

Time began: 6.00pm  
Time ended: 7.15pm

## **COUNCIL CABINET**

### **4 October 2017**

Present	Councillor Banwait (Chair) Councillors Afzal, Bolton, Hussain, Raju, Rawson, Repton, Russell and Shanker
In attendance	Councillors Care, Graves, M Holmes, Skelton and Willoughby Paul Robinson – Chief Executive Janie Berry – Monitoring Officer Mark Taylor – Interim Director of Finance Gurmail Nizzer – Acting Director of Commissioning and Head of School Organisation David Gartside – Acting Director of Strategic Partnership, Planning and Streetpride Greg Jennings – Acting Director of Regeneration, Property and Housing Projects Iain Peel – Service Director – Learning and Skills Sam Rosillo – Regeneration Manager Terry Ally – Media Officer Keith Cousins – Communications Officer

This record of decisions was published on 6 October 2017. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

#### **52/17      Apologies**

There were no apologies for absence.

#### **53/17      Late Items**

There were no late items.

#### **54/17      Receipt of Petitions**

There were no petitions received.

#### **55/17      Identification of Urgent Items to which Call In will not Apply**

There were no items.

## **56/17      Declarations of Interest**

There were no declarations on interest.

## **57/17      Minutes of the Meeting Held on 6 September 2017**

The minutes of the meeting held on 6 September 2017 were agreed as a correct record and signed by the Chair.

## **Matters Referred**

### **58/17      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 2, prior to commencement of the meeting.

### **Decision**

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

## **Key Decisions**

### **59/17      Special Educational Needs and Disability (SEND) Provision in Derby**

The Council Cabinet considered a report which stated that the Council had an important role in championing the needs of vulnerable children in Derby, and ensuring the continued inclusion of children with special needs in all of our schools in the City. The Department for Education also required Local Authorities to consider Special Educational Needs and Disabilities (SEND) provision in the context of meeting the national SEND reforms.

Following very careful consideration and initial consultation with parent representatives, Special Educational Needs and Disabilities (SEND) partners and headteachers, proposals had been developed to improve Derby's specialist provision for children and young people with SEND and to help support parents, carers and families. There were no proposals to reduce the overall levels of funding available for children and young people with SEND.

Attached, as Appendix 3 to the report, was a draft Consultation Document setting out details on the proposals to improve SEND provision. The key proposals included:

- a. Updating Enhanced Resource School and Special School Placement Criteria to help ensure that children and young people with SEND were placed in the most appropriate type of provision for their individual needs and to provide transparent and clear criteria for children, young people and their families
- b. A fresh look at specialist provision to ensure it was relevant to current needs of children and young people in Derby, for example, proposals had been developed to create Enhanced Resource School provision to meet with Social, Emotional and Mental Health Needs, which the City did not currently have.
- c. Improving SEND pupil pathways and alignment between infant, junior and secondary Enhanced Resource School placements to help effective transition planning for Children.
- d. Developing an Early Years Inclusion Fund for all Early Years providers as a single source of funding to support the inclusion of children with SEND.
- e. Capital investment to add Enhanced Resource Provision to Meadow Farm Primary School and increase and improve Enhanced Resource School provision at The Bemrose School.
- f. Updating Derby's Special Education Needs & Disabilities (SEND) Funding Bands so that the methodology for allocating SEND funding to schools was fit for purpose and reflects the proposed new placement criteria.

The report sought approval to consult on the proposals set out in the Consultation Document, attached as Appendix 3 to the report. Subject to that approval, the consultation period would start on Monday, 6 November 2017 and would run for a six week period up until Friday, 15 December 2017. The proposals would be widely consulted on and two consultation events would be held for parents and carers on Tuesday, 14 November 2017 and Tuesday, 28 November 2017.

The outcome of the consultation would be reported to Council Cabinet on 14 March 2018. At that meeting, Council Cabinet would be asked to consider consultation responses and decide whether to:

- a. approve those proposals that do not require a statutory process.
- b. approve moving to the next stage of the consultation process for those proposals that do require a statutory process.

It was anticipated that a final decision on those proposals requiring a statutory process would be taken in June 2018. If approved, the proposals would be

implemented from September 2018. A draft Consultation Timeline was attached as Appendix 4 to the report.

The Executive Scrutiny Board recommended to Council Cabinet that:

1. any new SEND arrangements agreed post-consultation are not implemented until all conversions from Statements to EHCPs have been completed; and
2. a pathway clarifying the process for EHCPs for parents is included in the consultation documentation for SEND provision.

