

Time Commenced – 18:00  
Time Finished – 20:20

## **Executive Scrutiny Board**

**16 January 2018**

Present: Councillor Stanton (Chair)  
Councillors Barker, Bayliss, Carr, Eldret, Graves, Hezelgrave,  
M Holmes, Jackson, J Khan,

In Attendance: Olu Idowu, Ian Fullagar, Shaun Bennett, Claire Mehrbani,  
Christine Durrant, Mandy Fletcher, Andy Smith, Mark Taylor,  
Alison Parkin, Heather Greenan, Clare Harrison (Democratic  
Services).

In the absence of the Chair, the Board agreed to move Vice Chair Councillor Lisa Eldret as Chair of the meeting until such a time that Councillor Stanton arrived.

### **57/17 Apologies for Absence**

Apologies for absence were received from Councillor Poulter.

### **58/17 Late Items**

There were no late items.

### **59/17 Declarations of Interest**

Cllrs Bayliss and Webb declared that they are Council appointed Members of the Derby Homes Board.

### **60/17 Minutes of the previous meeting**

Minutes of the previous meetings held on 30 November 2017 and 12 December 2017 were agreed as an accurate record.

### **61/17 Forward Plan**

The Board considered the contents of the Forward Plan published on 19 December 2017. No items were added to the future work programme.

**The Board resolved to note the Forward Plan.**

## 62/17      Performance Items and Performance Forward Plan

The Board considered a report of the Chief Executive and received an update on performance of supporting housing needs, including the provision of new homes, homelessness preventions and the use of Bed and Breakfast accommodation. The Board also received information in relation to the Corporate Improvement Plan.

The Board received a presentation on Supported Housing Needs – new homes, homelessness prevention and the use of Bed and Breakfast. It was reported that The Corporate Scrutiny and Governance Board received a report on homelessness in November 2016 and a further report on affordable homes in March 2017 and that the presentation aimed to update the Board on both items.

It was highlighted that although homelessness is at the highest level for many years, this has not increased since the Board last received an update in November 2016. In line with this, the number of households in temporary accommodation remains high, but has stabilised.

Officers informed the Board that The Homelessness Reduction Act 2017, which is anticipated to be implemented on 01 April 2018, will put more duties on authorities to accept those presenting as homelessness regardless of priority need. It is therefore expected that there will be a 50% increase in homelessness approaches in 2018-19. This is based on the 20% increase that occurred in Wales following a similar change to legislation that included caveats not included in the act for England. It was reported that the new legislation is designed to prevent homelessness so it is expected that there will be less homelessness approaches in future and an increase in preventions.

At 18:10 Councillor Stanton joined the meeting and resumed his role of Chair.

The Board was informed that a loss of rented accommodation; a lack of willingness of friends, family and parents to provide accommodation; and violent breakdowns in relationships are the main reasons that people present as homeless to the local authority. It was also reported that the two main types of people who do not present but may still be considered homeless cover those that are: living in unsuitable accommodation; people who are 'sofa surfing'; and people who are street homeless who are often visible in the city centre but do not present to the local authority.

Officers informed the Board that the local authority is currently working with partners to respond to the challenges presented by the new Homelessness Reduction Act 2017 and are in the process of creating an Action Plan. It was reported that the legislation forces the development of housing pathways for vulnerable groups and more assertive outreach for groups such as the street homeless, which includes the development of Personal Housing Plans.

In relation to the provision of new affordable homes, it was reported that these have been mostly provided through Registered Providers (mainly housing

association) partners through S106 agreements with developers. It was reported that by working closely with these partners it is expected the target of 500 new affordable homes by 2020 will be achieved. The Council also plans to contribute through the use of right to buy receipts to buy units direct from developers above the agreed 106 contributions and through direct development. The Council is also focussed on assisting developers to bring forward more challenging sites through its accelerated housing delivery programme.

The benefits of delivering in-house housing developments, such as: reduced costs; the ability to use in-house services and generate overhead recovery to support other Council services; a strong focus on health and safety (such as a policy to always fit fire sprinklers); and benefits for the local economy by employing local small businesses and training apprentices, were highlighted for the Board.

