero carbon' in operation, and that if this is not possible that the Secretary of State for Education be written to and asked that school designs be updated to enable new schools to be constructed to 'zero carbon' standards in future.**

Reasons

1. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues, across the schools estate, to ensure that school buildings remained safe and open. In order to complete as much work as possible during the school summer holiday

period, early approval of this essential scheme at Mickleover Primary school is necessary.

2. In accordance with Financial Procedure Rules, amendments to the Council's capital programme were required to be reported to Council Cabinet.

163/19 Revision to the National Non Domestic Rates Policy for the Award of Discretionary Rate Relief

The Council Cabinet considered a report which stated that Discretionary Rate Relief (DRR) was a means by which Derby City Council (DCC) could use its discretionary powers to reduce the amount of Business Rates a business had to pay. Generally, there was a direct cost to DCC in awarding DRR and therefore expenditure had been controlled through the operation of a Policy for a number of years.

The Council's Policy was being refreshed to take account of a recent Written Ministerial Statement on 27 January 2020 that clarified the position for a number of discretionary rate reliefs from 1 April 2020.

Any DRR award made as a result of the recommended changes from 1 April 2020 would be fully funded by the Government by way of grant paid under Section 31 of the Local Government Act 2003. As such there would be no additional cost to the Council as a result of the recommended changes to the Policy included in the report.

The main changes to the Policy, which was at Appendix 1 of the report, were to sections 1, 3, 5, 16, 19, 20 and Appendix A of the Policy. Much of the Policy, including the main criteria for awarding reliefs to charities and non-profit making organisations had not changed as a result of this update. The revised Policy aimed to support the vision and priorities of the Council, whilst ensuring that help was given to those organisations that could demonstrate that they were in the greatest financial need and whose services benefit the citizens of Derby.

The Executive Scrutiny Board noted the report.

Options considered

Not to amend the Policy. This option would mean that DCC lost the opportunity to support more businesses and organisations within the city potentially resulting in reputational damage for DCC and creating undue hardship for the business community. Therefore this was not recommended.

Decision

1. To approve the revised Discretionary Rate Relief Policy effective from 1 April 2020.

2. To delegate any future changes to the policy in the financial year 2020/21 to the Director of financial Services following consultation with the Cabinet member for Finance and Procurement.

Reasons

To ensure that qualifying businesses could receive DRR.

164/19 Infrastructure Programme Board Capital Programme 2020/21

The Council Cabinet considered a report which set out the following proposed 2020/21 work programmes for approval:

- Highways & Transport (H&T) - £17,579,000
- Vehicles, Plant & Equipment (VPE) - £2,092,000
- Flood Defence (FD) - £250,000

And also proposed programmes for 2021/22 and 2022/23 in respect of the Asset Management elements of the H&T programme.

There was also a specific recommendation to approve s106 spend as part of the H&T programme.

The H&T programme sought to achieve the goals of Derby's long term transport plan, as set out in our Local Transport Plan, LTP3 and also the 9 challenges in LTP3, in particular - provide network efficiency, reduce unnecessary delays and facilitate economic activity. The H&T programme sought to keep the city's transport network moving efficiently and effectively.

In the VPE programme, funding was prioritised against a replacement criterion, which was based on the expected life of the different types of vehicles and equipment, and the operational demands/requirements of the service.

The FD programme, funding was targeted towards schemes which managed and reduced the potential for, and impacts of flooding to properties and infrastructure in the city.

The Executive Scrutiny Board noted the report.

Options Considered

The development of the H&T programme had involved the consideration of various schemes for inclusion. The draft programme was considered to be the best fit to the objectives of LTP3, the local priorities of Neighbourhood Boards, with the level of budget available. It also contributed to our statutory functions.

The VPE and FD programmes had been developed in consideration against corporate objectives, Streetpride service standards and statutory obligations. It was

considered they offered the maximum value for money considering available budgets.

Decision

1. To approve the proposed H&T programme for 2020/21, plus Asset Management schemes for 2021/22 and 2022/23, as detailed in appendix 2a of the report.
2. To approve the allocation of s106 contributions in the 2020/21 H&T programme, as shown in appendix 2b and 2c of the report.
3. To approve the proposed VPE work programme for 2020/21, this was set out in appendix 3 of the report.
4. To approve the proposed FD work programme for 2020/21, this could be seen in appendix 4 of the report.
5. To continue to give delegated authority to the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Communities, Neighbourhoods & Streetpride to respond to changing priorities through the year by introducing new schemes or bringing forward schemes at the expense of others, within the scope of the approved budget.

Reasons

1. Approval of the work programmes prior to the start of the 2020/21 financial year would allow effective planning and programming of the detailed work programmes, with the aim of ensuring that schemes for all were delivered in the best possible way and achieve value for money. Also, early approval of the programmes would allow the identification of any risks to delivery. This would enable us to review and monitor risks efficiently.
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's Terms of Reference. Any revisions to the H&T programmes would still reflect the strategy of LTP3, whilst any changes to either the VPE or FD programmes would continue to maintain the methodology of their original development.

165/19 Homelessness and Rough Sleeping Strategy 2020 - 2025

The Council Cabinet considered a report which sought approval for the adoption of the new Homelessness and Rough Sleeping Strategy 2020-2025.

