

Time began: 6.05pm
Time ended: 7.02pm

**COUNCIL CABINET
10 February 2016**

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

In attendance Councillors Graves, Holmes and Jones

138/15 Apologies

An apology for absence was received from Councillor Eldret.

139/15 Late Items

There were no late items.

140/15 Receipt of Petitions

There were no petitions received.

**141/15 Identification of Urgent Items to which Call In will not
 Apply**

There were no items.

142/15 Declarations of Interest

There were no declarations of interest

143/15 Minutes of the meetings held on 20 January 2016

The minutes of the meetings held on 20 January 2016 were agreed as a correct record and signed by the Chair.

Matters Referred

144/15 Recommendations from Corporate Scrutiny and Governance Board

The Council Cabinet considered a report on Recommendations from Corporate Scrutiny and Governance Board. The Corporate Scrutiny and Governance Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

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

Decision

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

Key Decisions

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

The Council Cabinet considered a report on Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2017-18. The Council was the Admissions Authority for all maintained and voluntary controlled schools within Derby City, therefore must comply with the statutory duty to consult on any changes to its admission arrangements on behalf of those schools before they are determined and published in the year proceeding admission.

The School Admissions Code 2014 requires that consultation on admission arrangements for the academic year 2017-2018 must last for a minimum 6 weeks and must take place between 1 October 2015 and 31 January 2016. All admission arrangements must then be determined (set) by the statutory deadline date of 28 February 2016.

No objections or comments relating to the proposed admission arrangements had been received.

The proposal was for the admission arrangements for the 2017-2018 academic year set out in Appendix 2 to be considered and approved as the determined (set) admission arrangements by Council Cabinet at its meeting on 10 February 2016.

Options Considered

None.

Decision

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

Reasons

To ensure that fairness, equity and transparency was retained and that Derby City was fully compliant with the mandatory requirements of the School Admissions Code 2014, School Admission Appeals Code 2012, relevant legislation and regulations.

146/15 Updating the Adult Social Care Charging Policy

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

The Care Act 2014 and the related Statutory Guidance provided a new single legal framework for charging for care and support by local authorities. This legislation covered charging for care and support provided in both community-based and residential settings. The Act replaced the legislation underpinning the current Adult Social Care Charging Policy.

The Council had signed up to the July 2014 Derbyshire Safeguarding Adults joint guidance on Aftercare for Detained Patients under Section 117 of the Mental Health Act 1983. Under this legislation, anyone who had been in hospital under section 3, 37, 45A, 47 or 48 of the Mental Health Act 1983 was entitled to free aftercare when they left hospital. The revised joint guidance included a different approach to the current practice in relation to charging people subject to a section 117 notice. The Council had surveyed existing customers on the proposed introduction of charges for the Deputyship and Appointeeship service, and conducted a subsequent

Equality Impact Assessment. It was proposed that means-tested charges were introduced for this service.

The Council had separately held a public consultation on the proposed changes to the Adult Social Care Charging Policy required to bring it into line with the Care Act 2014. The consultation process had included an Equality Impact Assessment. A new Adult Social Care Charging Policy had been drawn up incorporating all of these changes, and taking into account the feedback from the survey, the consultation and the two Equality Impact Assessments. The report sought approval for its adoption and implementation.

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

Options Considered

1. The Council could decide not to update its Adult Social Care Charging Policy. This was not being recommended because the legal framework for charging had changed and the Council would not be able to charge for its services, resulting in an unmanageable pressure in the adult social care budget.
2. The Council could decide to introduce the revised Adult Social Care Charging Policy changes as originally proposed, ignoring the feedback from the consultation and the Equality Impact Assessment. This was not being recommended because ignoring this information would go against the Council's stated intent to co-produce policies with those affected by them and could leave the Council open to challenge.
3. The Council could decide not to introduce all the changes proposed in the revised Adult Social Care Charging Policy. This was not being recommended because the proposal represented a coordinated and consistent approach to charging. Selective implementation could introduce anomalies and inequalities, leaving the Council open to challenge.
4. The Council could decide not to introduce charges for the Deputyship and Appointeeship service. This was not being recommended as it would create a pressure in the adult social care budget.

Decision

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

Reasons

1. The introduction of a charge for Deputyship and Appointeeship would help to defray the costs of providing a non-statutory service that protects income for the Directorate.
2. The proposed changes bring the Council's Adult Social Care Charging Policy in to line with the latest legislation and protect the Adult Social Care charging income stream for the Council. The proposed start date aligned with the date that the Department of Work and Pensions (DWP) benefit rates changed.

