

Time began: 4.00pm
Time ended: 4.57pm

COUNCIL CABINET 7 December 2022

Present Councillor Poulter (Chair)
 Councillors Barker, Eyre, Hassall, J Pearce, Smale and Webb

In attendance Councillors AW Graves, Peatfield and Repton
 Paul Simpson – Chief Executive
 Rachel North – Strategic Director Communities and Place
 Emily Feenan – Director of Legal, Procurement and
 Democratic Services
 Gurmail Nizzer – Director of Children’s Integrated
 Commissioning
 Pauline Anderson – Director of Learning, Inclusion and Skills
 Alison Parkin – Director of Financial Services
 Vickie Brandom – Communications Officer

This record of decisions was published on 9 December 2022. 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.

119/22 Apologies

Apologies for absence were received from Councillor Shanker, Skelton and Williams, Omar Aslam – Youth Mayor, Gloria Osei-Bonsu – Deputy Youth Mayor, Andy Smith Strategic Director of People Services and Simon Riley, Strategic Director of Corporate Resources.

120/22 Late Items

The Chair agreed to consider an addendum to item 14 Compliance with Contract and Financial Procedure Rules. The reason for urgency was that the decision was required this week to allow the contractor to be booked to allow the work to be delivered by the deadline.

121/22 Receipt of Petitions

There were no petitions.

122/22 Identification of Urgent Items to which Call In will not apply

There were no items.

123/22 Declarations of Interest

There were no declarations.

124/22 Minutes of the meeting held on 16 November 2022

The minutes of the meeting held on 16 November 2022 were agreed as a correct record.

Matters Referred

125/22 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.

Decision

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

Key Decisions

126/22 Approval of the Council Tax Support Scheme (CTS) for 2023/23

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

The purpose of the report was to present the CTS Scheme operable from 1 April 2023 for approval. An assessment of the Scheme operable in 2022/23 had been undertaken and it was recommended that no changes were made to the CTS Scheme for 2023/24.

The Executive Scrutiny Board noted the report.

Options considered

Amend the Scheme. This required a public consultation. This was not assessed as being required for 2023/2024.

Decision

To approve the Council's CTS Scheme set out in appendix 1 to the report, to be operable from 1 April 2023.

Reasons

To ensure that customers who were entitled to receive help with their Council Tax bills under the Scheme, could continue to do so.

127/22 Consultation on the Future Viability of Ashgate Nursery School

The Council Cabinet considered a report which stated that Ashgate Nursery School was located on the outskirts of the Mackworth ward just off Ashbourne Road and had been federated with Central Nursery School for many years. The nurseries share the same Head and Governors but had separate financial budgets. Central Nursery School was located a short distance away in the Darley ward.

COVID-19 had had a significant impact on the take up of early years provision and the childcare needs accessed at Ashgate Nursery School. Many parents continued to work from home, which had reduced the need to purchase additional childcare. Income from this had helped in previous years with the financial sustainability of the nursery school. All of these factors had impacted significantly on the projected income streams of Ashgate Nursery School, creating a now irreversible financial deficit.

As a result of falling pupil numbers across both Ashgate and Central Nursery Schools, and numbers not returning to pre-COVID-19 levels, there were significant concerns with the future viability of both of these nursery schools, which had led to a proposal to consider the future viability of Ashgate Nursery School.

To minimise disruption to children, parents and families, and to help ensure the future viability of one of the two nursery schools, the proposal was to keep Central Nursery School open, which had the larger site and accommodation, and to consider closing Ashgate Nursery School from January 2024. The children attending Ashgate Nursery School would be able to transfer to Central Nursery School who would be able to accommodate these children, together with other local early years providers.

The Executive Scrutiny Board recommended that Council Cabinet include a table of recent pupil numbers for Central Nursery, in a similar manner to Ashgate, and also add the context that birth-rates have been falling across the city recently, in the consultation document.

Options Considered

The Council had worked with Central and Ashgate Nursery Schools to seek other options, but no other viable options had been found for consideration.

Decision

1. To approve the consultation document set out in Appendix 1 of the report to consider the future viability of Ashgate Nursery School.
2. To note that the initial consultation period would run from 9 January to 27 February 2023, with the outcome to be reported to Council Cabinet in March 2023.
3. To note that, following this initial consultation, the next stage, subject to approval, would be the required statutory consultation for a further four-week period, with the outcome to be reported to Council Cabinet in June 2023.
4. **To accept the recommendation from the Executive Scrutiny Board to include a table of recent pupil numbers for Central Nursery, in a similar manner to Ashgate, and also add the context that birth-rates had been falling across the city recently, in the consultation document.**

Reasons

1. The Local Authority had a statutory duty under Section 7 of the Childcare Act 2006 to provide sufficient funded three- and four-year-old places for eligible children to access. If a decision was taken that the nursery was strategically and financially unviable and should close, there were alternative maintained nursery places available in the direct locality of the nursery for potentially affected children to access a place.
2. The Local Authority was committed to delivering and funding services that ensure value for money. As the financial deficit at Ashgate Nursery was unrecoverable, and Central Nursery was also in financial deficit, this proposal would help to ensure the future viability of one of the two nursery schools and minimise disruption to children, parents and families.

