

Time began: 6.03pm  
Time ended: 6.53pm

**COUNCIL CABINET**  
**18 January 2017**

Present                      Councillor Banwait (Chair)  
                                 Councillors Afzal, Eldret, Hussain, Rawson, Repton, Russell and  
                                 Shanker

In attendance              Councillors Barker, M Holmes, Ingall, Poulter, Skelton and  
                                 Smale  
                                 Philip Hutchinson – Youth Mayor  
                                 Paul Robinson – Chief Executive  
                                 Christine Durrant – Strategic Director Communities and Place  
                                 Andy Smith – Strategic Director of People  
                                 Janie Berry – Monitoring Officer  
                                 Martyn Marples – Director of Finance  
                                 Jeremy Mason – Principal Housing Strategy Officer  
                                 Ruth Sadler – Communications Officer

This record of decisions was published on 20 January 2017. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

**124/16      Apologies**

An apology for absence was received from Councillor Bolton.

**125/16      Late Items**

There were no late items.

**126/16      Receipt of Petitions**

There were no petitions received.

**127/16      Identification of Urgent Items to which Call In will not  
                         Apply**

The following items had to be implemented by 31 January 2017 and therefore been exempted from call-in on the grounds of urgency.

**Item 9 – Council Tax Base for 2017/18 (Minute no 132/16)**

**Item 10 – Changes to the Council Tax Support Scheme from 1 April 2017  
(Minute no 133/16)**

The Chair of the Corporate Scrutiny and Governance Overview and Scrutiny Board had agreed the matters could be treated as urgent items and therefore not subject to call-in.

## **128/16     Declarations of Interest**

There were no declarations on interest.

## **129/16     Minutes of the Meeting Held on 7 December 2016**

The minutes of the meetings held on 7 December 2016 were agreed as a correct record and signed by the Chair.

## **Matters Referred**

### **130/16     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. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

#### **Decision**

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

## **Key Decisions**

### **131/16     Adoption of Derby City Local Plan Part 1 (Core Strategy)**

The Council Cabinet considered a report which stated that a final version of Part 1 of the Derby City Local Plan (the Core Strategy) was submitted for independent Examination at the end of 2015. Examination Hearings took place throughout April and May 2016 and, in August 2016, the Planning Inspector authorised the Council to consult on a number of Main Modifications to the Plan which had arisen through consultation and discussions at the Examination. These were consulted on throughout September and October 2016. Main Modifications are those modifications the Inspector considers necessary to make the Plan Sound and enable the Council to formally adopt it.

After considering responses to the consultation, the Inspector wrote to the Council on 5 December 2016 finding the plan Sound, subject to making the Main Modifications.

Council Cabinet was asked to approve these. It was also asked to approve a 'mock up' of the final Local Plan Document for publication, including the Main Modifications and a number of minor modifications. The Inspector's covering letter and report were attached as Appendix 3 to the report.

The Inspector had accepted the fundamental principles of the Plan and the proposed Main Modifications were relatively minor, often being necessary to reflect changed national planning guidance. It was particularly satisfying that he had accepted the overall housing target and the strategy to meet part of Derby's housing needs outside of its administrative boundaries. This strategy provided a good balance between the need to regenerate older urban areas through brownfield sites, whilst avoiding town cramming and maintaining the principle of green wedges. It was also pleasing that he had accepted a flexible approach to meeting affordable housing targets which would help achieve higher levels of affordable housing than it otherwise would, whilst allowing each situation to be considered on its merits.

The schedule of the Main Modifications was attached as Appendix 4 to the report and a track changed 'mock-up' of the document, as modified, could be seen on the Council's website. This mock-up would need some further minor amendments to produce the finalised version for publication and Council Cabinet and Council were being asked to authorise the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to agree these.

A City-wide map of the main development sites within and adjoining the City, was included as Appendix 5 of the report.