147/15 Fees and Charges - Adult Social Care

The Council Cabinet considered a report on Fees and Charges – Adult Social Care. Engagement and consultation with “independent sector” care home and home care providers operating under the Council’s standard (rather than specialist) terms and conditions, had been undertaken in recent months with the aim of informing the Council's decision-making about setting 2016/17 standard fees. The report summarised the reported cost pressures and the consultation feedback from providers. This included the impact of the introduction of the National Living Wage from April 2016. The report set out details of the funding model itself and the proposed rates for 2016/17.

The report also set out the proposed charges for Council provided residential and community care services for 2016/17.

The proposed Council Budget for 2016/17 included inflationary increases of 3.1% for Residential and Nursing placements, 2.9% for Homecare services and 3% for all other fees and charges. It must be noted that the full cost was only paid by around a fifth of customers, the remainder were means tested. The report set out the proposed charges for 2016/17 after applying these increases for the Council’s own care services. A review of charges in the Shared Lives Service was underway which would consider potential changes to the charging structure for this service.

The Care Act 2014 introduced new powers for Councils to apply administration charges for setting up services for self-funders, protecting customers' property while they were being cared for away from home, and for entering into Deferred Payment Agreements. It also enabled Local Authorities to charge interest on Deferred Payment loans. The report set out the proposed charges and interest rates for 2016/17.

A proposed introduction of charges for Deputyship and Appointeeship services was part of the preceding Adult Social Care Charging Policy report. The proposed charges for these services were included in the report.

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

Options Considered

1. The Council could determine not to award any inflationary increase to the fees it pays for in-house and independent sector care. This was not being recommended as having a sustainable and viable social care market was vital to ensuring that the Council could discharge its statutory duties in relation to vulnerable adults.
2. The Council could decide not to increase the charges it levied for in-house and independent sector care. This was not being recommended as it would create an unmanageable pressure in the adult social care budget.
3. The Council could decide not to exercise the new powers granted in the Care Act 2014 to levy administrative charges for certain activities. This was not being recommended as it would create an unmanageable pressure in the adult social care budget.
4. The Council could decide not to apply charges for the Deputyship and Appointeeship service. This was not being recommended as it would create a pressure in the adult social care budget.
5. The Council could decide not to make charges for the Deputyship and Appointeeship service subject to a Financial Assessment. This was not being recommended as it could impoverish customers on low incomes.

Decision

1. To approve a 4.78% fee increase for independent sector standard residential care, dementia residential and nursing care weekly fee rates (net of the Registered Nursing Care Contribution) from April 2016.
2. To approve a 5% fee increase for standard independent sector homecare services.
3. To approve increases to the charging rates for 2016/17 of 3.1% for residential and nursing placements, 2.9% for homecare services and 3% for all other fees and charges where the Council had discretion.
4. To approve the new administration charges and interest rates to be applied to Deferred Payment Agreements from 2016/17.
5. To approve the new administration charges to be applied to the Deputyship and Appointeeship service from 2016/17.
6. To approve that all the new rates would apply from 11th April 2016 (in line with the date of the rise in state benefits for 2016).

7. To delegate the decision on any changes to charging for the Shared Lives Service as a result of the review to the Acting Strategic Director of Adults and Health following consultation with the Cabinet Member for Integrated Health and Care.
8. To delegate the decision on any changes to the Resource Allocation System in relation to Direct Payments to the Acting Strategic Director of Adults and Health following consultation with the Cabinet Member for Integrated Health and Care.

Reasons

1. The Council's fee rate model for residential care homes and home care, as set out in Appendix 4 and 5 of the report, built on the methodology previously used by the Council. General information and consultation feedback from independent sector care providers had been focused on specific inflationary and cost pressures affecting their businesses.
2. Maintaining the directorate's income was crucial to the management of the overall budget for the Council.
3. The proposed start date aligned with the date that the Department of Work and Pensions (DWP) benefit rates change.
4. The review of the Shared Lives Scheme would not be complete until later in 2016/17 and any potential changes were likely to be relatively small and only affect a relatively small number of customers.

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

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

Derby City Council was committed to working with the voluntary sector and where appropriate advising them of possible opportunities to bid for commissioned services, but also personal budget related work such as the modernisation of day care services.

The Council was hopeful that additional funding announced for the Better Care Fund would allow new opportunities for local providers particularly the voluntary sector. Although we appreciate this funding would not be available until 2018/19.

