

Time began: 4.00pm
Time ended: 5.32pm

COUNCIL CABINET

14 July 2021

Present	Councillor Poulter (Chair) Councillors Barker, M Holmes, McCristal, Pearce, Roulstone, Smale, Webb and Williams
In attendance	Councillor Lind, Repton, Shanker and Skelton Paul Simpson – Chief Executive Rachel North – Strategic Director of Communities and Place Simon Riley – Strategic Director of Corporate Resources Emily Feenan – Director of Legal, Procurement and Democratic Services Heather Greenan – Director of Policy, Insight and Communications Laura Bendall– Communications Officer Connie Spencer – Youth Mayor

This record of decisions was published on 16 July 2021. 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.

23/21 Apologies

An apology for absence was received from Priya Gill – Deputy Youth Mayor.

24/21 Late Items

There were no late items.

25/21 Receipt of Petitions

There were no petitions

26/21 Identification of Urgent Items to which Call In will not apply

There were no items.

27/21 Declarations of Interest

Councillor Williams declared an interest in item 8 Topic Review Early Intervention and Youth Outreach (minute no 30/21) because her husband, through his role with Derbyshire Fire and Rescue, was consulted as part of the topic review evidence gathering.

28/21 Minutes of the meeting held on 9 June 2021

The minutes of the meeting held on 9 June 2021 were agreed as a correct record.

Matters Referred

29/21 Recommendations from the Executive Scrutiny Board

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Executive Scrutiny Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 1, prior to commencement of the meeting.

Decision

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

30/21 Topic Review Early Intervention and Youth Outreach Support Engagement

The Council Cabinet consider a report of a topic review by the Children and Young People Scrutiny Board on Early Intervention and Youth Outreach Support Engagement.

The Executive Scrutiny Board noted the report.

Decision

To not adopt the recommendations of the topic review currently but to review them in a year's time once the Youth Alliance has had a chance to have an impact.

Key Decisions

31/21 Enforced Sale of Empty Properties and Land

The Council Cabinet considered a report which sought approval to establish delegated authorities for the expedient recovery of outstanding, qualifying debts owed to the Council by use of enforced sale powers, where owners of currently long-term empty properties had repeatedly failed to repay such debts and/or bring the property into beneficial use.

The Executive Scrutiny Board recommend to Council Cabinet that the details of the process of delegation includes a mechanism to enable ward councillors to know what is happening in their ward and that there should be a report coming at least annually to a public committee giving a summary of the activity under this delegation.

Options Considered

1. Do nothing.

This was not considered appropriate, as it would delay recovery of debts owed to the Council and return neglected properties back into use with the associated benefits for the local neighbourhood.

2. Alternative means of debt recovery.

The Council could recover debt through bailiffs and court action against the owner, however, enforcing sale of the property means that the property would be taken out of the hands of an owner that had failed to address environmental issues or allowed the condition to decline and all administrative costs and interest could be recovered. The proposed use of enforced sale for empty properties meant there was no need to go to court to gain possession as the process results in the local authority being granted the status of a mortgagee in possession.

3. Compulsory Purchase

The use of compulsory purchase powers may be an equally valid tool for some empty properties with the relevant debts outstanding. However, compulsory purchase required the council to pay for administration of the process whereas the proposed enforced sales process enabled the council to recover its administration costs from the empty property owner.

Decision

1. To delegate authority to the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Finance, Assets and Digital, to exercise the power of enforced sale where:
 - there were qualifying debts due from owners of currently long-term empty properties who had repeatedly failed to repay such debts; and/or
 - long term empty property owners fail to bring such properties back into beneficial use.
2. To accept the recommendation from Executive Scrutiny Board that the details of the process of delegation includes a mechanism to enable ward councillors to know what is happening in their ward as and when it happens and that there should be a report coming at least annually to a public committee giving a summary of the activity under this delegation.

Reasons

Some long-term empty properties attracted nuisance and environmental problems which affected neighbours or local communities. Neglected properties could also decline in condition so that the integrity of the property was affected. The Council's Empty Property Strategy aimed to address such issues where owners were unwilling or unable to do so themselves, in addition to bringing empty homes back into use.

Budget and Policy Framework

32/21 Final Accounts – 2020/21 Outturn Report for General Fund, Capital Programme, Treasury Management, Housing Revenue Account, Dedicated Schools Grant and Collection Fund

The Council Cabinet considered a report which summarised the overall Council's final outturn position, subject to external audit opinion, for the 2020/21 financial year. The report described the final year end positions and the main variances from Quarter 3 and set out issues to note and requiring approval. In summary the outturn was as follows:

- a) **Revenue Budget:** The general fund revenue outturn position was a balanced position when compared to the revenue budget for 2020/21. The balanced position was achieved after transfer of underspends to the budget risk reserve of £1.892m, as detailed in section 4.1 of the report. All of the £4.746m of the Council's savings target for 2020/21 had been achieved, however some were through one off solutions as outlined in section 4.1.12 of the report.
- b) **Capital Budget:** The capital programme outlined the delivery of 75.84% of the latest approved £130.101m capital programme. Details of the capital outturn for 2020/2021 totalling £98.668m for work completed and an analysis of the £22.686m slippage against the final approved capital programme was set out in section 4.6 of the report.
- c) **Treasury Management:** Total borrowing for the Council was £347.718m and total investments were £37.159m compared to £358.926m and £76.873m as at 31 March 2021, as detailed in section 4.7 of the report.
- d) **Housing Revenue Account (HRA):** The HRA showed an outturn deficit of £1.160m against a planned shortfall of £4.592m, this was a positive variance of £3.432m. The overall HRA balances at 31 March 2021 were detailed in section 4.8 of the report.
- e) **Dedicated Schools Grant:** The Dedicated Schools Grant closed with a surplus of £1.6m on the central non-delegated items and individual school balances were £8.868m, as detailed in section 4.9 of the report.

- f) **Collection Fund:** The Councils share of the collection fund outturn was a deficit of £26.228m as detailed in section 4.10 of the report.
- g) **General Fund:** During the year the Council managed and controlled spending on services through its general fund. A summary of the net cost of running each main service area was shown in the report. This spending was financed from council tax, business rates, government grants and reserves as shown in the report.

The Executive Scrutiny Board noted the report.

Decision

1. To note:

- a) The overall general fund revenue budget outturn position for 2020/21 (subject to external audit) and budget variances at 31 March 2021 as set out in section 4.1 of the report.
- b) The savings achieved in 2020/21 as summarised in section 4.1.12 of the report.
- c) The capital outturn and the capital expenditure incurred during the year as set out in section 4.6 of the report.
- d) The treasury management outturn and prudential indicators as set out in section 4.7 of the report.
- e) The overall dedicated schools budget position for 2020/21 as set out in section 4.9 of the report.
- f) The Councils share of the collection fund is a deficit of £26.228m as set out in section 4.10 of the report.
- g) The use of reserves under delegation as outlined in section 4.1 of the report.

2. To approve:

- a) The final required movements in revenue reserves set out in section 4.1.1 to 4.1.4 of the report.
- b) The carry forward requests to reserves outlined and subsequent use of these carry forwards as detailed in section 4.1.4 of the report.
- c) The transfer to the budget risk reserve of £1.892m as set out in section 4.1.10 of the report to achieve a balanced out-turn position.

- d) The addition of net £21.898m budget (slippage £22.686m and spend brought forward (£0.788m) to the 2021/22 capital programme as detailed in section 4.6.5 and 4.6.10 of the report.
 - e) The reallocations from slippage on the Flood Defence programme and Highways Maintenance programme as detailed in section 4.6.14 to 4.6.20 of the report.
 - f) The review and identification of available funding streams from the net scheme underspends of (£10.883m) of the capital programme detailed in section 4.6.6 to 4.6.8 of the report for use to fund emerging priorities within the programme for 2021/22 and delegate these decisions to the Strategic Director of Corporate Resources (Section 151 officer) with the appropriate portfolio Cabinet Member.
 - g) The HRA outturn deficit of £1.160m set out in section 4.8 of the report.
 - h) The 2020/21 Private Finance Initiative (PFI) reserve movements as set out in Appendix 5 of the report.
 - i) The annual report in respect of treasury management activity for 2020/21 as outlined in section 4.7 of the report.
 - j) Delegated authority to the Strategic Director of Corporate Resources any further transfers to and from the reserve as appropriate to meet emerging budget priorities.
3. To authorise the Section 151 Officer to adjust the Councils reserves if the Council or its external auditors (Ernst Young) require any adjustments to the final accounts for 2020/21 that alter the overall Councils position.

Contract and Financial Procedure Matters

33/21 Compliance with Contract and Financial Procedure Rules

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

- Treasury Management Strategy - update for approved source of borrowing.
- Domestic Abuse Safe Accommodation - acceptance of grant of £0.601m to commission support to survivors of domestic abuse and their children in safe accommodation.
- Homes England Funding - approval to bid to Homes England, for up to £0.500m of Garden Communities Capacity Funding.

- Ascend Loan - approve sub delegation for loans below £0.250m made under the Ascend Capital and Revenue Loan Schemes and the treatment of loan principal and interest repayments.
- Safer Streets 3 funding - approval to make a formal bid to the Home Office Safer Streets 3 Fund and accept funding if successful.
- Acceptance of Grant of £0.847m for extension of support of the COVID Local Support Grant (CLSG).
- Delegated approval to allocate the CLSG grant in line with eligible criteria.

The Executive Scrutiny Board recommend to Council Cabinet that the purpose of the Homes England Capacity Funding bid includes spending on work to help achieve zero carbon homes, including carbon sequestration, following on work done by Derby Homes and to seek to make this applicable to all housing developers and to feed into Local Plan policies.