It was reported that progress would be continued to be closely monitored through the Council's scorecard, as well as regular reporting to the Executive Scrutiny Board.

Members queried the homelessness responsibilities for refugees through the new legislation. It was clarified that these groups are not under local authority responsibility or subject to this legislation whilst they have refugee status. The Board was informed that refugees could only be accepted as homeless by the local authority once they have been through immigration processes and have been granted a right to remain and recourse to public funds.

He Board questioned how private sector landlords can be encouraged to take on less popular client groups and how the rent affordability gap would be met to encourage people into more stable tenancies. It was reported that work is being done on consulting with private sector landlords on the barriers and how to address these. The Council is looking at ways to address the expected barriers, such as underwriting early rent periods, addressing risks (such as possible damage charges) and providing a range of incentives to landlords.

The Head of Performance and Intelligence outlined a report on the Council's Corporate Improvement Plan. It was reported that in December 2017 a Performance Surgery was held to review the findings from the Corporate Peer Challenge (CPC). It was agreed at the Surgery that the Corporate Improvement Plan would be added to the Executive Scrutiny Board performance forward plan for January 2018.

The Board was informed that Derby City Council invited the Local Government Association (LGA) to undertake a CPC review in June 2017 which looked at a number of key areas. The findings of the CPC review were published on 20 December 2017, which included eleven recommendations made by the LGA team.

It was reported that the Council plans to use the Corporate Improvement Plan (CIP), which consolidates a number of plans and reports, to address current risks and the LGA's recommendations, as well as other improvement plan actions and priorities. The Board was informed that the document is owned by

the Chief Officer Group to ensure accountability in terms of deliverability, but requires the support of Members to make it achievable. Members were informed that they would have an opportunity to influence the content of the plan during the following week, up the point where it would be agreed by Cabinet Member for Finance and Governance. However, Members were also informed that quarterly updates will be made available for both the Audit and Accounts Committee and the Executive Scrutiny Board, which the Executive Scrutiny Board agreed was satisfactory. It was further agreed that the Audit and Accounts Committee and the Executive Scrutiny Board would work together to ensure that the timescales would enable the Executive Scrutiny Board to feed comments through to the Audit and Accounts Committee in a timely manner.

Members queried whether or not the LGA would be feeding back on the Corporate Improvement Plan and whether or not they felt it sufficiently addressed its recommendations. The Board was assured that this would be the case. Members also queried where the decision came from to include the move to a four yearly election cycle, as this was not one of the LGA recommendations. The Board was informed that this wasn't a specific recommendation, but was included because it was felt a four yearly cycle would provide more stability. Councillors also expressed concern over actions in the plan to achieve a 'productive, skilled and motivated workforce' and queried whether the Council is confident that measures won't negatively influence staff morale and have the opposite impact. Members were reassured that these actions have been designed with the workforce in mind and were trying to achieve the best possible outcomes for all involved. The Board also queried the lack of training for Members in relation to risk management and were informed that this could be included.

The Board felt strongly that issues around relations between Councillors and Officers and other Councillors need addressing as a priority. Members felt that Officers should be able to raise concerns and that there should be a mechanism for dealing with these concerns without fear of the consequences for doing so. Members were informed that the Improvement Plan includes an action on reviewing the processes and code of conduct and that the Cabinet Member for Finance and Governance is working on a draft which will be approved at a future meeting of the full Council.

Members discussed the possibility of looking at revising the city's boundaries and that this could present an opportunity to trigger an all-out election for the city and a further debate and vote on the future frequency of the electoral cycle.

The Board agree that as the Corporate Improvement Plan was a 'living breathing' document it should be regularly reviewed and scrutinised.

**The Board resolved to:**

- 1) Recommend that the Head of Performance and Intelligence include risk management training for Elected Members under the 'Embedded risk management' section of the Improvement Plan; and**

- 2) Agree the Audit and Accounts Committee and the Executive Scrutiny Board work together to ensure integrated scrutiny of the Corporate Improvement Plan.**

## **63/17 Council Cabinet Response to Scrutiny Recommendations**

The Board considered a report of the Chief Executive which allowed the scrutiny board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 30 November 2017.