The 15 July 2015 Council Cabinet Report "Big Conversation – Service Need Assessments and Consultations" identified that it was likely that further reductions would be made to the funding provided by Central Government for local authorities.

Council Cabinet agreed to re-launch the Big Conversation consultation exercise.

A list of potential service areas were identified where consultation would be carried out. One of the areas for further consideration was non-statutory services provided by the Voluntary Community and Faith Sector. These services, listed in Appendix 2 of the report, provided a range of support to citizens and the sector itself.

The majority of the services listed in Appendix 2 of the report were allocated funding through a joint Council/Health grant aid programme in 2011-12. The generalist and legal advice service provided by Citizens Advice and Law Centre was commissioned through Council funded tender in 2012-13. A joint consultation and decision making process was agreed with Southern Derbyshire Clinical Commissioning Group (SDCCG) to inform the recommendations within the report.

The consultation started on 7 September and ended on 13 November 2015. The consultation sought comments from funded organisations, their service users, the public and other stakeholders.

Whilst the sector understands the reasons behind our proposals, this would create many difficult challenges for them and their customers, as reflected in the responses to the consultation.

Due to the budgetary constraints as a result of Government cuts to local authority funding, it was recommended that the savings contained within the report go ahead, in order to protect statutory services, which the Council was legally obliged to do.

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

Options Considered

1. To continue or reduce the funding for the current list of services.
2. To maintain or reduce the current level of funding and use this to support future Council only, or joint commissioning with the SDCCG for future services that met updated Outcomes for Grant Funded services in the VCF.

These options would present additional difficulties in meeting the challenging budget saving targets within the 2016-19 budget and would have a negative impact upon the Council's ability to meet its other statutory responsibilities.

Decision

1. To approve that officers continue to work with the voluntary sector and other partners to identify opportunities for the sector in the future.
2. To approve in line with Council's 2016/17 budget, exit from the Council element of funding with the named organisations listed at appendix 2 of the report.

3. To approve that officers of the Council offer support and advice to organisations wherever possible to mitigate the impact of the funding decision.
4. To accept the recommendation from the Corporate Scrutiny and Governance Board to find the means of continuing to provide to support Voluntary, Community and Faith Sector groups if it had proved successful over the last 12 months.

Reasons

1. Savings in the identified services was in line with the budget consultation proposals and would meet savings targets set out in the 2016/17 budget.
2. Taking action to mitigate the impact of the funding decision for the affected non-statutory services in the VCF sector would support organisations to explore other sources of funding, alternative service models and other options for service users.
3. There may be service opportunities in the future for which the voluntary sector was well placed to respond.

149/15 Derby Housing: City Centre Living Initiative

The Council Cabinet considered a report on Derby Housing: City Centre Living Initiative. The purpose of the report was to update Council Cabinet with the approved designation of Derby City Centre as a Housing Zone, this included three key regeneration sites and the area covered by the City Centre Living Initiative. There had also been further applications and interest in the City Living Initiative since Council Cabinet approval in March 2015 and the report sought to provide Council Cabinet with an update.

The Derby City Centre Housing Zone was approved by DCLG in January 2015. This covered the city centre and included the City Centre Living Initiative area and three key regeneration sites; Castleward, Former DRI and Friar Gate Goods Yard. A plan was attached at Appendix 2 of the report. The purpose of a housing zone allocation was to help to unlock brownfield land and provide viable sites for housing developments. The Housing Zone designation would help facilitating the delivery of the Council's Core Strategy objectives for housing development and the regeneration of key sites. The Derby Housing Zone in the city centre ensured that new housing development would be sustainable and that developments would add to the vibrancy of the city centre.

Development activity that was already taking place, at Castleward and Full Street, demonstrated an appetite for housing in the city centre from developers. Sales and lettings rates achieved on both schemes demonstrated a buoyant market in Derby city centre, with evidence of further demand to be met. The Housing Zone designation would help to boost this activity and meet the Council's regeneration objectives on these key sites.

The Council had benefitted from the opportunity to bid for Homes and Communities Agency (HCA) Capacity Funding, as part of the Housing Zone designation, and £213,616 had been secured by the Council. This would provide consultancy monies to help address some of the barriers that the sites within the Housing Zone needed to overcome and funded existing posts so that a resource could be dedicated to the delivery of the Housing Zone.