Decision

1. To approve and recommend to Council an update to the Treasury Management Strategy to include the Councils subsidiary, Derby Homes Ltd on the list for approved sources of short and long term borrowing as outlined in section 4.1 of the report.
2. To approve acceptance of £0.601m Domestic Abuse Safe Accommodation grant to commission support to survivors of domestic abuse and their children, in safe accommodation as outlined in section 4.8 of the report.
3. To approve the submission of a bid of up to £0.500m revenue funding to Homes England for Garden Communities Capacity Funding for 2021/22 as outlined in section 4.12 of the report.
4. To delegate approval to accept the Homes England for Garden Communities Capacity Funding allocated in the event that the bid is successful, and subject to acceptable grant conditions, to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and S151 Officer as outlined in section 4.12 of the report.
5. To approve, if necessary, to carry forward the Homes England for Garden Communities Capacity Funding into subsequent years, subject to grant conditions permitting as outlined in section 4.12 of the report.
6. To delegate authority to approve loans made under the Ascend revenue and capital schemes, subject to Ascend loan funds being available and satisfactory due diligence outcomes as outlined in section 4.18 of the report.
7. To approve the treatment of Ascend capital and revenue loan principal and interest repayments as outlined in section 4.18 of the report.

8. To approve transfers to and from the Ascend reserve in line with intended use as outlined in section 4.18 of the report.
9. To approve a bid of up to £0.550m to the Safer Streets National Fund as outlined in section 4.29 of the report.
10. To delegate approval to accept the award to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and the Cabinet Member for Place and Community Development subject to acceptable grant conditions as outlined in section 4.29 of the report.
11. To approve acceptance of £0.847m CLSG to and its expenditure in line with the eligibility criteria summarized in section 4.35 of the report.
12. To delegate authority to the Strategic Director of Resources and the Strategic Director of Peoples to design the scheme and administer the grant and its application, as outlined in section 4.35 of the report.
13. To accept the recommendation from the Executive Scrutiny Board that the purpose of the Homes England Capacity Funding bid includes spending on work to help achieve zero carbon homes, including carbon sequestration, following on work done by Derby Homes and to seek to make this applicable to all housing developers and to feed into Local Plan policies.

Performance

34/21 Council Plan Monitoring – Quarter 4

The Council Cabinet considered a report which stated that in July 2019, Council approved the Council Plan 2019 – 2023, with Council Cabinet approving the supporting Council Delivery Plan in the same month. The underpinning performance framework and priority measures were approved in September 2019.

Since the approval of the Council Plan 2019 – 2023, and the supporting 2019/20 Delivery Plan, there had been many factors that had impacted on our performance and supporting monitoring frameworks. Most notably the COVID-19 pandemic, which prevented the publication of a 2020/21 Delivery Plan as we needed to reflect our response and recovery priorities.

It had however been essential that we continued to review our outputs and the impacts of these on outcomes for the city and our communities, in line with the Council Plan 2019 – 2023. The basis for monitoring throughout 2020/21 had subsequently been commitments from the 2019/20 Council Delivery Plan, which aligned to COVID-19 response and recovery priorities, had set the foundations for our 2021/22 performance framework.

The purpose of the report was to present a consolidated overview of performance, bringing together priority performance measures, projects, and strategic risks, in line with the current Council Plan themes.

A summary of notable performance, as at the end of March 2021, was set out in paragraphs 4.3 and 4.4, with a full assessment of performance by Council Plan theme at Appendix 1 of the report. In addition to this, key timescales, and achievements to date, in the context of our COVID-19 response and recovery, were set out in paragraphs 4.5 of the report.

The Executive Scrutiny Board noted the report.

Decision

1. To note the latest performance positions, paying particular attention to our strategic risks, the impacts of COVID-19 and areas where we had continued to deliver.
2. To note key progress, to date, in line with the identified themes for our recovery plan.

35/21 Annual Report and Review of Performance 2020/21

The Council Cabinet considered a report which stated that every year we produced a short Annual Report, which was published alongside our Annual Review of Performance that presented a summary of our progress against agreed priorities from the last year.

These documents were important in communicating the work that we delivered, our achievements and the challenges we had encountered. They also complemented the Statement of Accounts and Annual Governance Statement that, by necessity, were technical in nature and published separately.

The Executive Scrutiny Board noted the report and agreed that the thanks of the Board to Council officers for all their work to get to this position also be noted.

Decision

To note the Annual Report and Annual Review of Performance.

Other

36/21 UK City of Culture 2021 Expression of Interest

The Council Cabinet considered a report which provided information on the UK City of Culture Competition and noted the intention to submit an Expression of Interest (EOI) for Derby to bid for the 2025 competition.

The Executive Scrutiny Board was fully supportive of this cross party united bid for the city as a whole and resolved to recommend to Council Cabinet that if long-listed for City of Culture, we ensure that activity and legacy elements are included that will bring new cultural angles to all parts of the city and not just the city centre.

Decision

1. To note the ambition for Derby to bid to become UK City of Culture in 2025 by submitting an EOI.
2. To note that if Derby was announced as being on the longlist in September 2021, a further report would be brought to Council Cabinet seeking approval to submit a final application prior to the deadline date in January 2022.
3. To accept the recommendation from the Executive Scrutiny Board that if long-listed for City of Culture, we ensure that activity and legacy elements are included that will bring new cultural angles to all parts of the city and not just the city centre.

MINUTES END