The Local Plan would be supported by a document known as the Policies Map, which was much the same as the old Proposals Map that formed part of previous Local Plans. This would identify the site areas to which the various site specific policies apply, although technically it was a separate document to the Local Plan. The basis for this map would be the current CDLP Review Proposals Map, which would be amended to reflect proposals in the new Local Plan and deleted Saved Policies of the CDLP Review. These changes were set out in a schedule of 'Proposed Changes to Proposals Map' (August 2015) which was submitted to the Examination. This schedule was attached as Appendix 6 to the report. Further changes to the Map, affecting the former Friar Gate Goods Yard site, were agreed at the Examination and included in the Main Modifications. These were attached as Appendix 7 to the report. Council Cabinet and Council were being asked to agree these changes as the basis for preparing the new Policies Map. Members were also being asked to authorise the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to agree the final version of this Map for publication alongside the Local Plan Part 1. Further changes would need to be made to it as part of the Part 2 Plan.

Council Cabinet was further being asked to refer the Plan as modified, including the Maps to be used to draw up the Policies Map, to Council for formal adoption.

Formal adoption is followed by a period of six weeks in which the Plan could be challenged in the High Court through a Judicial Review.

The adopted Local Plan Part 1 would replace a number of 'Saved Policies' of the City of Derby Local Plan Review. A schedule of these was included as Appendix 8 of the report. Council Cabinet and Council were asked to agree these for formal deletion. The remaining CDLP Review Saved Policies would be deleted on adoption of the Part 2 Plan.

The Corporate Scrutiny and Governance Board welcomed the adoption of the plan and noted that this would need to be reviewed in future years. The Board also noted that further work would need to be done in future years in relation to the provision of affordable housing and services for the growing aging population.

### **Options Considered**

Options for different development strategies were developed and consulted on as part of the Plan making process.

### **Decision**

1. To agree proposals to finalise the Local Plan Part 1 document and Policies Map for publication.
2. To agree the 'mock-up' version of the Local Plan, including the Main Modifications, linked to in Paragraph 1.4 of the report as the final version of the plan, and to recommend Council to formally adopt it.
3. To agree the Schedule of 'Proposed Changes to Proposals Map' (August 2015), set out in Appendix 6 of the report, and the further changes affecting the former Friar Gate Good's Yard site, set out in Appendix 7 of the report, as the basis for up-dating the separate Policies Map and to recommend Council to approve it.
4. To agree the deletion of existing City of Derby Local Plan Review 'Saved Policies' set out in Appendix 8 of the report and to recommend Council to formally delete them.
5. To authorise the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to agree a final version of the Local Plan Part 1 (Core Strategy) and Policies Map.

### **Reasons**

1. To agree the Main Modifications identified by the Inspector as being necessary to find the Plan Sound and for it to be adopted.
2. To agree proposals to formally adopt the Local Plan Part 1 (Core Strategy).
3. To agree proposals to enable the Policies Map to be prepared.

4. To agree proposals to formally delete policies of the old City of Derby Local Plan Review that were superseded by new policies in the Derby City Local Plan Part 1 (Core Strategy).
5. To agree proposals to finalise the Local Plan Part 1 document and Policies Map for publication.

## 132/16 Council Tax Base for 2017/18

The Council Cabinet considered a report which stated that the Council has to calculate its council tax base for 2017/18 as a means of raising council tax income for the 2017/18 financial year from Derby council tax payers.

The tax base was an estimated figure of the number of domestic properties in terms of 'band D' in the Council's area during the financial year concerned. It was used to determine a headline charge for band D properties in the city. Charges for other bands were calculated as defined fractions of the headline charge.

The proposed council tax base for 2017/18 was 66,574.07 band D equivalent properties compared with the 2016/17 council tax base of 65,138.20. This reflected an increase in the number of domestic dwellings within the city, an estimated reduction in the amount of council tax support awarded and an estimate of the number of newly built homes between 1 December 2016 and 31 March 2018.

The increase in the tax base would result in more council tax being collectable for the 2017/18 financial year.

The Corporate Scrutiny and Governance Board noted the report.

### **Options Considered**

Setting the council tax base is a statutory duty.

### **Decision**

1. To approve the council tax base for the year 2017/18 as 66,574.07 band D equivalent properties in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012/2914).
2. That in accordance with the methodology and estimates shown at Appendix 2 of the report, to recommend Council to approve this calculation at the Council meeting on 25 January 2017.

### **Reasons**

Agreeing the council tax base was the first step in the process of setting the council tax to be collected in 2017/18 and was an essential part of establishing the 2017/18 budget.

