

Time began: 4.05pm
Time ended: 5.08pm

COUNCIL CABINET 2 August 2023

Present	Councillor Shanker (Chair) Councillors Dhindsa, Hezelgrave, S Khan, Swan and Whitby
In attendance	Councillors Hassall, Poulter and Prosser Paul Simpson – Chief Executive Olu Idowu – Head of Legal Kirsty McMillan – Director of NHS Integration and Prevention Verna Bayliss – Director of Sustainability Claire Davenport – Director of Leisure Culture and Tourism Amanda Fletcher – Head of Finance Charles Edwards – Head of Community Safety and Locality Working Muhammad Muntasir - Youth Mayor Harman Kaur - Deputy Youth Mayor Kara MacFadyen – Head of Communications and Marketing

This record of decisions was published on 4 August 2023. 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.

The Leader referred to this being the last meeting of Council Cabinet which Claire Davenport – Director of Leisure, Culture and Tourism would be attending prior to her leaving the Council. On behalf of the Council he thanked her for the work and projects she had undertaken and wished her well for the future.

33/23 Apologies

Apologies for absence were received from Councillors Martin and Peatfield.

34/23 Late Items

There were no late items.

35/23 Receipt of Petitions

There were no petitions.

36/23 Identification of Urgent Items to which Call In will not apply

There were no items.

37/23 Declarations of Interest

There were no declarations of interest.

38/23 Minutes of the meeting held on 12 July 2023

The minutes of the meeting held on 12 July 2023 were agreed as a correct record.

Matters Referred

39/23 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

40/23 South Derby Growth Zone and Infinity Garden Village – Legal Processes for Land Assembly and Delivery

The Council Cabinet considered a report which requested Council Cabinet to note the land within Derby city's administrative boundary that Derbyshire County Council (DCoC) needed to acquire, in order to construct A50 junction and link road and to note that Council Cabinet approval was given to delegate Compulsory Purchase Order (CPO) powers to DCoC, in order for them to acquire land, at its meeting on 15 February 2023.

The Executive Scrutiny Board recommended that all councillors should be given training on how climate change implications are calculated.

Options considered

The alternative route to land assembly for this project, through negotiation with landowners, remained the preferred option, and would be pursued in parallel to the recommended use of compulsory purchase powers.

Decision

1. To note the defined extent of the land within Derby city's administrative boundary which Derbyshire County Council (DCoC) needed to acquire under the delegated Compulsory Purchase Order powers vested in DCoC by virtue of Council Cabinet minute reference 175/22 (see Appendix 2 of the report).
2. To note the full implications of the proposed Compulsory Purchase Order, as set out within Appendix 1 to the report.
3. **To note that in respect of the recommendation from the Executive Scrutiny Board climate change implications training was already scheduled for 8 November 2023.**

Reasons

1. Whilst Cabinet approval had already been given to delegate CPO powers to DCoC, it was important to note the land that was needed to be acquired by DCoC that was within Derby city's administrative boundary, together with any potential human rights implications for Derby city residents, which were included within DCoCs Cabinet Report at Appendix 1 of the report.
2. Whilst the preferred approach to land acquisition was through negotiation with landowners, the challenging delivery timescale for the scheme required that alternative arrangements were made through making the Compulsory Purchase Order; this would enable land assembly should negotiation not be successful.

41/23 Derby Libraries – Delivering a Sustainable Model for Libraries

The Council Cabinet considered a report which gave an update on Derby's Community Libraries project and outlined several options and recommendations available to the Council on future Community Library models and sought the necessary approvals to progress with next steps.

The Executive Scrutiny Board resolved to recommend:

1. **That as part of the preparation of Business Cases, Derby City Council consults with councillors and library volunteers to better understand existing concerns surrounding the impact of General Data Protection Regulations on the work of Library Volunteers, particularly with regard to Library Cards, with a view to improving the efficiency of the service.**
2. **That any and all costs associated with the decisions in this report, including but not limited to, legal fees, fees for associated advice, increase in staff costs, increases in running costs and others, are brought back to Executive Scrutiny in a subsequent report, and are brought before the most appropriate scrutiny committee, accompanied**

by details of any budgetary changes to secure funding, to be properly examined.

