

Time began: 6:00pm  
Time ended: 7.05pm

## **COUNCIL CABINET**

### **13 March 2019**

Present	Councillor Poulter (Chair) Councillors Barker, Grimadell, Roulstone, Smale, Webb and Williams
In attendance	Councillors Care and Eldret Don McLure – Strategic Director of Corporate Resources Christine Durrant – Strategic Director of Communities and Place Andy Smith – Strategic Director of People Emily Feenan – Interim Director of Legal, Procurement and Democratic Services Richard Antcliff – Director of Public Protection and Streetpride Greg Jennings – Director of City Development and Growth Frederico Almeida – Youth Mayor Keith Cousins – Communications Officer

This record of decisions was published on 15 March 2019. 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.

### **198/18 Apologies**

Apologies for absence were received from Councillor Graves, M Holmes and Skelton.

### **199/18 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 to enable the workforce transfer to take place with effect from 1 April 2019:

- Adoption East Midlands

### **200/18 Receipt of Petitions**

There were no petitions

### **201/18 Identification of Urgent Items to which Call In will not apply**

There were no items.

## 202/18     Declarations of Interest

There were no declarations of interest.

## 203/18     Minutes of the Meetings Held on 13 and 28 February 2019

The minutes of the meetings held on 13 and 28 February 2019 were agreed as a correct record.

## Matters Referred

### 204/18     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.

### 205/18     Recommendation from Regeneration and Housing Scrutiny Board

The Council Cabinet considered a minute extract from the Regeneration and Housing Scrutiny Board recommending Council Cabinet to acknowledge the contribution, being made by the group established through Marketing Derby, to improve information on the economic aspects of planning applications for major developments.

#### **Decision**

To accept the recommendations from the Regeneration and Housing Scrutiny Board to acknowledge the contribution, being made by the group established through Marketing Derby, to improve information on the economic aspects of planning applications for major developments.

## Key Decisions

## 206/18 Neighbourhood Working

The Council Cabinet considered a report which set out a new model for Neighbourhood Working across the city as part of the broader public protection responsibilities of the Council and its partners.

It was intended to improve the public realm, tackle local issues and protect the public.

To support this approach it was proposed to increase the number of Public Protection Officers working within a new operating framework.

The Executive Scrutiny Board resolved to note the factual error at 6.2 of the report and to recognise that existing Public Protection Officers have operated in wards across the city and to request that, subject to Cabinet approval, a performance review is received by the Board twelve months after the implementation of the new model for neighbourhood working.

### **Options considered**

1. Continue with 9 Public Protection Officers but this would not achieve the Council Plan to increase and improve neighbourhood working across all areas. It would continue to place additional pressure on neighbourhood management and other targeted, specialist or partner organisation teams.
2. Utilise the existing 9 Public Protection Officers across the city rather than just in Normanton and the city centre but this would reduce the offer significantly and would not have the desired impact.

### **Decision**

1. To approve a refreshed approach to Neighbourhood Working including a new problem solving model set out in paragraphs 4.7 to 4.18 of the report.
2. To approve an increase in Public Protection Officers from 9 to 20 with every ward having a named officer.
3. To approve the reinstatement of devolved funding to each ward.
4. To note that the Executive Scrutiny Board noted the factual error at 6.2 of the report and to recognise that existing Public Protection Officers have operated in wards across the city and to the Boards request that, subject to Cabinet approval, a performance review is received by the Board twelve months after the implementation of the new model for neighbourhood working .

### **Reasons**

1. The Council Plan sets out an ambition to deliver a new model of a neighbourhood working across all of the city's 17 wards. Currently the neighbourhood teams work in 12 priority wards. The city had also introduced Public Protection Officers, initially to combat environmental crime in the inner city, but more recently to tackle anti-social behaviour in the city centre. It was proposed to increase Public Protection Officer resource to each ward with a named Public Protection Officer, in addition to a named Neighbourhood Partnership Officer, who would cover more than one ward.
2. The new model proposed a refreshed approach to neighbourhood working, building on the success of Public Protection Officers and developing the role of Neighbourhood Partnership Officers.
3. A refreshed tasking and intelligence model would set citywide partnership priorities (crime and disorder) but allow for ward based priority setting. This would include support from partner organisations and utilisation of the Council's resources in a more efficient way through a universal, targeted and specialist approach.
4. Each ward would receive £10,000 of devolved funding that would commence from 1 October 2019 (£5k pro rata for 2019/20 and £10k for subsequent years). This would support community engagement, help with local priorities and assist small community groups or projects.