Since Council Cabinet approval in October 2014, a £6.5m recoverable loan fund known as the City Centre Living Initiative had been in place to help encourage the re-use of vacant and underused properties in the city centre. Through the Housing Zone, the Council was able to take advantage of further discounted loan rates from the Public Works Loan Board (PWLb) until March 2016 to fund this on-going activity.

Options Considered

1. Do Nothing: The Council could choose not to promote the Housing Zone or put in place a delivery plan to work with the HCA and ATLAS to bring residential development forward. This would mean that delivery of housing in the city centre was left to the private sector and they may be reluctant and unable to bring schemes forward due to the lack of an established market.
2. Resources already secured in the form of ATLAS support and capacity funding, would be lost. The city and the Council's efforts to promote city living would lose momentum. The relationship between the Council and the Homes and Communities Agency could be damaged.

Decision

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

Reasons

1. The receipt of the £213,616 grant from the HCA Capacity Fund was a very welcome additional resource to fund two existing posts within the Regeneration Projects Division to aid the delivery of the Housing Zone. It would also provide a small amount of funding to support activities that assisted the implementation of the Housing Zone and City Centre Living Initiative.
2. A delivery plan had been prepared with the HCA to set out the key activities to bring forward development activity within the Housing Zone. These activities were put before Council Cabinet for approval.

3. The City Living Initiative was an important tool that the Council could offer to help stimulate interest and development activity in underused buildings and sites within the city centre. With one scheme on site and progressing well and others in the pipeline, Council Cabinet was asked to note the progress of the initiative.

150/15 Infrastructure Programme Board Capital Programmes 2016/17 and 2017/18 (part)

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

- Highways & Transport (H&T),
- Vehicles Plant & Equipment (VP&E)
- Land Drainage & Flood Defences (LD&FD)

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

The programmes had been developed following consultation with Members, Neighbourhood Boards, transport related forums (where appropriate) and other key stakeholders. The H&T programme covered both revenue and capital funded projects but specifically set out in more detail the capital schemes.

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

The H&T programme took into account the goals of Derby's long term transport strategy as set out in the third Local Transport Plan, LTP3.

In the VP&E 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 the LD&FD programme, funding was prioritised towards works which managed and reduced the potential for and impacts of flooding to properties and infrastructure throughout the city. Schemes were prioritised using a matrix scoring system which considered the extent of potential flood, risk to people and property, loss of critical infrastructure network, and effects on biodiversity, together with an assessment of the economic benefits/costs. As the Lead Flood Authority for the district, the Land Drainage and Flood Defence team had an overarching lead role for the coordination of Flood Risk Management Authorities in the area, in order to manage flood risk from local sources across the city.

The three work programmes were managed and monitored by the Infrastructure Programme Board in accordance with the Finance Procedure Rules and the Corporate Governance Structure.

Options Considered

1. The development of the Highways and Transport programme had involved consideration of various options for the inclusion of projects. The draft programme recommended was considered to be the best fit to the objectives of LTP, the local priorities of Members and Neighbourhood Boards and the mitigation of development, given the overall level of resources available.
2. The Vehicles Plant and Equipment and Land Drainage and Flood Defences work programmes had been developed in consideration against corporate objectives, the Streetpride Service Standards and our statutory obligations. It was considered that they offered the maximum value for money considering the resources available.

Decision

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

Reasons

1. Approval of the work programmes prior to the start of the 2016/17 financial year would allow effective planning and programming of the detailed work programmes, with the objective of ensuring that schemes and initiatives from all three were delivered in the best possible way and achieve value for money. Further, early approval of the programmes would permit the identification of any risks to the delivery of schemes within them. This would enable us to

review and monitor risks to ensure they did not escalate and where possible, eliminate them.

2. With regard to the 2017/18 H&T work programme for Asset Management only, this would improve the planning and delivery of such schemes, especially larger ones which were often delivered over multiple years. Equally, DfT was encouraging local highway authorities to take a long term planning approach to the delivery of maintenance improvements. Having longer term information on when work would be carried out would improve customer satisfaction of our service and provide tangible evidence of planned improvements. It would also provide operational benefits; early contractor involvement on larger schemes, allow more competitive prices to be secured for a clear guaranteed programme of work and optimise delivery on site.
3. In the interests of the effective management of the programme, it was appropriate to maintain the delegated approvals as outlined in the Infrastructure Programme Board's Terms of Reference; to have the authority to review the three programmes and reallocate funding on the basis of the outcomes of investigations, feasibility studies and progress of other schemes. Any revisions to the Highways and Transport programme would still reflect the strategy and implementation plan set out in LTP3, whilst any reviews to either the Streetpride Plant and Equipment; or Land Drainage and Flood Defences programmes would continue to maintain the methodology of their initial development.
4. It was essential that these work programmes, particularly the Streetpride Plant and Equipment programme, remained flexible to accommodate the outcomes of internal re-organisations, restructures, changing work patterns and operational commitments. This approach would ensure that budgets continued to be focussed on key work areas.