3. **To ask Council Cabinet to ensure that the proposed further work is not to prejudge whether the statutory libraries should be in or out any new arrangements.**
4. **To ask Council Cabinet to ensure that meaningful consultation is ongoing with the Friends of Libraries groups and library users in the options work that is being explored now.**
5. **To ask Council Cabinet to clarify a timetable for the future arrangements for library management including the next report back to Council Cabinet.**

Options considered

1. **Remaining in House**

The library service remained as a council operated service. Service re-design would be undertaken to improve systems, realise efficiencies, transform existing services, or develop new services to meet the evolving needs of local communities.

2. **Remaining in House - Partnership across 2 or more Council**

Two or more councils may be able to work together to deliver public library services. This would involve partnership working between the councils, including the sharing of staff and other resources. It could also potentially involve the joint procurement of back-office services and support systems, in addition to the sharing of best practice.

3. **Local Authority Trading Company (LATC)**

LATCs (Local Authority Trading Company) were bodies that were free to operate as commercial companies but remained wholly owned and controlled by the parent council(s). As trading bodies, LATCs could provide their services to a wider market than a council department.

4. **Outsource to existing social enterprise, third sector or private provider**

The process of outsourcing a council's library service involved the procurement of a third party to deliver the library service on behalf of the council via a contract.

5. **Joint venture**

The term joint venture could describe a range of different commercial arrangements between two or more separate entities. Each party contributed resources to the venture and a new business was created in which the parties collaborated and shared the risks and benefits associated with the venture.

6. **Close Community Libraries**

The Council was obliged to provide a comprehensive and efficient public library service under the Public Libraries & Museums Act 1964. The community library provision was in addition to the statutory requirement. The statutory service in Derby was made up of five libraries and a store at Blagreaves. There were 10 other library sites that were not part of the statutory service, and the Council is not legally obliged to provide them.

Decision

1. To agree to the development of detailed business cases for the two preferred options as outlined in the report.
2. To note that the Expression of Interest (EOI) process previously being explored would be superseded by the development of business cases and the EOI process would therefore cease.
3. To note that fully developed business cases would consider all library provision in Derby, including five statutory libraries and ten community libraries.
4. To delegate approval to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Strategy, Governance and Finance, to incur, as necessary, the costs for additional specialist support.
5. To note that prior to any decision by Council Cabinet on the final options, a detailed Equality Impact Assessment would be completed and made available for Council Cabinet to consider as part of any such decision.
- 6. In respect of recommendation 1 from the Executive Scrutiny Board, Council Cabinet gave assurances that the issues relating to General Data Protection Regulations would be resolved.**
- 7. In respect of recommendation 2 from the Executive Scrutiny Board, the Council Cabinet gave assurances that they would be open and transparent on this project.**
- 8. In respect of recommendation 3 from the Executive Scrutiny Board, Council Cabinet gave assurances that the library services would be the best they could be.**
- 9. To accept recommendation 4 from the Executive Scrutiny Board, to ensure that meaningful consultation is ongoing with the Friends of Libraries groups and library users in the options work that is being explored now.**
- 10. In respect of recommendation 5 from the Executive Scrutiny Board, it was noted that a timetable would be drawn up following this meeting of Council Cabinet.**

Reasons

1. Local elections in May 2023 led to a change in political leadership at Derby City Council, bringing with it a renewed ambition for libraries in Derby. Libraries were an important resource, offering many valuable services, especially for the most vulnerable residents, but they needed to be appropriately funded and managed to remain sustainable. The Council needed to be creative in ensuring the service continued.
2. Approval of recommendations would provide a degree of certainty, allowing officers to move forward in developing plans for sustainable, long-term library provision for the city.

42/23 Further Integration Between the Council and Derbyshire Community Health Services Plan

The Council Cabinet considered a report which stated that the Council was proposing to enter a formal partnership agreement with Derbyshire Community Health Services, an NHS Foundation Trust, to jointly deliver a range of reablement and urgent support services aimed at helping people remain independent at home for as long as possible. Section 75 of the National Health Service Act 2006 enables Councils and NHS bodies to work in partnership. This was referred to as a 'Section 75 Partnership Agreement'.

The partnership agreement being proposed would be designed to create a single service that supported people to remain at home when their health or care needs change, but also to return home following a hospital admission, by receiving short term rehabilitation and reablement support.