## 207/18 Infrastructure Programme Board Capital Programmes

The Council Cabinet considered a report which set out the following proposed 2019/20 work programmes for approval:

- Highways & Transport (H&T) - £23,735,000
- Vehicles, Plant & Equipment (VPE) - £4,772,000
- Flood Defence (FD) - £250,000

It also proposed programmes for 2020/21 and 2021/22 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.

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. In 2019/20, its focus was ensuring that our vehicle fleets are Euro VI and Euro 6 compliant as Derby looked to achieve Air Quality compliance.

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 resolved to request that the full business case, seeking approval for the Local Air Quality Plan, be circulated to members of the Board for information.

### **Options considered**

1. 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 Members and Neighbourhood Boards, with the level of budget available. It also contributed to our statutory functions.
2. The VPE and FD programmes had been developed in consideration against corporate objectives, Streetpride service standards and statutory obligations. It was considered that they offered the maximum value for money considering available budgets.

### **Decision**

1. To approve the proposed H&T programme for 2019/20, plus Asset Management schemes for 2020/21 and 2021/22, as detailed in appendix 2a of the report.
2. To approve the allocation of s106 contributions in the 2019/20 H&T programme, as shown in appendix 2b of the report.
3. To approve the proposed VPE work programme for 2019/20, this was set out in appendix 3 of the report.
4. To approve the proposed FD work programme for 2019/20, 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.
6. To note that the Executive Scrutiny Board had requested that the full business case, seeking approval for the Local Air Quality Plan, be circulated to members of the Board for information.

### **Reasons**

1. Approval of the work programmes prior to the start of the 2019/20 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. 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.

## **208/18 South Derby Growth Zone Update and Strategic Approach**

The Council Cabinet considered a report which provided an update on the progress of the South Derby Growth Zone (SDGZ) and made a number of recommendations which would enable the scheme to progress.

The project had now taken on added importance, as it was part of a major £75m Housing Infrastructure Fund (HIF) consortium bid, led by Nottinghamshire County Council (NCoC). It was the only bid from the D2N2 area and if successful, it would represent one of the biggest investments in infrastructure in the East Midlands. Approval of the recommendations would provide the necessary re-assurances to government in advance of the bid submission and enable the subsequent development of the scheme to progress in accordance with the necessary timescales.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. Option 1: Do Nothing

This was not considered a viable option, as without public sector intervention the bulk of the benefits identified in paragraph 4.5 of the report would not be delivered.

2. Option 2: To endeavour to deliver the infrastructure without the mandate, in principle, to use CPO powers.

This approach would not however provide government and partners with the re-assurance that the development would be able to proceed in the event that the private sector partners were not able to reach agreement with landowners in relation to the necessary land acquisition.

### **Decision**

1. To delegate approval to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Adults, Health and Housing and the Strategic Director for Corporate Resources to submit the Housing Infrastructure Fund business case [jointly with Nottinghamshire County Council] and to respond to adjustments required following final discussions with the HIF consortium or officers from Homes England.
2. To delegate the acceptance of Housing Infrastructure Fund (HIF) grant funding to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Adults, Health and Housing and the Cabinet Member for Finance, Procurement and Audit and the Strategic Director for Corporate Resources.
3. To note that an Infrastructure Delivery Agreement (IDA) would be required to govern the delivery of the A50 junction and link road. An IDA was a legal agreement whereby the signatories made a contractual commitment to deliver infrastructure (this approach was successfully used by the Council on the T12 and Victory Road projects).
4. To delegate authority to the Strategic Director for Communities and Place following consultation with the relevant Cabinet Member and the Strategic Director For Corporate Resources to negotiate the terms of an Infrastructure Delivery Agreement in relation to the A50 junction and link road.
5. To delegate authority to the Strategic Director for Communities and Place following consultation with the relevant Cabinet Member and the Strategic Director for Corporate Resources to negotiate and enter an agreement with developers regarding delivery of a new primary school and all other legal documentation necessary to deliver the school.
6. To note that a further report would be brought to Council Cabinet for final approval of the terms of the Infrastructure Delivery Agreement once finalised.
7. To endorse the broad concept of the Development Framework Document, (attached at appendix 1 to the report), for Infinity Garden Village (IGV) and to delegate authority to the Chief Planning Officer to agree the final version following continued dialogues with South Derbyshire District Council (SDDC) and Derbyshire County Council (DCoC).
8. To approve in principle, the Council's use of Compulsory Purchase Order (CPO) powers in relation to the new A50 junction and link road.
9. Subject to the HIF bid being successful, to delegate to the Strategic Director of Communities and Place following consultation with the relevant Cabinet Member and the Strategic Director for Corporate Resources for authority to carry out a land referencing exercise; issue notices requisitioning information from persons in relation to the land or other land pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976; and to enter on to the land or other land for the purposes of carrying out surveys pursuant to Section 172 of the Housing and Planning Act 2016 and such other actions, including