151/15 Revision to the Discretionary Rate Relief Policy

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

The Autumn Statement announced on 25 November 2015 confirmed Infinity Park Derby as an Enterprise Zone. Businesses basing themselves on Enterprise Zones could access a number of benefits including business rates reliefs.

Business rate relief that was awarded to a business as a direct result on them basing themselves within an Enterprise Zone would be classed as discretionary rate relief and therefore it was up to individual Council's to decide which businesses receive relief and the basis upon which such determinations were made.

As a result, the Council's DRR policy had been updated and a new section, section 19, added to include treatment of businesses located within Enterprise Zones. Minor amendments to the policy had also been made to section 15 of the report, retail rate relief and section 17 of the report new build empty property relief to ensure the policy remained up to date and accurate. The revised policy was attached at Appendix 2 of the report.

Options Considered

1. Do not amend the policy. Taking this option would mean the Council did not have a basis for awarding DRR to relevant businesses within Infinity Park Derby, Enterprise Zone. Further it would not have a basis for awarding DRR for newly built unoccupied properties.
2. This could result in reputational damage for the Council; a missed opportunity for delivering economic growth and improving the City's employment prospects and leaving itself open to disputes and challenge. This option was not recommended.

Decision

1. To approve the revised DRR policy attached at Appendix 2 of the report.
2. To approve the principle that any award of DRR as a direct result of a business basing themselves within Infinity Park or other qualifying Enterprise Zone established within the Council's administrative area so long as the policy remains in effect, was limited to 31 Mar 2020.
3. To agree that in the event that regulations were enacted extending the date set out in the recommendation contained in paragraph 2.2 of the report to 31 March 2023, or such other date as central government deemed appropriate, the date 31 Mar 2020 be deemed automatically extended to the prescribed date so as to comply with such regulations without the need to bring the DRR policy back to Council Cabinet.
4. Following completion of an equality impact assessment to report back to Council Cabinet should any amendments to the policy be required.

Reasons

1. To ensure that qualifying businesses could receive DRR.
2. To provide incentives for businesses to move into or expand within Derby City in turn creating jobs, stimulating economic growth and boosting the business rate base.
3. To secure that ordinary business as usual operations of the Council were conducted, and could continue to be conducted, in line with central government policy.

152/15 The Council's City Wide Event Strategy

The Council Cabinet considered a report on the Council's City Wide Event Strategy. The proposed Council's City-Wide Events Strategy set out to achieve the following aims:

- To develop and sustain an excellent programme of events which promoted a positive image of Derby locally, regionally and nationally and which nurtured a sense of belonging, ownership and pride in all our residents.
- To provide an excellent, diverse, innovative, broad and balanced programme of events, that was accessible and relevant to all the communities in Derby.
- To attract more people – locally, regionally, nationally and internationally – to attend and participate in Derby's programme of events, performances and festivals.

In July 2014, a working group, involving representatives from various areas across the Council, was set up to address this identified need.

This work had resulted in the development of a proposed Council's City-Wide Events Strategy and the formulation of a "one-stop-shop" for the assessment, recommendation, promotion, administration and facilitation of major events across the city. This one-stop-shop was currently known as the City-Wide Events Strategy Implementation Group (CWESIG).

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

Options Considered

1. A City-Wide Events Strategy beyond the parameters of the Council was considered but was rejected as being too vast and too complex to be achievable.
2. To do nothing would miss the opportunity to provide a more strategic and effective approach to events across the city.

Decision

1. To approve the adoption of the Council's City-Wide Events Strategy, including endorsing the operation of CWESIG.

2. To delegate approval to the Acting Strategic Director of Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to consider for approval the recommendations made by CWESIG.

Reasons

1. The requirement for a City-Wide Events Strategy, including fit-for-purpose processes and mechanisms, was identified some time ago. The proposal was to provide a single-portal for helping to facilitate major new events for the city. It also supplied the Council with a robust, methodology for the assessment of major event proposals, and a mechanism for realising a balanced, representative and sustainable year-round calendar of major events for Derby.
2. The Council's City-Wide Events Strategy captured the culmination of many months of work, discussion and consultation by a number of respective and representative Council staff with significant knowledge, understanding and expertise across appropriate areas, which would significantly improve the events process and programme in Derby.