The report sought approval to commence consulting with stakeholders about this proposal, including engaging with individuals who may be using the relevant services now, or who may potentially need the service in the future.

The Executive Scrutiny Board noted the report.

Options considered

Do nothing - Both Derby City Council and Derbyshire Community Health Services could continue to work closely together without taking the formal step of becoming a single service and pooling their funds under a s75 Partnership agreement. Both services could continue to operate separately and continue to work jointly to improve service delivery as best as could be done within capacity constraints. This option was the status quo and it was not being proposed at this stage as this would mean forgoing the benefits that were anticipated by operating together i.e to maximise the opportunities envisaged.

Decision

1. To agree to the proposed consultation about a formal partnership agreement being established between Derby City Council and Derbyshire Community Health Services and to delegate responsibility for delivery to the Strategic Director – People Services, following consultation with Cabinet Member for Integrated Health and Adult Care.
2. To agree to receive a further report so that Council Cabinet could consider whether the Council should enter into a partnership agreement. This consideration would be after the consultation period so that Council Cabinet could take account of feedback obtained.

Reasons

1. The NHS and Local Authorities Partnership Arrangements Regulations 2000 stipulate that “the partners may not enter into any partnership agreements [under Section 75 (s75) of the NHS Act 2006] unless they have consulted jointly such persons as appear to them to be affected by such arrangements”. This proposal would enable us to seek views and test out the impact the proposals may have before we formally enter into an agreement to pool our resources.
2. Nationally, integrating the planning and delivery of care for local people between health and social care was at the heart of current policy agenda. Integration at all levels was front and centre in both the Health and Social Care Bill and Social Care Reform White Papers. The new Integrated Care System in Derbyshire was required to deliver an Integrated Care Strategy setting out how its vision for integration would be delivered and this must be co-produced with all system partners during 2023. It was within this strategic context that the proposals for further integration between Derby City Council and DCHS were now firmly positioned.
3. The Council and Derbyshire Community Health Service were already working closely together to deliver rehabilitation and reablement using multi-professional assessments, by sharing staffing skills, training and development. The proposal to enter a formal partnership arrangement would be aimed at building on the success so far, to enable both organisations to manage increasing demand for services into the future. The partnership would be aimed at providing more people with reablement and rehabilitation so that they had a better chance of remaining independent at home, and less dependent on health and care services to keep them safe, healthy and well.

Budget and Policy Framework

43/23 2023/23 Quarter 1 Financial Monitoring

The Council Cabinet considered a report which summarised the Council's forecasted financial outturn position at 30th June 2023

- a) **Revenue Budget:** The Council was currently forecasting a pressure of £6.091m against the base budget of £283.412m before mitigations.

There would be continued focus throughout the year on spending panels, spending moratoriums and vacancy control which would help ensure the Council delivered a balanced position to mitigate any potential use of reserves.

£15.601m of the Council's savings target of £16.196m for 2023/24 was currently forecast to be achieved which was 96%. Work would continue throughout the year to achieve these or alternative savings. Further detail was outlined section 4.2.40 of the report.

- b) **Capital budget:** Capital expenditure to date was £17.091m and our forecast was estimated at £225.938m against an approved capital budget of £226.213m. Further detail was outlined in section 4.5 of the report.

- c) **Reserves:** The General Reserve had a current year forecast balance of £5.583m and a future year's forecast balance of £10.861m (This included apportioning £3.350m of Qtr.1 forecast overspend). The future years balances in reserves were reliant upon planned replenishments in the current MTFP of £10.278m outlined in section 4.4.4 of the report.

The Budget Risk reserve had current year forecast balance of zero and a future years' forecast balance of £0.752m (This included apportioning £2.741m of Qtr.1 forecast overspend). This had been done as an illustration of the impact of the current forecast.

- d) **Housing Revenue Account (HRA):** The full year forecast projected a planned use of the HRA reserve of £3.098m was outlined in section 4.7 of the report.

- e) **Dedicated Schools Grant (DSG):** The total grant of £307.86m had been allocated to schools and retained educational services. The current in-year pressure being reported on the Dedicated Schools Grant was forecast at £10.85m against an initial unmitigated deficit budget set of £12.225m - a £1.375m reduction to the unmitigated budget.