appointing agents and advisors, as may be necessary to progress a Compulsory Purchase Order (CPO), the costs of such land referencing exercise to be met by HIF monies.

## **Reasons**

1. The progression of the South Derby Growth Zone would significantly contribute to the Council's objectives relating to the delivery of housing and economic growth as detailed in paragraph 4.6 of the report.
2. Delegation of the final bid to the Strategic Director would enable the Council's bid to respond to adjustments required following final discussions with the HIF consortium or officers from Homes England.
3. In order to comply with the Council's Contract and Procedure rules, council Cabinet authority was required to enable the Council to receive the Housing Infrastructure Fund grant monies.
4. Approval was necessary to enter into such agreements as necessary to deliver the project. Appropriate approvals were also one of the criteria of Homes England for a successful HIF Business Case.
5. Council Cabinet was being asked to endorse the broad concept of the Development Framework Document (DFD) for IGV, whilst recognising that final agreement on the detailed wording of the DFD between Derby City Council (DCC), SDDC and DCoC was still required.
6. Whilst the Council would endeavour to acquire the land required for the link road by negotiation, the exercise of CPO powers may be necessary, if agreement could not be reached. Council Cabinet agreement to the principle of CPO was necessary to demonstrate, in advance of the HIF submission, that the Council was prepared in principle to take the necessary CPO action if required.

## **209/18 Purchase of a Residential Conversion to provide 8 New Affordable Homes**

The Council Cabinet considered a report which proposed the acquisition of a converted property to provide new affordable homes to be funded from the Housing Revenue Account (HRA) capital programme and Right to Buy receipts (RtB).

The existing building had been converted to provide 6 two bedroom apartments and 2 three bedroom duplex apartments over 4 storeys and was located in close proximity to the city centre.

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

The Executive Scrutiny Board noted the report.



### **Options considered**

1. To not proceed with the acquisition. To not proceed would compromise the Council's ability to meet its affordable development targets, absorb its Right to Buy receipts and provide much needed affordable housing.
2. To not proceed with the purchases and leave for private market sale. The conversion had no planning obligation to provide any affordable homes so there would be no additionality of affordable homes to rent within the city.

### **Decision**

1. To approve the acquisition of the 8 apartments at an agreed price.
2. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources, to enter into contract and further necessary agreements as required to secure the acquisition of the properties.
3. To approve the works required to ensure the homes meet the Council's lettable standard to be completed by Derby Homes at an approximate cost of £100,000.
4. To approve the incorporation of the properties into the Council's affordable housing portfolio to be managed by Derby Homes.

### **Reasons**

1. To provide additional affordable homes available to those in identified housing need.
2. To ensure due diligence and for the acquisition to be completed in a timely manner.
3. To ensure the properties provided appropriate, affordable accommodation to meet the needs of those on the Housing Register.
4. To ensure the property was correctly managed and maintained.

## **210/18      Establishment of the Derby and Derbyshire Safeguarding Children Partnership**

The Council Cabinet considered a report which sought approval to establish new Multi-Agency Safeguarding Arrangements across the Derby City and Derbyshire County areas replacing both the Derby Safeguarding Children Board and the Derbyshire Safeguarding Children Board. Working Together 2018 replaced the

requirement to have Local Safeguarding Children Boards and for Safeguarding Partners, comprising of local authorities, clinical commissioning groups, and chief officers of police, to agree arrangements locally to safeguard and protect children.