128/22 Update on Tenancy Strategy

The Council Cabinet considered a report which sought approval to amend the Tenancy Strategy to include the use of flexible tenancies for Council owned homes of 4 or more bedrooms and properties which were significantly adapted to accommodate a disabled occupant.

The Executive Scrutiny Board noted the report.

Options Considered

Do nothing and continue offering secure tenancies for all new tenancies of general needs and adapted properties. This was unsustainable as a long-term approach given the high number of households on the Housing Register and the continued unavailability of both larger properties and adapted homes to let. Current initiatives were not sufficient to free up these homes for letting to households living in overcrowded properties or homes that were not suitable for their needs.

Decision

To approve the proposed amendment to the Tenancy Strategy, on the Council's use of flexible tenancies, with an implementation date of Monday 3 April 2023.

Reasons

1. The Tenancy Strategy 2021 stated that, *“lifetime tenancies are preferred in the majority of cases...”* but that the Council would, *“...continue to assess the advantages and disadvantages of providing flexible tenancies for those living in larger properties or substantially adapted properties through a wider engagement process.”*
2. Following an assessment with Derby Homes and the wider engagement set out in section 5 of the report, together with an Equalities Impact Assessment (EIA), it was now felt appropriate to issue flexible tenancies for Council owned homes with 4 or more bedrooms and those which were significantly adapted to accommodate a disabled occupant. This was because these types of properties were in particularly short supply and high demand and flexible tenancies would provide an additional means to increase supply going forward.

129/22 Special Educational Needs and Disability (SEND) Living My Best Life Capital Programme in Derby Phase 1a/3

The Council Cabinet considered a report which stated that in July 2022 Council Cabinet approved proposed use of Special Educational Needs and Disabilities (SEND) Capital Funding to create further places at Ivy House and Kingsmead Special Schools at phase 1.

The purpose of the report was to seek the agreement to progress with phase 1a; namely the expansion and remodelling of St Clare's Special School. This was one of the proposals based on the consultation which closed on 12 January 2022 for which 223 responses were received. The responses were overwhelmingly in support of the Derby proposals presented in this report and supported by the Equality Impact Assessment (EIA). Alongside this, was a proposal to develop a hub and spoke model of service delivery where learners would be on a special school role (accessing the skills in this area) whilst being taught within mainstream settings.

The SEND capital programme was designed to increase places in specialist provision in Derby and build capacity at the early intervention or graduated response in mainstream schools. It was essential that both elements were developed concurrently.

The key design principles of the SEND capital programme were as follows:

- To strengthen the graduated response through the development of Inclusion Hubs in mainstream schools.
- To increase the number of placements in Enhanced Resource Units across the city.
- To expand existing specialist school provision.
- To build additional specialist provision if required.

The proposals outlined in the report were to follow from phase 1 of the programme following receipt of the feasibility study for the remodelling of St Clare's special school. These key proposals in this phased approach were based on the priority to secure Derby children and young people with SEND a specialist place to match the need in a Derby school. It was forecast that Phase 1a would ensure additional provision was available within the City by September 2024 and consisted of the following elements:

Phase 1a September 2022- September 2024 Secondary Provision

- Expansion and re-modelling for specialist level of need across the four categories of SEND to provide a further 35 places for September 2024. This would raise the number of places at St Clare's school to 180 places in total post capital investment.
- Additional 20 specialist placements housed in mainstream schools to increase capacity in year. The learners would be on special school roll under a Hub and Spoke -model. The capital costs are estimated at £0.5m and subject to feasibility.

Phase 1a September 2022- September 2024 Primary Provision

- Additional 10 specialist placements housed in a mainstream school to increase capacity in year. The learners would be on special school roll under a Hub and Spoke model. The capital costs were estimated at £0.250m and subject to feasibility.

The report also proposed an initial capital allocation of £0.250m to support the SEND strategy's focus on the implementation of Inclusion Hubs across primary and secondary settings; expenditure would be governed by the development of

costed project plans with Multi-Academy Trusts and schools that were working with the Local Authority on provision of specialist provision within mainstream settings.

This development in this area was now urgent in order to have Inclusion Hubs operating across the city from September 2023.

The Executive Scrutiny Board noted the report.