153/15 Compulsory Acquisition of Empty Homes

The Council Cabinet considered a report on the Compulsory Acquisition of Empty Homes.

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

The aim of the Council's Empty Homes Strategy was to encourage and persuade owners of such properties to take action to enable the satisfactory renovation of the empty houses, to facilitate re-occupation and thereby make a contribution toward meeting the increasing housing need in the City. The actions would also assist in eliminating the anti-social and environmental nuisance that neglected properties could so often present. The re-use of these homes would contribute towards the Council's New Homes Bonus income.

Where owners could not be traced, or where efforts to encourage the preferred voluntary solution had been exhausted, there was a compelling case in the public interest for enforcement action by the Council to ensure that the aims of the Strategy were achieved. Such enforcement could, where considered appropriate, include taking compulsory purchase measures, as in the cases detailed below.

Over recent years, the use by the Council of compulsory purchase powers had had significant impact on ensuring the return of particularly problematic long term empty houses to the useful housing stock.

Options Considered

1. Do nothing.

This was not considered an appropriate option. The properties, in their present condition, would remain a waste of potentially good housing accommodation; and, in the continued absence of maintenance and proper management, would become an increasing environmental blight, posing health, safety and anti-social behaviour risks within their respective neighbourhoods.

2. Enforced sale.

The Law of Property Act 1925 empowered a local authority to enforce the sale of a property where it holds a legal charge against it (the council was in the throes of initiating such action at other properties in the city). However, in the case of the subject properties any debt was either insufficient to justify the use of enforced sale procedures or there were circumstances which rendered enforced sales proceedings inappropriate.

3. Empty Dwelling Management Orders.

Local Authorities could consider making Empty Dwelling Management Orders under the Housing Act 2004 to address the improvement and future use of empty dwellings. However, such action involved the eventual return of the management responsibilities for the property to its original owner – this was not considered appropriate in the particular circumstances of the report properties, where those in control had shown little evidence of reasonable intentions or of competent management abilities, and had chosen to ignore all endeavours to persuade a voluntary progress. A change of ownership was considered a more appropriate way forward.

4. Other enforcement powers

Various legal powers were available to a Local Authority to improve the condition of a neglected building, for example, to deal with structural danger, nuisance or other environmental problems. However these alone would not address the suitability of the accommodation for occupation, the on-going upkeep of the building, its re-occupation, nor the future management of the property. These measures could only be viewed as piecemeal, reactive and relatively expensive short term approaches and did not provide the long term solution presented by the report proposals.

Decision

1. To approve that the Council makes Compulsory Purchase Orders under the Acquisition of Land Act 1981 (pursuant to the power under section 17 of the Housing Act 1985) for the acquisition of the houses, together with the associated land, as identified in Appendix 2 of the report for the purposes of their renovation, and reoccupation as housing accommodation.
2. To authorise the Acting Strategic Director of Communities and Place following consultation with the Cabinet Member for Urban Renewal, the Director of Governance and the Head of Strategic Asset Management and Estates to:

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

Reasons

1. The properties identified in Appendix 2 (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 within an acceptable timescale had proven unproductive.
2. Restoring the houses to the useful housing stock would contribute to meeting the increasing housing needs in Derby.
3. Some of the buildings had been badly neglected and presented a nuisance to local residents and adjacent buildings - others had been the subject of trespass, vandalism or anti-social and criminal activities. All would likely impact negatively on their local environments while they remained vacant and the neglect continued.

Budget and Policy Framework

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

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

Since April 2012, the Council's Housing Revenue Account (HRA) had operated under the Government's Self Financing Regime. This provided Local Authorities the resources, incentives and flexibility to set 30 year HRA Business Plans for investment in Council Homes and Estates.

Projections of future rental income from Council homes was therefore a key factor within HRA Business Plans and in May 2014, the Government committed to a 10 year rent policy requiring annual Council rent increases of CPI +1%. The Council's HRA Business Plan 2015 - 45 was accordingly based on this formula.

In the Summer Budget announcement on 8 July 2015, the Government announced a number of proposals contained within the Welfare Reform and Work Bill 2015/16, including a 1% reduction in the level of rent that Local Authorities and Housing Associations could charge to their tenants for a 4 year period from 2016 to 2020.