The new arrangements would be called the Derby and Derbyshire Safeguarding Children Partnership and would bring together the lead members and chief officers from the statutory agencies to oversee and scrutinise the work of a joint executive board comprising both statutory and other key partners. It would continue to be independently chaired.

The new arrangements would boost the capacity within the system to improve its scrutiny of safeguarding arrangements whilst ensuring duplication is minimised. The arrangements would build on the excellent performance of the two separate boards but allow for wider sharing of both learning and resources.

To support the new arrangements the report sought approval to establish a joint business support team hosted by one of the local authorities. The detail of this team was yet to be finalised and as statutory timescales were tight it was requested that resolution of the detailed structure of the team was delegated to the relevant Directors, following consultation with the relevant Cabinet Members.

It was noted that since the report had been written Derby had been selected to host the arrangements.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. Current arrangements comprising the two safeguarding children's boards could be used as a model for creating two separate new multi-agency safeguarding arrangements for each local authority area. However, this option would not be the preferred model for the key statutory partners as it would continue to duplicate arrangements for them. Separate arrangements would not allow for the two existing Boards to combine strengths, co-ordinate resources and deliver a shared approach. It was envisaged that there would be improved co-ordination and areas of duplication would be avoided, leading to greater impact and effectiveness over time; the extent of this would be established during the first 12 months of implementation of the new arrangements.
2. The option of including the Derby and Derbyshire Safeguarding Adult Boards (DSAB's) within the new partnership arrangements was considered by the chief officer group. However, at this stage it was felt beneficial to retain a strong focus on safeguarding children and minimise the risks inherent in further change. This could be a consideration in the future.

### **Decision**

1. To approve the establishment of the Multi-Agency Safeguarding Arrangements called the Derby and Derbyshire Safeguarding Children Partnership to replace

the two existing Safeguarding Children's Boards in line with Working Together to Safeguard Children 2018 statutory guidance and the Children and Social Work Act 2017.

2. To establish a joint business support team for the new partnership to be hosted by one of the local authorities. The decision on hosting arrangements to be made by the statutory partners supported by an independent analysis of who was best placed to host. The hosting arrangements and specific details of the roles and responsibilities of the team be delegated to the Derby Director of Peoples Services and the Derbyshire Strategic Director of Children's Services, following consultation with the relevant Cabinet Members.
3. To agree 25% proportion (for each local authority) of the future finance arrangements.

## **Reasons**

1. Section 30 of the Children and Social Work Act 2017 Act 'abolishes' Local Safeguarding Children Boards by deleting sections 13 to 16 of the Children Act 2004.

Under the Children and Social Work Act 2017 Act the three statutory safeguarding partners (Local Authorities, Chief Officers of Police, and Clinical Commissioning Groups (CCGs)) must make arrangements to work together with relevant agencies to safeguard and protect the welfare of children in the area. These were referred to as Multi-Agency Safeguarding Arrangements.

Working Together to Safeguard Children (July 2018), sets out the statutory guidance to which all new Multi-Agency Safeguarding Arrangements must adhere. Under the guidance it was permissible for the new arrangements to cover more than one local authority area with the same principle applying for Clinical Commissioning Groups and Chief Officers of Police.

The new guidance offered an opportunity to refresh the design of the Multi Agency Safeguarding Arrangements across Derbyshire and Derby.

Opportunities existed, therefore, to improve the coordination and impact of the work partnership as the new Multi-Agency Safeguarding Arrangements enable partner agencies who worked across the City and County boundaries to maximise strategic use of resources and reduce some duplication of their activity.

2. Implementing the new Derby and Derbyshire Safeguarding Children's Partnership arrangements would require the additional redesign of the business support function to enable the two separate LSCB teams to join together to fully support the work of the combined body. As the new arrangements would need to be published in June 2019 and be operational by September 2019 it was proposed to delegate the final design of this team to the relevant Directors, following consultation with the relevant Cabinet Members. This would reduce the risk of any delays in decision making impacting on the establishment of the new arrangements.

## 211/18 Healthwatch Derby Funding Arrangements

The Council Cabinet considered a report which stated that there was a statutory requirement in the Health and Social Care Act 2012 for local authorities to commission a Healthwatch organisation for their locality. Healthwatch Derby fulfilled a consumer champion role for customers of health and social care services. They gathered the views of the public and stakeholders about local services and reported to local providers and commissioners.