### **Options Considered**

Following very careful consideration and initial consultation with parents, SEND partners and headteachers, proposals had been developed to improve Derby's specialist provision for children and young people. The report sought approval to consult on the proposals

### **Decision**

1. To approve consultation on proposals to improve Derby's specialist provision for children and young people with Special Educational Needs and Disabilities.
2. To accept the recommendation of the Executive Scrutiny Board that
  - any new SEND arrangements agreed post-consultation are not implemented until all conversions from Statements to EHCPs have been completed; and
  - a pathway clarifying the process for EHCPs for parents is included in the consultation documentation for SEND provision.

### **Reasons**

Following very careful consideration and initial consultation with parents, SEND partners and headteachers, the aim had been to develop proposals to increase mainstream inclusion and ensure, wherever possible, local placements for pupils with SEND to help support parents, carers and families.

## **60/17      Proposal to Increase Schools Places at Murray Park School**

The Council Cabinet considered a report which stated that the Council was legally required to ensure that there were sufficient school places available for those pupils residing in its administrative boundary. There was an increasing demand for secondary school places in Derby following a significant level of growth in primary school numbers. Additional secondary places were needed at a number of schools in the city in order to respond to this growth.

A proposal had been developed to provide additional secondary pupil places at Murray Park School. The proposal was to increase the school's admission number from 220 up to a maximum of 330 from September 2019, with an additional 550 places available across the school on a phased basis, starting from year 7.

In terms of capital funding for the proposals to expand the premises of Murray Park School, Council Cabinet, at its meeting on 21 June 2017, approved basic need funding of £8.5 million to increase accommodation at the school, subject to completion of statutory consultation. The Headteacher and Governing Body supported the expansion proposals.

Following Council Cabinet approval on 21 June 2017, initial consultation on the proposal to expand Murray Park School took place for a six-week period between 4 July 2017 and 15 August 2017. A copy of the Consultation Document was attached as Appendix 2 to the report.

A total of 29 responses were received during the consultation period.

The majority (56%) of staff and parents who responded supported the expansion proposal, while 33% were undecided on the proposal.

Of the 29 responses received, 20 were from local residents with no other connection to the school and were focussed on traffic and planning issues, rather than the educational aspects that this consultation was intended to address. These responses were shown separately and would be passed to Development Control for consideration alongside the planning application for the proposed expansion of the school's buildings related to this proposal.

In view of the Council's statutory duty to ensure sufficient school places, the report recommended that Council Cabinet considered giving approval to move to the next stage of the consultation process, which involved the publication of a statutory notice and a further four week representation period.

The Executive Scrutiny Board noted the report.

### **Options Considered**

Very careful consideration had been given to options for accommodating pupil growth. School place planning proposals had been developed with a view to creating additional capacity across a number of schools. This was to ensure a spread of additional school places across the City as a whole. In developing proposals, a range of factors had been considered, including whether school sites could accommodate expansion.

### **Decision**

1. To approve the publication of a statutory notice on the proposal to permanently expand the premises of Murray Park School in order to provide additional secondary school places.

2. To delegate authority to determine the proposal to the Strategic Director of People Services if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.

## **Reasons**

1. The Council has a legal duty to ensure sufficient school places for those pupils residing within its administrative boundary. Pupil numbers and projections are closely monitored and proposals are carefully developed to ensure sufficient school places.
2. Without the proposed expansion, there was a significant risk that the Council would not be able to deliver its statutory duty to provide sufficient secondary school places.

## **61/17      Development Related Highway Works: Financial Contribution in Lieu of Works in the Highway**

The Council Cabinet considered a report which stated that in 2008 planning permission was granted by the Secretary of State (SoS) on appeal for housing development in South Derbyshire District Council (SDDC) including developments at Highfields Farm and at Stenson Fields. This was part of a public inquiry into a number of proposed housing developments in SDDC.

Conditions were imposed on both permissions restricting development until certain specified highway works were implemented. The planning consent for Highfield's Farm required highway improvements at the junctions of Chain Lane/Burton Road and at the A5111/Burton Road, whilst that for Stenson Field's required improvements at the junction of A5111/Stenson and A5111 Sinfin Lane.

During discussions to deliver those highway schemes the developers for these sites had proposed to provide financial contributions equal to the cost of the proposed schemes in lieu of the actual roadworks. This proposal had advantages as it would enable the City Council to review what works were required to serve the developments and deliver improvements that may better suit the current highway network. The report recommended that the principle of accepting financial contributions was accepted and sought to delegate to officers the responsibility for securing the appropriate amounts.

The Executive Scrutiny Board supported the proposals.

## **Options Considered**

The alternative approach would be to continue to seek to agree deliverable schemes based on those which were conditioned by the planning consents and the planning obligations. This would likely result in schemes being delivered that would offer little practical advantages to road users and yet which would require considerable expenditure.