**The Board resolved to note the report.**

## **64/17 Council Cabinet Agenda**

The Board considered a report from the Chief Executive on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 17 January 2018 and made a number of comments and recommendations to Council Cabinet.

### **Item 8 - Derby City Council Tenancy Strategy**

Members considered a Council Cabinet report of the Cabinet Member for Housing and Urban Renewal and Strategic Director for Communities and Place to extend the current Tenancy Strategy on an open ended basis, with a new strategy to be written when regulations are issued.

It was reported that the Derby City Tenancy Strategy 2012 – 2016 (and its subsequent extension) is due to expire and we are required to undertake a further extension or implement a new one. The current national legislative and policy context suggest a postponement would be advisable.

The Board was informed that the main focus is around mandatory and fixed-term tenancies but that the Council was waiting for the regulations bringing the Housing and Planning Act 2016 into force before writing a new strategy. This is because any strategy written prior to their release will need to be reviewed and it is likely a further strategy revision will be necessary. Therefore it is proposed to extend the current strategy and to adopt a new strategy after regulations are released. Members were informed that in the event that no new regulations are issued by the Government revisions to the existing policy may not be necessary.

**The Board recommended to note the report.**

### **Item 9 - Acquisition and Purchase of Larger Properties for Affordable Housing**

Members considered a Council Cabinet report of the Cabinet Member for Housing and Urban Renewal and Strategic Director for Communities and Place to agree to the acquisition and refurbishment of up to 4 larger

properties, each to provide a minimum of 4 bedrooms, at a maximum total price of £800,000 and a number of other recommendations to support this.

Members of the Board were in full support of these proposals and would like to see more of these acquisitions. The Board was further informed that Derby Homes is currently working to convert properties to 3, 4 and 5 bedroom homes.

**The Board resolved to note the report.**

### **Item 10 - Compulsory Acquisition of Empty Homes**

Members considered a Council Cabinet report of the Cabinet Member for Housing and Urban Renewal seeking approval for the Council to make Compulsory Purchase Orders (CPO) 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 for the purposes of their renovation and reoccupation as housing accommodation.

Members of the Board were in full support of these proposals and asked what the barriers are preventing this being a more regular item on the Council Cabinet Agenda. Members were informed the process is very time-consuming and that with only one CPO Officer in place, the Council is unable to resource more frequent and more numerous acquisitions.

**The Board resolved to note the report.**

### **Item 11 – Council Tax Base for 2018/19**

Members considered a Council Cabinet report of the Cabinet Member for Finance and Governance and Interim Director of Finance seeking approval for the council tax base for the year 2018/19 as 67,610.42 band D equivalent properties in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012/2914).

**The Executive Scrutiny Board resolved to note the report.**

### **Item 12 – Commercial Waste – Proposed Delegation of Service to Nottingham City Council**

Members received a Council Cabinet report of the Cabinet Member for Cabinet Member for Cohesion and Integration and Strategic Director of Communities and Place to note and accept the work that has already been done in detailing a proposed delegation of the Commercial Waste service to Nottingham City Council and refer the proposed delegation for Full Council approval at its meeting on 24 January 2018.

**The Board resolved to consider the report under the more detailed exempt item at Item 19 of the Council Cabinet Agenda.**

### **Item 13 – Council Budget Proposals 2018/19**

Members considered a Council Cabinet report of the Cabinet Member for Finance and Governance seeking to:

- recommend approval by Council of the Council Tax base;
- delegate to the S.151 Officer the final calculation of Council Tax;
- recommend the Cabinet's budget proposals as set out in the report for consideration and approval by Council;
- note the Council's Medium Term Financial Plan for the years 2018/19 to 2020/21;
- note the Financial Risk Assessment; consider the results of the Budget Consultation and Cabinet's response to that process;
- consider and seek approval by Council the 2018-2019 allocation of the Dedicated Schools Grant; and
- delegate approval to the S.151 Officer to make necessary changes to the budget arising from the Government's Financial Settlement as and when confirmed and any technical adjustments to the Treasury Management Strategy arising from the revised Prudential Code.