In 2012-13 the Council worked with local partners to establish Healthwatch Derby (HWD) as a private limited company by guarantee without share capital use of 'Limited' exemption. HWD had a management board with representatives from the local community and from stakeholder organisations including the Council. HWD had a seat on and reported into the Council's Health and Wellbeing Board.

Funding for the organisation was arranged through a Grant agreement between the Council and the HWD Board, the current agreement expires on 31 March 2019. It was proposed to award a new grant, to the current organisation or an alternative provider. This would be for three years from 1 April 2019 – 31 March 2022. The level of funding varies annually, in line with central government's funding allocation. This central government funding was yet to be confirmed for April 2019 onwards.

The Executive Scrutiny Board noted the report

### **Options Considered**

1. Not varying the current grant funding arrangements would mean the Council were not meeting their statutory duties under the Health and Social Care Act 2012.
2. The Council would consider the most appropriate commissioning options to deliver this function up until March 2022 once central government had confirmed its grant allocation, to ensure that Derby's Healthwatch provided a high quality and value for money service for the people of Derby with appropriate governance.

### **Decision**

1. To vary the current terms of the existing grant funding agreement with Healthwatch Derby until such time as the central government funding allocation was confirmed from the Department of Health and Social Care.
2. To approve the award of a new Grant for Healthwatch Derby or an alternative provider and updating of the existing grant agreement for the period between April 2019 (at the earliest) to March 2022, reflecting Derby's allocation from the Department of Health and Social Care.

## **Reasons**

1. All local authorities were required to arrange for an independent Healthwatch service that provided the statutory functions set out in the Health and Social Care Act 2012.
2. The current organisation had been developed with local partners to provide this service, had delivered this role successfully and followed guidance set by the national body Healthwatch England to review and improve the service it delivered.

## **212/18 Becketwell Regeneration**

The Council Cabinet considered a report which gave an update on progress with delivering the comprehensive regeneration of the Becketwell area of the city centre and sought the necessary approvals to deliver further work.

The Executive Scrutiny Board noted the report.

## **Options Considered**

Do Nothing –

This was not an option as in reality the site was identified as a key regeneration priority within the City Centre Masterplan 2030. The area had witnessed continued social, economic, and physical decline over the past two decades as various attempts by the private sector had failed to come to fruition owing to viability issues. The site was therefore the subject of market failure.

## **Decision**

1. To approve the overall vision for Becketwell Regeneration and the proposed delivery mechanism.
2. To approve the extension of the current exclusivity agreement with St James' Securities Ltd as described in paragraph 4.10 of the report.
3. To approve the disposal of Council owned land at Becketwell to St James' Securities and delegate authority to the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Regeneration and Public Protection, the Cabinet Member for Finance and Procurement and the Strategic Director for Communities and Place, to negotiate and enter into the extended exclusivity agreement with St James' Securities and all necessary legal documentation to facilitate the disposal of Council owned land at Becketwell to St James' Securities on terms outlined within this paper.
4. To approve the acquisition of further land within the Becketwell area and to delegate authority to the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Regeneration and Public Protection,

the Cabinet Member for Finance and Procurement and the Strategic Director for Communities and Place, to seek to negotiate and enter into all necessary legal documentation to facilitate the acquisitions.

5. To approve the demolition of the Colyear Street premises and to delegate authority to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration and Public Protection to enter into such legal agreements as necessary for the demolition of the Colyear Street (subject to any planning approval required).
6. To note the recommendation in the Contract and Financial Procedure Matters Report to this meeting of Council Cabinet relating to submission of a bid to the Future High Street Fund.
7. To approve a departure from the corporate capital receipts policy to earmark the receipts from the sale of land for the use on the Becketwell regeneration project as detailed in section 7 financial information which was contained in the confidential report later on the agenda for this meeting.

## **Reasons**

1. To deliver the comprehensive regeneration of the Becketwell area of the city centre in line with the City Centre Masterplan 2030.
2. To enable the Council to:-
  - a. meet its commitments to D2N2 Local Enterprise Partnership under the terms of its Local Growth Fund funding agreements;
  - b. deliver the sale of the Debenhams building within the timeframe of the existing Exclusivity Agreement with St James' Securities; and
  - c. maintain momentum on Becketwell regeneration – a long term, high priority scheme for the Council.