## 133/16      Changes to the Council Tax Support Scheme from 1 April 2017

The Council Cabinet considered a report which stated that Derby's local Council Tax Support (CTS) Scheme was introduced from 1 April 2013, to replace the national Council Tax Benefit (CTB) Scheme which had been abolished by Central Government. The CTS Scheme assists working age claimants who required financial assistance with paying their Council Tax bills. Pensioners were not affected by the CTS Scheme as they were treated separately under different legislation.

On 3 February 2016 Council approved a series of measures to manage budget risks in 2016/17 and future years including a review of the CTS Scheme to deliver savings of £800,000 from Derby City Council's share of Council Tax for the 2017/18 financial year.

In addition to this the Government's continuing programme of welfare reforms had meant changes to the Housing Benefit (HB) Scheme, meaning that in some instances different rules were now being operated between the HB and CTS Schemes. HB and CTS were usually claimed together on a joint claim form.

On 13 July 2016 Council Cabinet agreed that a consultation would take place about making changes to the CTS Scheme, to take effect from 1 April 2017. The proposals would be designed to explore different options for delivering efficiencies within the Scheme, seek to provide consistency and minimise confusion for claimants by aligning some aspects of the CTS Scheme with the HB Scheme and provide operational clarity on the administration of the CTS Scheme. The Scheme must be changed by 31 January 2017 in order to take effect from 1 April 2017.

Consultation was carried out with the Major Precepting Authorities (MPAs) between 26 July 2016 and 2 August 2016. The Police and Crime Commissioner for Derbyshire responded to this but did not make any comments about the specific proposals to change the Scheme. Consultation was carried out with the public for 12 weeks between 5 August 2016 and 28 October 2016. Appendix 2 of the report sets out the Consultation Plan. The public consultation was done mainly online, which was the format in which the vast majority of CTS claims were lodged and processed. However, paper forms were made available for those who could not engage online, to ensure all citizens could take part in the consultation.

The material used for the consultation was set out in Appendix 3 of the report.

A detailed analysis of the consultation responses was set out in Appendix 4 of the report.

During the consultation period an Equalities Impact Assessment (EIA) was completed to consider the impacts of the proposed changes on Derby residents. This highlighted a number of issues to be considered. The EIA was reviewed again when the public consultation outcomes were known, to see if any further equalities impacts had been identified, before making final recommendations. The EIA was attached to

the report at Appendix 5, and was taken into account as part of considering the recommendations for changes to be made to the Scheme.

The revised proposed CTS Scheme was set out in Appendix 6 of the report.

A Glossary of terms was set out in Appendix 7 of the report.

The Corporate Scrutiny and Governance Board noted the report.

### **Options Considered**

1. Do nothing. This was not an option as the CTS Scheme was required to deliver savings for 2017/18. In addition different rules would continue to operate to those in the HB Scheme relating to temporary absence and backdating time limits which would cause confusion for claimants.
2. An alternative Scheme was modelled, to establish the maximum savings that could be realistically achieved using the most adverse scenarios in the consultation proposals. This would have delivered savings of around £1,728,243.72. This was rejected due to the financial implications this would have caused for our CTS claimants and also because of the high likelihood of a sharp reduction in Council Tax collection rates resulting from an increased incidence of non-payment meaning the savings were not realised. Further, it also exceeded the savings required from the Scheme for 2017/18.

### **Decision**

1. To increase the minimum contribution to 30% for all working age CTS claimants, apart from those claimants set out in resolution 2 below.
2. To increase the minimum contribution to 27.5% for working age claimants where there was a level of disability and disability income had been awarded. This applied only where a disability premium, severe disability premium, enhanced disability premium or disabled child premium was allowed when calculating CTS entitlement. Therefore providing this cohort with a level of protection from the full increase.
3. To agree the implementation of resolution 2 above as transitional protection in the Council's CTS Scheme for a period of one year commencing on 1 April 2017.
4. To restrict all CTS awards to Council Tax Band A level.
5. To retain the capital limit of £6,000.00.
6. To retain the minimum weekly CTS award limit of £4.00 a week.
7. To use the HB rules and deductions for the treatment of non-dependents, but using a small weekly deduction of £4.00 for those non-dependents who were able to demonstrate that they had gross income of less than £100.00 a week,

including those on a passport benefit and those on Universal Credit (UC) who were not working.