In January 2016, the Government announced that the mandatory 1% decrease could be deferred for one year during 2016/17 in the case of 'Supported Housing'.

The report reflected these changes and sought approval for a revised and reduced rental increase for the period 2016 to 2020 to that approved by Council Cabinet on 21 January 2015.

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

Decision

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

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

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

The Council Cabinet considered a report on Quarter 3 Capital Budget Monitoring 2015/16 – 2017/18. The report provided details of the revised financial position for the 2015/16 Capital Budget for Quarter 3 together with a comparison of the previously reported quarter 1 and 2 positions as well as actual spend to date. This was in line with the agreed strategy of reporting capital monitoring figures on a monthly basis to Chief Officer Group and on a quarterly basis to Council Cabinet for approval and action as necessary.

The report highlighted a Capital programme of £78,235,410 for 2015/2016, after reflecting revisions to the Capital programme of (£6,586,500) and accounting for the over programming necessary at the time of setting the budget. The changes required were shown in table 1 of section 4 and detailed in Appendix 2 of the report. Significant changes over £200,000 were also detailed by strategy area and scheme in section 4 of the report.

A revised indicative programme for 2016/17 – 2018/19 summarised in table 2 paragraph 4.16 and detailed in Appendix 3 of the report.

A revised funding position was shown in Appendix 4 and detailed in section 5 of the report.

Details of additional S106 required to be added to the 2014/15 – 2016/17 capital programme were detailed in paragraph 5.2 of the report.

A commentary on performance for those areas with larger movement between original programme and revised programme quarter 3 detailed in section 6 of the report.

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

Decision

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

Appendix 3 of the report.

3. To note the changes to 2015/16 capital funding as detailed in Appendix 4 and Section 5 of the report.

156/15 Treasury Management Strategy 2016/17

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

- Background and information to note
- The Treasury Management Strategy
- Treasury Management Indicators
- Delegated authority for transferred debt payments

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

Decision

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

157/15 Council Plan 2016-2019

The Council Cabinet considered a report on the Council Plan 2016 – 19. A robust and effective strategic planning framework should form the backbone of any organisation – setting out clearly what was going to be delivered, why, how this would be resourced and how progress would be monitored and evaluated.

Classification: OFFICIAL

The report presented an updated Council Plan for 2016-19 based on the Derby 2030 vision and pledges consulted on as part of the Council's budget proposals – Safe, Strong and Ambitious. The draft Plan was shown in Appendix 2 of the report.

The new Council Plan would cover three years from 2016 - 2019 and would align with the latest Medium Term Financial Plan (MTFP) as launched in December 2015.

Our aim was to become a modern, flexible and resilient council. The Plan identified the top priority outcomes that we would work to deliver in partnership with our local communities. Given resources were scarce and likely to reduce further, it was essential that we support individuals and communities in Derby to become more self-sufficient and use early intervention and prevention to better anticipate and manage our demands.

Success was dependent on making changes to the way the Council works. The new Council Plan would be underpinned by a new approach called 'Delivering Differently'. The approach would help to create a 'Different Council' which was radically ambitious and enabling, focused on the outcomes we needed to achieve and the impact we make.

We were currently consulting with staff and Members at all levels to inform the new approach and would produce detailed programme plans and service business plans to take it forward.

Subject to Council Cabinet approval, the draft Council Plan would be presented to Council alongside the Council's budget on 2 March 2016.

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

Decision

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

158/15 Dedicated Schools Grant 2016/17 to 2018/19

The Council Cabinet considered a report on the Dedicate Schools Grant 2016/17 to 2018/19. On the 17 December 2015 the Department for Education (DfE) announced the details of the School Funding Settlement. The Dedicated Schools Grant for Derby was £205.112 million split into three un-ringfenced blocks; Schools Block, Early Years Block and a High Needs Block. Final calculated Schools Budgets from the Schools Block element must be issued to individual schools by the 29 February 2016, High Needs budgets to be issued by 31 March 2016.

Classification: OFFICIAL

The Government reaffirmed its intention to move to a national funding formula framework in 2017-18 and would be consulting later in the year.

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

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

Decision

1. To remove the Early Years contingency of £0.7 million.
2. To provide growth to the Early Years sector, to increase hourly rates paid to the Private, Voluntary and Independent (PVI) sector by 6% and nursery classes in schools by 3%.
3. To increase the pupil funding factor in primary and secondary schools by 4%.
4. To increase the high needs top up for schools by £0.252 million which supported children in mainstream settings with Education and Health Care Plans.
5. To increase the budget supporting specialist placements in independent special schools by £0.298 million.
6. To reduce the high needs contingency by £0.98 million
7. To apply DSG reserves, £2.1 million to support the new locality high needs model of funding and £0.781 million into delegated primary and secondary school budgets.