It was reported that the Interim Director of Finance had tried to bring together the entire budget setting and relevant documents into 1 report with one set of recommendations and ensure that our statutory duties are met.

**The Board resolved to note the report.**

### **Item 14 – Contract and Financial Procedure Matters Report**

Members considered a Council Cabinet report of Cabinet Member for Finance and Governance and Chief Executive outlining a number of items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

Members of the Board queried the approval of the deferment of a loan repayment from Derbyshire County Cricket Club and asked what risks were associated with this decision. It was reported that the risks associated with the decision were no greater than with the previous agreement and were somewhat lessened due to a reduced risk of the County Crick Club failing. Members also asked what the benefits to the Club were of extended the loan repayment agreement and were informed that the deferment would enable the club to access ECB funding and make significant improvements to its ground.

Members again raised the issue of major slippage in the Capital Programme and the need for better estimates from Mangers. It was acknowledged that this remains an issue and the misapprehension that funds will be lost instead of being rolled forward is being addressed.

The Board also raised the issue that the bid for Support for Cleaner Taxis and Private Hire Vehicles in Derby had not been linked up with work being done by the Licensing Committee and the joining up of both vehicle safety and air pollution. Members agreed that the further work on the bid should be communicated to a future meeting of the Licensing Committee to enable

joined-up working.

**The Board resolved to request that Officers communicate further work on the Clean AirZone bid to a future meeting of the Licensing Committee to enable joined-up working.**

### **Item 15 – Creation of the role of Derby Ambassador for Business and Innovation**

Members considered a report of the Chief Executive seeking support for the creation of the role of Derby Ambassador for Business and Innovation and to recommend to Council the approval of the creation of the role. The report also sought support to establish the role for a period of three years in-line with the details provided in the report and to recommend to Council the appointment of Mr Mel Morris to the role of Derby Ambassador for Business and Innovation.

The Board raised concerns over the process of appointment to this role and whether a number of candidates, including female candidates, had been considered. The Board felt that they would like to be consulted on the appointment process for this type of role in future. However, the Board felt that the appointment of Mel Morris would be seen as non-political and as a liked and well-respected individual, the appointee would be the ideal person to launch of this role and see what happens with the role in the future.

**It was resolved to request to Council Cabinet that the Executive Scrutiny Board has involvement in the appointment process for this type of role in future.**

### **Item 16 – Exclusion of Press and Public**

**The Board 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 involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

### **Item 17 – Compulsory Acquisition of Empty Homes**

Members considered exempt detail in the Council Cabinet report of Cabinet Member for Housing and Urban Renewal seeking approval for the Council to make Compulsory Purchase Orders (CPO) 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 for the purposes of their renovation and reoccupation as housing accommodation.

**The Board resolved to note the report.**



### **Item 18 – Townscape Heritage Initiative – Proposed grant for Quick Silver**

Members considered an exempt Council Cabinet report of the Cabinet Member for Regeneration and the Economy and Strategic Director for Communities and Place.

**The Board resolved to note the report.**

### **Item 19 – Commercial Waste – Proposed Delegation of Service to Nottingham City Council**

Members considered an exempt Council Cabinet report of the Cabinet Member for Regeneration and the Economy and Strategic Director for Communities and Place to propose the delegation of responsibility for delivering the whole service in Derby transfer to Nottingham City Council. Staff, vehicles and the administration of the commercial waste service would all transfer and the service would be managed and directed by officers at Nottingham City Council. The combined service would have benefits of scale in what can be a competitive market and has a real potential to grow securing additional business and improving efficiencies.

The report recommended to refer the proposed delegation for Full Council approval at its meeting on 24 January 2018.

**The Board resolved to note the report.**

### **Item 20 – Insurance Report**

Members considered an exempt report to Council Cabinet of the Cabinet Member for Finance and Governance and the Chief Executive.

**The Board resolved to note the report.**

MINUTES END