8. To retain the family premium in the CTS calculation.
9. To align the CTS Scheme rules relating to temporary absence to the HB Scheme.
10. To align the CTS Scheme rules relating to the backdating time limit to the HB Scheme.

## **Reasons**

1. To deliver financial efficiencies from the CTS Scheme from 1 April 2017, as required.
2. To safeguard the level of savings that CTS claimants could have before they lose all entitlement to CTS.
3. To safeguard the minimum weekly CTS award limit that claimants could receive.
4. To provide an incentive to work for out of work non-dependents and provide a degree of protection for working non-dependents on a low income.
5. To provide a degree of protection to the amount of CTS that working age households could receive where there was a level of disability in the household or for working families.
6. To minimise the impact of those incidents where the changes to the Council's 2017/18 CTS Scheme results in working age households losing all of their entitlement to CTS.
7. To provide consistency and minimise confusion for claimants by aligning some aspects of the CTS Scheme with the HB Scheme.

## **134/16 Secondary School Place Planning – The Bemrose School Project**

The Council Cabinet considered a report which stated that the Council has a legal responsibility to ensure there are sufficient school places available in Derby. In order to respond to increasing pupil numbers, Council Cabinet approved the proposal for an additional 200 places at The Bemrose (Secondary) School at its meeting on 7 December 2016. Council Cabinet also previously approved capital funding for this project, as part of the Council's Capital programme, to provide the required new classrooms for September 2018.

As part of the Council's successful bid to the Department for Education (DfE) Priority School Building Programme (PSBP2) for The Bemrose School, the DfE had also made a commitment to deliver additional new classrooms for the school following an



assessment of existing accommodation. These additional PSBP2 classrooms were to provide extra teaching space for existing pupils, rather than extra capacity for school expansion. The proposal for additional classrooms was really good news and welcomed by the Council and the school, as this would further improve the teaching and learning environment at The Bemrose School.

The DfE proposal to provide additional classrooms through the PSBP2 programme provided an opportunity for the Council and the School to combine our planned expansion project for additional secondary places with the DfE's project. There were real benefits in combining the two schemes. If these projects were delivered as a combined scheme, the final new classrooms were likely to be completed for April 2019, as opposed the end of 2020, if delivered as two separate schemes.

The DfE had requested the Council to consider approval for a combined scheme, to be procured and delivered by the DfE through the national PSBP2 programme. In order to progress a combined scheme, the proposal was to consider approval for a financial commitment from the Council to the DfE combined scheme. This financial contribution would be made from the funding already approved by the Council for the additional 200 secondary places at The Bemrose School. By combining these two projects, this helped to significantly minimise disruption to teaching and learning.

The DfE's initial indications were that the Council would be required to contribute approximately £1.4m. This was affordable from funding already committed on the Council's School Capital programme to provide additional secondary places at the school. The final contribution was due to be confirmed at the end of October 2017, when the DfE reach financial close with the preferred contractor. At that point, if the Council was required to make an increased contribution, this would be reported to Council Cabinet for consideration.

Following detailed discussions between the Council, The Bemrose School and the DfE, there was strong support for the proposal for a single combined project delivered by the DfE as part of the national programme. This would, of course, help to significantly minimise the disruption to teaching and learning for the children and young people during the construction period for this major project.

The Corporate Scrutiny and Governance Board noted the report.

### **Options Considered**

1. To continue with the Council's initial proposal of a separate new classroom block for The Bemrose (Secondary) School. This would, however, extend and delay the overall construction programmes at the school and risk potentially jeopardising the new PSBP2 classrooms due to affordability and programming implications.
2. There was a need to provide an additional 200 secondary places at The Bemrose (Secondary) School. As pupil place pressures were present in the area of the City served by the School, it was not possible to provide the places at any other school.

## **Decision**

1. To approve an initial contribution of £1.4m to the DfE towards a jointly funded project for additional classrooms at The Bemrose (Secondary) School.
2. To note, this project would be delivered by the DfE as part of national PSBP Programme, and note that the final contribution was due to be confirmed by the DfE at the end of October 2017.
3. To grant approval for the Council's S151 Officer to write to the DfE to confirm the Council's commitment in principle to this contribution.