Performance

159/15 Performance Monitoring 2015/16 – Quarter Three Results

The Council Cabinet considered a report on Performance Monitoring 2015/16 – Quarter Three Results. The monitoring report included highlights from key performance measures included in the Council Plan and departmental business plans. These priority measures formed the Council Scorecard for 2015/16 and

reflected key performance / budget risks that Chief Officers and Members needed to be reviewing outcomes against on a regular basis.

At the end of quarter three (up to 31 December 2015), 76% of performance measures were forecast to meet or exceed their year end target. Results were assessed using traffic light criteria, according to their performance against improvement targets. A dashboard which summarised performance for the Council Scorecard was shown in Appendix 2 of the report.

Achievements noted at quarter three included:

- The percentage of customer contacts with Derby Direct that were self-service remains high at 52%.
- The percentage of young people not in employment, education or training (NEET), continued to be below 5%.
- All social care customers were now using the self-directed support process (including direct payments and individual budgets).

Accountable officers had provided commentary to put performance into context and identify actions that they were taking to address poor performance (see Appendix 3 of the report).

Decision

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

Contract and Financial Procedure Matters

160/15 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:

- change of use of reserves
- recommend additional borrowing

- approval to accept loan
- extension of existing contract
- tender and award of contracts

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

Decision

1. To reprioritise £300,000 of Oracle and E Business reserves to fund the final Serco contract exit costs in 2016/17, as detailed in section 4 of the report.
2. To recommend to Council addition borrowing of £1.5m in the form of a Salix Finance interest free loan as detailed in section 5 of the report.
3. To approve the use of the Street Lighting PFI reserve to replace £1.3m council borrowing and manage the cash flow timing of savings and the repayment of the Salix borrowing associated with the street lighting LED project, as detailed in section 5 of the report.
4. To delegate authority to accept a Salix Finance interest free loan to the Director of Finance, following Council approval of the addition borrowing as detailed in section 5 of the report.
5. To extend the 'Them You Me' contract by a further 6 months, as detailed in section 6 of the report.
6. To contract with the Big Word under the NHS Shared Business Service Framework for Interpretation and Translation Services under Lot 6, for the managed service, as detailed in section 7 of the report.
7. To tender and award, subject to contract procedure rules, the Council's own Framework for British Sign Language Interpreters to meet the specific needs of Derby's Deaf Community, as detailed in section 7 of the report.

Executive Non Key Decision

161/15 Osmaston Vision – Marble Hall

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

creating managed workspace for new and growing businesses, day nursery provision, a catering training facility and a cafe.

Following an unsuccessful open tender process to procure a private facilities management provision, the report sought approval to use Derby City Council's in-house business centre management team, Connect Derby to run the Marble Hall until it becomes viable for re-tender.

The ERDF would be notified as part of our final claim submission that we intended to run the building using in-house resources until the building becomes commercially viable. It was currently estimated that the building may become a commercially viable concern for an external Facilities Management company sometime after the 5th year of operation.

The initial mobilisation and operating costs for the building against early rental income suggests that some revenue support would be required for the first three years. £175,000 including a 10% contingency, to be divided as required over the three years, had been approved by the Regeneration Fund Board for this purpose.

Following an approach by the YMCA to deliver catering training via the kitchen at Marble Hall, a lease had been negotiated resulting in a profit share arrangement on the café in lieu of rental payments for the training kitchen and café space.

In August 2015 a bid was submitted to the Heritage Lottery Fund, by Derby Homes for £24,523.60 which had been successful. The grant would deliver a memorial stone, interpretation panels and local learning on the history of Marble Hall.

It was noted that in paragraph 4.27 of the report the memorial stone was for 23 people not 42 as stated in the report.

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

Decision

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

5. To note the success of a bid for £24,523.60 to the Heritage Lottery Fund by Derby Homes, supported by DCC Regeneration Projects.

162/15 Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following item

“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 item on the grounds that it involves 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

163/15 Compulsory Acquisition of Empty Homes

The Council Cabinet considered exempt information in relation to the Compulsory Acquisition of Empty Homes.

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

Decision

To note the exempt information in relation to the compulsory acquisition of long term empty properties.

MINUTES END