## **213/18 Adoption East Midlands**

The Council Cabinet considered a report which stated that a report to Council Cabinet dated 14 February 2018 outlined the Government's intention under 2016 Education and Adoption Act that all individual local authority adoption agencies be combined into regional adoption agencies by 2020 to deliver the following;

- To provide all children with an adoptive family that meets their needs.
- To ensure that those affected by adoption receive the information, support and advice that they need to understand their adoption journey.
- To ensure that families are well prepared, enabled and supported to care for the children with plans for adoption.

On the 14 February 2018, Council Cabinet agreed in principle that a regional adoption agency for Derby, Derbyshire, Nottingham and Nottinghamshire councils to operate as a shared adoption service.

Council Cabinet agreed to delegate subsequent decision for the ensuing model and business case to the Strategic Director of People and Cabinet Member for Children and Young People and Safeguarding following consideration of a further report prepared by the strategic leads from each authority. These reports had been submitted and model and business case had been approved.

Council Cabinet agreed to delegate the subsequent decision on which local authority hosts the regional adoption agency on behalf of the other local authority partners to the Cabinet Member for Children and Young People and Safeguarding which had been completed. The Host Authority had been selected as Nottinghamshire County Council.

Council Cabinet was requested to note that it was the intention that staff from the four local authorities who were in the scope for the regional adoption service were seconded to the Host Authority, subject to the nature of the final model.

A strategic governance board would be established from 1 April 2019 that would:

- Act as the intermediary between the Local Authority and Adoption East Midlands.
- Would be chaired by a Director of Children's Services from one of the partner LAs
- Act as a forum for the Adoption East Midlands head of service to escalate and resolve or address issues and challenges.
- Act as the key strategic forum for discussion in relation to Adoption East Midlands.
- The Board would not have decision making authority, but could make recommendations to the partners, including the Adoption East Midlands budget, business plan, improvement plan and monitoring performance and quality of the service.

The outstanding matter before Council Cabinet was the intention that the workforce transfer to the Host authority, Nottinghamshire County Council, with effect from 1 April 2019 under the provisions of TUPE (Transfer of Undertakings, Protection of Employment) Regulations.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. The DFE had stated that there was now a national expectation that all Local Authorities would form a Regional Adoption Agency by 2020. A range of models had been considered with the one proposed in this document appearing to offer the best potential to meet local need.

2. Alternatives may include joining a different RAA but this would add further distance to visiting and supporting children in placement and the money that had been provided by DFE to help with the project management costs was provided to the East Midlands local Authorities to work together.

## **Decision**

1. To note that as a consequence of Derby City Council joining the RAA and the determined model agreed by the Strategic Director of People and Cabinet Member for Children and Young People, that there would be a workforce transfer to the Host Authority, Nottinghamshire County Council with effect from 1 April 2019 under the provisions of TUPE (Transfer of Undertakings, Protection of Employment) Regulations – subject to the outcome of formal consultation and finalisation of all relevant contractual and legal arrangements between the four local authorities.
2. To delegate authority to the Strategic Director of People, to negotiate and agree the terms of the Inter-Agency Agreement with Nottingham City, Derbyshire County and Nottinghamshire County Councils as partner authorities to establish and deliver the RAA, including the established governance board which could seek to make recommendations to the partners, but had no binding decision powers over the authorities unless agreed by all partner authorities.

## **Reasons**

The new body must be in a position to act as a single entity on behalf of the Partner Authorities including line management of all staff in the RAA, their deployment and performance management and influencing the recruitment and selection of RAA staff (with power of veto). This would enable swift decision making and reduce delay.