The Executive Scrutiny Board noted the report.

Options considered

The current strategy would soon be out of date and needed to be replaced, to comply with our statutory obligations under the Homelessness Reduction Act. As such, the Council did not have any other options.

Decision

To approve the adoption of the Homelessness and Rough Sleeping Strategy 2020-2025.

Reasons

The current strategy expires in March 2020. In order to comply with our statutory obligations under the Homelessness Reduction Act 2017 and to ensure we continued to be effective in tackling homelessness in Derby, it was essential to have a new strategy in place.

166/19 Compulsory Purchase of Empty Homes

The Council Cabinet considered a report which sought approval to initiate compulsory purchase proceedings in relation to 4 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 noted the report.

Options considered

Do nothing. This was not considered appropriate. The properties would remain a waste of potentially good housing and increasingly blight their respective neighbourhoods.

Enforced sale. There were currently no relevant financial charges registered against the properties that facilitated this option. The Council tax arrears owing for Property 1 were still a personal debt and were not registered against the property.

Empty Dwelling Management Orders. These involved the return of the properties to the original owner. 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.

Other enforcement powers. The local authority had 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. That the Strategic Director of Communities and Place be authorised, following consultation with the Cabinet Member for Adults, Health and Housing, the Director of Legal, Procurement and Democratic Services and Monitoring Officer 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; dispose of the properties in accordance with the proposals set out in the report; apply financial procedure rules regarding acquisition and disposal of property;
 - III. 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 would be satisfactorily renovated and re-occupied voluntarily;
 - IV. take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings
 - V. take all other necessary action to give effect to these recommendations

Reasons

1. The properties identified in Appendix 1 of the report (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 had proven unproductive.

2. Restoring the houses to the useful housing stock would contribute to meeting the increasing housing needs in Derby.
3. The risk of common problems associated with empty buildings such as trespass, vandalism, fly tipping or anti-social activities would be reduced.

Budget and Policy Framework

167/19 City Vision

The Council Cabinet considered a report which stated that the world was changing at an increasing speed and there were many external influences on our Council and our city which brought both significant challenges and exciting opportunities. The report set out how the Council could fulfil its place shaping role through supporting the creation of a shared long term city vision for Derby which could transcend short term imperatives and build aspiration for the future.

The Executive Scrutiny Board noted the report

Decision

To establish and facilitate a Vision Commission that would develop an inclusive, compelling and future proof vision for the city which would captivate and empower the Council, local leaders and the citizens of Derby.

Contract and Financial Procedure Matters

168/19 Compliance with Contract and Financial Procedure Rules

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

- A procurement for the Hire of Skips and associated Waste Disposal.
- The signing of a Collaborative Agreement with Nottingham City Council for the Way2Work project.
- Acceptance funding from the European Social Fund – ESF.
- Write off of two loans – Derby Enterprise Growth fund – DEGF.

The Executive Scrutiny Board recommended to Council Cabinet that the skip hire and waste disposal contract includes a high expectation for waste to be sorted at source and recycled as appropriate.

Decision

1. To approve:

- a) A procurement for the hire of skips and associated waste disposal, for an initial term of two years with an option to extend by a further two years in annual increments, with a value of £0.242m per annum as outlined in section 4.1 of the report.
- b) The signing of a Collaborative Agreement between Nottingham City Council, as the Accountable Body and Derby City Council for the delivery of the ESF funded 'Way2Work' Project as outlined in Section 4.2 of the report.
- c) Acceptance of funding of up to £0.270m from the ESF for the Way2Work project via the Accountable Body, Nottingham City Council as outlined in section 4.2 of the report.
- d) The write off of two Derby Enterprise Growth Fund (DEGF) loans, totalling a maximum of £0.581m as detailed in section 4.3 of the report.

2. To accept the recommendation from the Executive Scrutiny Board that the skip hire and waste disposal contract includes a high expectation for waste to be sorted at source and recycled as appropriate.

169/19 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 items on the grounds that they 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 Decision

170/19 Compulsory Purchase 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.

Contract and Financial Procedure Matters

171/19 Social Impact Bond for Children on Care and on the Edge of Care

The Council Cabinet considered a report which sought approval for a change in the information in relation to Social Impact Bond for Children in Care and on the Edge of Care.

The Executive Scrutiny Board noted the report.

Decision

1. To note and take into consideration the information provided in the associated approved Council Cabinet public report – appendix 1.
2. To note and take into consideration that the delegation agreed in Paragraph 2.2 of the approved Council Cabinet public report – appendix 1 to date had not yet been exercised whilst the identity of the Social Investor had been confirmed.
3. To approve the change of Social Investor as detailed in paragraphs 4.2 and 4.5 of the report from that set out in paragraph 4.7 of the approved Council Cabinet Paper exempt report – appendix 2- *Social Impact Bond for Children in Care and on the Edge of Care*.
4. To delegate authority to the Strategic Director for Peoples Services, following consultation with the Director of Finance and Cabinet Member for Children and Young People, to approve any future changes in name of Social Investor. This was detailed in paragraphs 4.2 and 4.5 of the report.

MINUTES END