Options Considered

Do-nothing: There was increased demand for support for SEN Learners arising from the 2014 SEND reforms and the lack of appropriate provision in mainstream and specialist settings. Without additional provision within the City there would be a continued need to place learners outside the City in more expensive placements and associated transport costs. A do-nothing option would severely limit the ability to implement a graduated response to individual learners

Decision

1. To note and approve the proposals to develop additional capacity within the City in both specialist and mainstream settings (Phase 1a)
2. To approve:
 - a) the development and refurbishment of St Clare's Special School to provide 35 additional places by September 2024;
 - b) the implementation of a hub and spoke model providing 30 places in secondary and primary settings linking specialist setting expertise with learners remaining within mainstream settings by September 2024; and
 - c) the provision of inclusion hubs in mainstream settings by September 2023.
3. To note that delivery of Phase 1a would be monitored through the PMO gateway process.
4. To delegate authority to the Director of Legal, Procurement and Democratic Services following consultation with the Strategic Director of People Services to enter into all necessary grant agreements and ancillary documentation to deliver Phase 1a.
5. To approve the amendment of the approved 2022/2023-2024/25 capital programme and approve scheme commencement for the scheme outlined in Appendix 1 of the report and any necessary contingencies within the approved SEND Capital Scheme.

Reasons

In accordance with Financial Procedure Rules, this amendment to the Council's capital programme, and the award of the grant, are required to be reported and approved by Council Cabinet.

Budget and Policy Framework

130/22 Medium Term Financial Strategy Summary

The Council Cabinet considered a report which gave an update on the Medium Term Financial Strategy (MTFS).

The Executive Scrutiny Board recommended to Council Cabinet that it immediately raises the concerns with Government that the projection for our finances, services and jobs in this city, like many throughout the country, are dire and that without immediate help and input we could fail in our responsibility to provide vital services over the next few years.

Decision

1. To note the context for the development of the Medium Term Financial Strategy for 2023/24 to 2025/26 as set out in the report.
2. **To accept the recommendation from the Executive Scrutiny Board recommending that Council Cabinet immediately raises the concerns with Government that the projection for our finances, services and jobs in this city, like many throughout the country, are dire and that without immediate help and input we could fail in our responsibility to provide vital services over the next few years.**

131/22 Treasury Management Mid – Year Report 2022/23

The Council Cabinet considered a report which stated that the Council was required for good practice under the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the "CIPFA TM Code") to approve treasury management mid-year and outturn reports.

The mid-year report outlined the Treasury Management activity for the period 1 April 2022 to 30 September 2022 to note to Council, comprising:

- Summary of the Financial Markets to date in 2022/23;
- Forecast Outturn 2022/23 including Qtr.2 update;
- Borrowing Activity;
- Deposits; and
- Prudential Indicators.

Summary

The Treasury Management forecast outturn for 2022/23 was a balanced position as at 30 September 2022.

At the end of September 2022, total debt was £416.697m and total investments were £44.506m compared to £423.393m and £29.650 as at 31 March 2022.

Treasury Management advice to the Council up to 30 September 2022 had been provided by Arlingclose. Their services included economic and interest rate forecasting, advice on strategy, portfolio structure, debt restructuring, investment policy and credit ratings and technical assistance on treasury matters as and when required.

The Executive Scrutiny Board noted the report.

Decision

1. To note the forecast outturn position balanced position.
2. To note the position statement on Treasury Management Activity and compliance against the Prudential Indicators for the period 1 April 2022 to 30 September 2022.
3. To note the Treasury Management Mid-year Report and recommend it to Council.

Contract and Financial Procedure Matters

132/22 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.

- To approve capital programme changes in support of the Council's Children's Residential Accommodation strategy for Looked after Children.

The Executive Scrutiny Board noted the report.

Decision

1. To approve the addition to the 2022/23 Capital Programme of this priority Homes 2 Inspire scheme for £0.060m for a small Children's Home scheme placement, and approve scheme commencement, as outlined in paragraphs 4.1 to 4.4 and as set out in Appendix 1 of the report.

2. To approve the amendment of the approved 2022/2023-2024/25 capital programme for this small children's home scheme, to be funded from the existing approved Childrens Homes accommodation strategy budget of £1m, as outlined in Appendix 1 of the report.
3. To delegate authority to the Strategic Director for People Services, following consultation with the Cabinet Member for Children and Young People, subject to negotiation of acceptable terms, to award a grant for up to £0.060m to Homes 2 Inspire to deliver the capital works associated with the scheme, if necessary, as outlined in paragraph 4.4 of the report.

133/22 Exclusion of Press and Public

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 item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Key Decision

134/22 The Assignment of Approved Grant to Another Provider

The Council Cabinet considered a report which gave details of a proposal to assign an approved grant to another provider.

The Executive Scrutiny Board noted the report.

Options Considered

These were set out in paragraph 6.1 of the report.

Decision

To approve the recommendations set out in paragraphs 2.1 to 2.3 of the report.

Reasons

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

Contract and Financial Procedure Matters

135/22 Compliance with Contract and Financial Procedure Rules - Addendum

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.

- Acceptance of funding
- Provision of funding to support business relocation and
- Agree the Council's contribution to facilitate funding for relocation expenses.

The Executive Scrutiny Board noted the report.

Decision

To approve the recommendations set out in paragraphs 2.1 to 2.4 of the report.

MINUTES END