## **Decision**

1. To accept in principle financial contributions in lieu of the proposed highway improvements at Chain Lane, Stenson Road and Burton Road.
2. To delegate approval to the Strategic Director, Communities and Place following consultation with the Cabinet Member for Neighbourhoods and Public Protection and the Director of Finance, to agree the level of contributions in lieu of the proposed improvements at Chain Lane, Stenson Road and Burton Road and to enter into any necessary agreements both with the developers and with South Derbyshire District Council.

## **Reasons**

To allow the Council to review and develop alternative transport strategies and proposed works that would better mitigate the impacts of the developments and which would be more acceptable to both the Council as Highway Authority and to local people.

## **62/17      Revision to the National Non Domestic Rates Policy for the Award of Discretionary Rate Relief (DRR)**

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

At the Spring Budget 2017 Central Government introduced three new discretionary Reliefs:

- Supporting Small Business Relief;
- Revaluation Support Relief;
- Pub Relief.

DCC's DRR Policy had been updated to include these new Reliefs, which were covered in sections 19 – 21 of the revised Policy. Much of the Policy, including the criteria for awarding Reliefs to charities and non-profit making organisations had not changed as a result of this update. The revised DRR Policy was set out at Appendix 2 of the report.

An Equalities Impact Assessment (EIA) was conducted on 16 August 2017. The outcome of this was set out at Appendix 3 of the report.

Consultation had also taken place with the Derbyshire Fire and Rescue Service and the Derbyshire Police and Crime Commission.

The Executive Scrutiny Board welcomed the changes to the revised National Non-Domestic Rates Policy.

### **Options Considered**

Do not amend the Policy. This option would mean that DCC would not have a basis for awarding the new discretionary Reliefs announced at the Spring Budget 2017. This could result in reputational damage for DCC and may create undue hardship for the business community, and was therefore not recommended.

### **Decision**

To approve the revised DRR policy attached at Appendix 2 of the report.

### **Reasons**

To ensure that qualifying businesses could receive DRR.

## **63/17 Derby Performance Venue – Progressing the Project to the Next Steps**

The Council Cabinet considered a report which stated that the development of a new Performance Venue was the key priority for Derby's City Centre Masterplan 2030. It was seen as being the focal point for city centre regeneration, a catalyst for further investment and a key development in terms of supplementing the cultural offer in the city and the visitor economy. In addition, one of the Council's key pledges announced in June 2017 was that *"The Council will invest in Assembly Rooms / Debenhams / Duckworth Square sites to increase city centre footfall by 10% by 2025."*

Feasibility work had been undertaken to explore the most affordable and deliverable option for a new venue on the site of the Assembly Rooms and to prepare an Outline Business Case for the project. The potential for replacing the existing Assembly Rooms car park with a larger and more user friendly car park formed part of the feasibility work and was a key part of the emerging business case for the project.

All of the options explored, to a greater or lesser extent, were currently projecting a shortfall in capital funding towards the construction costs, with some requiring an on going revenue operating subsidy.

At this stage it was considered that the only option with the potential to be affordable, in both capital and revenue terms, was the Music and Performance Venue (outlined in paragraph 4.14 of the report). Early work exploring the economic benefits of this option indicates that it would help generate approximately 395 gross full-time equivalent jobs on and off-site and contribute £9.6million of Gross Value Added per annum.



The report sought approval to carry out further project development works (outlined in paragraph 4.12 of the report) to assess the costs and risks involved. At the same time, officers were seeking additional external funding to support the project.

The Executive Scrutiny Board resolved to strongly recommend to Council Cabinet that:

1. The decision to commit and risk funds of £475k and decision to approve the Music and Performance Venue as the current preferred option for a new venue on the Assembly Rooms site should be deferred until a wider consultation exercise has taken place.
2. The wider consultation should:
  - Involve the general public, local arts and theatre groups as well as other interested groups: and
  - Include a full range of options as well as the 'preferred option' with full expectations, including transparency on cost and deliverability, to enable the public to understand and make fully informed choices.

## **Options Considered**

The other options considered to date were:

- *Options for a new Performance Venue* (see paragraph 4.4 and Appendix 2 of the report).
- *Do nothing* - The fire damage caused to the Assembly Rooms in March 2014 had left the building redundant and the building had not been used for over three years. Doing nothing was not an option or the building would remain redundant.
- *Pause the project pending additional funding availability* – If the Council did wish to pursue either the Lyric Theatre or Hybrid Venue options (the more expensive options), then Council Cabinet could choose to pause any further work on the project until significant additional capital funding had been sourced. There were no significant current funding opportunities available to bid for, beyond the Local Growth Fund already secured.
- *Non-Performance Venue: Retail and Leisure Development Option* – The Council could look to redevelop the Assembly Rooms site for alternative development. The current proposal was to pursue the redevelopment of the Assembly Rooms site for a new Performance Venue. So this option was not currently being pursued.