## **Contract and Financial Procedure Matters**

### **214/18 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.

- i. To approve the use of £0.035m reserves for the Physical Activity and Social Isolation Service;



- ii. To approve a late addition of £0.100m to the 2019/20 Housing Revenue Account capital programme;
- iii. To inform Cabinet of the new Future High Street Fund released by the Government in December 2018 and seek approval to submit an Expression of Interest to the Future High Street Fund by the 22 March 2019;
- iv. To approve the increase to the capital programme scheme of £1.652m for the Homeleigh Way S106 Chellaston school contribution in order to increase published admission numbers from 265 to 300. And to also provide sufficient capacity for the Academy to admit its normal area applications, as pupil numbers are projected to increase in coming years;
- v. To approve the additional funding awarded for 2019/20 Adult Services Winter pressures – Adult Social Care Grant of £1.149m. This is a ‘one off’ payment and was confirmed in the Chancellor’s Local Government Final Finance Settlement on 29 January 2019;
- vi. To approve the additional funding awarded to support Adult and Children's services in 2019/20 of £1.962m. This is a ‘one off’ payment and was confirmed in the Chancellor’s Local Government Final Finance Settlement on 29 January 2019;
- vii. To approve the acceptance of one off Brexit funding from Government of £0.210m for 2018/19 and 2019/20 awarded to support preparations for Brexit;
- viii. To approve an amendment to the 2019/20 – 2021/22 capital programme for the slippage of the Chellaston Park play area.

The Executive Scrutiny Board noted the report.

## **Decision**

1. To approve the use of a £0.035m from the Grants with Restrictions Reserve to grant-fund “GoodGym” to deliver a three-year physical activity and social isolation programme as detailed in section 4.1 of the report.
2. To approve the addition of £0.100m to the 2018/19 – 2021/22 Housing Revenue Account (HRA) capital programme as detailed in section 4.5 of the report.
3. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources, Cabinet Member for Regeneration and Public Protection and Cabinet Member for Finance and Procurement for the agreement of and submission of the final Future High Street Fund Expression of Interest (EOI) as detailed in section 4.8 of the report.
4. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources, Cabinet Member for Regeneration and Public Protection and Cabinet Member for Finance and Procurement to accept funding agreement conditions associated with revenue grant support to develop a full business case to the Future High Street Fund if the EOI is successful as detailed in section 4.8 of the report.

5. To approve the amendment to the 2019/20 – 2021/22 capital programme to increase the contribution for the Chellaston school expansion by £1.652m and refer to the previous approval sought in the quarter 3 outturn report to pay over the contributions to external partners as detailed in section 4.13 of the report.
6. To approve the addition of £1.149m for 'one off' grant funding to support 2019/20 Winter pressures in Adult Services, allocated in the Local Government Final Finance Settlement on 29 January 2019 and to approve the delegated authority for allocating the use of the £1.149m Adult Social Care funding to the Strategic Director of People Services following consultation with the Section 151 Officer and the relevant Cabinet Member as detailed in section 4.18 of the report.
7. To approve the addition of £1.962m for 'one off' grant funding to support Adult and Children's Social Care Services in 2019/20, allocated in the Local Government Final Finance Settlement on 29 January 2019 and to approve the delegated authority for allocating the use of the £1.962m Adult and Children's services funding to the Strategic Director of People Services in consultation with the Section 151 Officer and the relevant Cabinet Members as detailed in section 4.21 of the report.
8. To approve the acceptance of one off Brexit funding from Government of £0.210m for 2018/19 and 2019/20 awarded to support Brexit preparations and to approve the delegated authority for allocating the use of the £0.210m funding to the Strategic Director of Corporate Resources and the relevant Cabinet Member as detailed in section 4.22 of the report.
9. To approve the amendment to the 2019/20 -2021/22 capital programme to add in the Chellaston Park play area slippage of £0.075m omitted from the capital budget report approved by Council Cabinet on 13 February 2019 and detailed in paragraph 4.24 of the report.

## 215/18 Exclusion of Press and Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following items of business 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 Decisions

### 216/18 Becketwell Regeneration

The Council Cabinet considered a report which updated on progress with delivering the comprehensive regeneration of the Becketwell area of the city centre and sought the necessary approvals to deliver further phases of work.

The Executive Scrutiny Board noted the report.

### **Options Considered**

These were set out in paragraphs 6.1 and 6.2 of the report.

### **Decision**

To approve the recommendations set out in paragraphs 2.1 to 2.9 of the report.

### **Reasons**

These were set out in paragraphs 3.1 and 3.2 of the report.

## **217/18 Purchase of a Residential Conversion to Provide 8 Affordable Homes**

The Council Cabinet considered exempt information in relation to the purchase of a residential conversion to provide 8 affordable homes

**MINUTES END**