## **Reasons**

1. The Council has previously approved 200 additional secondary school places at The Bemrose (Secondary) School. The places were required as part of the Council's strategy to ensure there were sufficient secondary school places. The opportunity had now arisen to combine the Council scheme with a DfE PSBP2 programme scheme at the school.
2. In combining the two schemes, the School would benefit from a single new building, and a reduced overall construction programme.
3. It was expected that the Council would also benefit from economies of scale with the additional classrooms being delivered as part of a larger scheme, and as part of the DfE's broader regional PSBP2 procurement framework.
4. As the proposed scheme would be procured by the DfE, there was a risk as the Council would not control the procurement and delivery of the works. However, there was also a risk of jeopardising the additional PSBP2 classrooms if the Council does not enter an agreement for a combined scheme.

## **Budget and Policy Framework**

### **135/16 Council Housing Rent and Service Charges for 2017/18**

The Council Cabinet considered a report which set out the proposed approach to two issues relating to rents and service charges.

These were:

- a) The principal changes to our general rent and service charge levels for the year 2017-18.
- b) The collection of a previously determined, but not implemented, increase of 0.9% in Supported Housing rents from April 2016.

*General rent and service charge levels:* The general adjustment to rents next year would be a reduction of 1% as required by the Welfare Reform and Work Act 2016. Adjustments to service charges would mostly be in line with inflation except where we had identified current charge levels were considerably below the actual cost of provision. The rationale for changes in charges for furniture packs and cleaning and grounds maintenance was detailed in the supporting information section in paragraphs 4.9 – 4.11 of the report.

*Supported housing:* Council Cabinet determined in February 2016 to increase the rents of supported housing tenants by 0.9% from April 2016. At the time, government had not provided clarity on which properties would fall within the scope of 'supported housing', so the implementation of this rent increase was deferred. Clarity from government had since been provided and it was now recommended to implement this increase in full as originally intended. This would involve retrospectively collecting the additional rent due, back dated to April 2016.

The Corporate Scrutiny and Governance Board noted the report.

## **Decision**

1. To note and agree to a 1% reduction in all Council rents for the period 1 April 2017 to 31 March 2018.
2. To agree to the retrospective increase in Supported Housing rent that applied from April 2016 but was deferred.
3. To approve a freeze on the cost of furniture packs in furnished tenancies for the year 2017/18.
4. To approve an increase of 10% in cleaning and grounds maintenance service charges from April 2017.
5. To approve an increase of 2.0% for all other service charges and rents from April 2017, based on September's RPI. (These rents applied to a small number of dwellings exempt from the mandatory increase such as the Council's Imari Park and park homes sites. An exception was Milestone House which would be addressed separately in due course).

## **Contract and Financial Procedure Matters**

### **136/16 Contract and Financial Procedure Matters**

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- Award of grant
- Establishing a new reserve
- Submission of an Expression of Interest to bid for funding
- Changes to the current 2016/17 Capital Programme
- Use of reserves and contract appointment

The Corporate Scrutiny and Governance Board resolved to request a future report to the April or May meeting in relation to the performance of valuations.

## **Decision**

1. To approve a grant of £220,000 to Ripplez as match funding to the Pause project, as detailed in section 4 of the report.
2. To approve the establishment and intended use of a sinking fund reserve for Parklands View Extra Care Scheme, as detailed in section 5 of the report.
3. To work with key strategic partners to develop a Stage 1 Expression of Interest (Eol) application to be submitted to Sport England by 27 January 2017, as detailed in section 6 of the report.
4. To approve the changes, including additions, to the capital programme detailed in section 7 and Appendix 2 and 3 of the report.
5. To approve the use of £8,600 section 106 funding for public realm revenue costs, as detailed in section 8 of the report.
6. To approve the transfer of £36,176 section 106 funding to the NHS, as detailed in section 8 of the report.
7. To approve the use of up to £450,000 from the Budget Risk Reserve to fund required 2016/17 asset valuation work, as detailed in section 9 of the report.
8. To delegate the formal appointment of the external valuers, through appropriate procurement mechanisms, to the Strategic Director of Communities and Place, following consultation with the Director of Finance, as detailed in section 9 of the report.

**MINUTES END**