## **Decision**

Having considered the recommendations of the Executive Scrutiny Board:

1. To note the conclusions of the feasibility work undertaken to date and, in light of financial viability and sustainability considerations, the emergence of the Music and Performance venue as the Council's preferred option for a new performance venue in the city centre.
2. To approve a consultation exercise which explains the advantages, disadvantages and the financial viability of the options considered, and seeks views of stakeholders and the public.
3. To delegate to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Regeneration and Economy and the Cabinet Member for Leisure, Culture and Tourism, to review the outcome of the consultation and the decision as to which option should be pursued.
4. To delegate to the Strategic Director of Communities and Place authority to undertake the following work in relation to the preferred option as per 3 above.
  - Seek tenders for operators of a new venue (taking into account the Council's emerging overarching strategy for delivery of leisure and culture);
  - Develop an outline design for the new venue and associated car park;
  - Explore additional funding opportunities from external public and private sources for the project.
5. To approve a budget of £500k to deliver the work described in 4 above and the additional consultation described in 2 above, funded from the Assembly Rooms insurance monies that form part of the Council's reserves.

## **Reasons**

1. To support the delivery of the City Centre Masterplan 2030 objectives.
2. To facilitate the delivery of a new Performance Venue on the site of the Assembly Rooms.

# Contract and Financial Procedure Matters

## 64/17 Contract and Financial Procedure Matters

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.

- Use of the Dedicated Schools Grant reserve
- Acceptance of Grant – Opportunity Area Grant
- Acceptance of Grant – Office Police and Crime Commissioner – OPCC
- Procuring a contract with a value of up to £87,500
- Award of Grant.

The Executive Scrutiny Board noted the report.

### **Decision**

1. To approve the allocation and use of the Dedicated Schools Grant Reserve of £695,073 to support temporary capacity to deliver the Special Educational Needs and Disability Reforms and to support school improvement in the City through the work of the Primary and Secondary Strategy Groups as detailed in section 4 of the report.
2. To approve the acceptance of the Opportunity Area Grant for Derby of up to £6 million and to approve an adjustment to the People's Directorate Budget of £1.5 million in the financial year 2017/2018 to account for this grant as detailed in section 5 of the report.
3. To approve the acceptance of the Opportunity Area Grant: Essential Life Skills Grant for Derby of up to £2.4 million and to approve an adjustment to the People's Directorate Budget of £800,000 in the financial year 2017/2018 and £1.6 million in 2018/2019 to account for this grant as detailed in section 5 of the report.
4. To approve the acceptance of a grant from the Office of the Police and Crime Commissioner (OPCC) for £175,000, to approve accountable body status and to approve an adjustment to the People's Directorate Budget in the financial year 2017/2018 to account for this grant as detailed in section 6 of the report.
5. To approve the procurement and award of a contract capped at no more than £87,500 for the provision of specialist technical energy consultancy services, as detailed in section 7 of the report.
6. To approve the award of grants to external bodies as detailed in section 8 of the report.

## Other

### 65/17 City Council International Partnerships

The Council Cabinet considered a report which stated that the UK's proposed exit from the European Union was likely to have an effect on a wide array of economic issues including the trade of goods and services, labour supply, regulation, the strength of sterling and the visitor economy. At all levels of Government important new policies were being devised to help mitigate some of these effects.

The Council had pledged to, "Protect investment in building links with overseas markets, as a way of guaranteeing the future economic prosperity of the city in light of Brexit" (by spring 2020, Pledge PL04). The Council was leading the preparation of the next Derby Economic Growth Strategy. The strategy would contain an international strand of activities.

The report described the progress that the Council had made in developing international partnerships in China and India in the last two years and why these markets were considered so important to Derby. It outlined the most recent achievements, planned next steps and the benefits we hoped to achieve.

The Executive Scrutiny Board recommended caution to Council Cabinet on the building expenditure of supporting these activities and that the Council should be more open and upfront about these costs, what we are doing to support the building of international partnerships and why.

#### **Decision**

1. To note the report.
2. To note the recommendation of the Executive Scrutiny Board advising caution to Council Cabinet on the building expenditure of supporting these activities and that the Council should be more open and upfront about these costs, what we are doing to support the building of international partnerships and why.

**MINUTES END**