- f) **Collection Rates:** Council Tax billed for the 2023/24 financial year was £145.520m of which £40.364m or 27.74% had been collected. Business Rates billed for the 2023/24 financial year was £87.373m of which £28.073m or 32.13% had been collected.

The Executive Scrutiny Board resolved to note the report and to express its concern with the lack of detail on proposed savings and pressures.

Options considered

No other options considered as the Council has a statutory obligation to achieve a balanced budget position.

Decision

1. To note:

- a) The National context as set out in section 4.1 of the report.
- b) The revenue projected outturn and key budget variances were set out in the report in section 4.2 with a detailed analysis in Appendix 7 and the savings to be delivered in the year outlined in section 4.2.40 of the report.
- c) The Council's reserves position as set out in section 4.4 and Appendix 1 of the report.
- d) The capital programme forecast and actual capital expenditure incurred during the quarter summarised in section 4.5 of the report.
- e) The changes already approved under the scheme of delegation to the capital programme detailed in Appendix 4 of the report.
- f) The forecast Dedicated Schools Grant position summarised in section 4.8 of the report.
- g) The Council Tax and Business Rates Collection performance as set out in section 4.9 of the report.
- h) The Housing Revenue Account performance and projected outturn as set out in section 4.7 of the report.
- i) The clarification of the 2022/23 out turn report outlined in Appendix 5 of the report.

2. To approve:

- a) The Infrastructure Board Terms of reference delegated authority as outlined in the Infrastructure Board Terms of Reference Extract detailed in section 4.5 and Appendix 6 of the report.
- b) Changes and addition to the 2023/24 capital programme outlined in section 4.5 and detailed in Appendix 3 of the report.

3. To note that in respect of the concerns raised by the Executive Scrutiny Board, that mitigation measures were detailed in the report.

Reasons

To provide assurance that the budgets approved by Council in February 2023 were being effectively monitored and any major variances reported to Council Cabinet on a regular basis and to update Council Cabinet on the latest estimated reserves position.

Contract and Financial Procedure Matters

44/23 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 procure a new contract of up to 3 years for the provision of external business advertising on Derby City Council's Refuse Collection Vehicles
- To seek approval to go out to tender for Library stock materials
- To delegate approval to submit plans and, if successful bid for and accept the designated LEVI (Local Electric Vehicle Infrastructure) Funds provided by Central Government
- To vary the grant agreement with Saint Ralph Sherwin Catholic Multi Academy Trust for additional necessary secondary school places at Saint Benedict Catholic Voluntary Academy, along with an additional allocation of £0.2m DfE Basic Needs funding in 2025/26.

The Executive Scrutiny Board noted the report.

Options considered

1. **Derby City Council's Refuse Collection Vehicles**

The option of delivering the sale of RCV advertising space to external businesses via our internal services had been underused due to the level of interest from current customer base.

2. **Contract Award – Library Stock and material**

To go out to tender as a single authority. This would leave the Council in a very weak position and would risk losing the discount we had already achieved. It would also fracture relationships within the consortium.

Do not purchase any library stock. This would mean that we may not be fulfilling our statutory duty.

3. **Acceptance of Funding – LEVI**

The LEVI Fund would build on the Councils existing programme of EV charge point installations under the D2N2 Contract Agreement, which had enabled the authority to install over 50 charge points.

Through the FTZ (Future Transport Zones) Fund schemes the Council aimed to pilot several EV charge points in both on and off street locations. This included an area where there was a growth in EV take up, but the residents do not have off road parking.

Decision

1. To approve a procurement exercise to establish a provider who could arrange the sale of external business advertising on Derby City Council's Refuse Collection Vehicles as outlined in Section 4.1 of the report.
2. To approve to tender with the East Midlands & Mid Anglia Libraries Consortium - EMMA at the value £0.960m for Library stock and materials for 4 years from 1st April 2024, as outlined in Section 4.2 of the report.
3. To delegate approval to submit plans and, if successful, bid for and accept funding of up to £1.758m capital funding and £0.291m capability funding under the UK Government's LEVI Fund provision (subject to agreeable terms), to the Strategic Director for Communities and Place, the Director of Finance following consultation with the Cabinet Member for Climate Change, Transport and Sustainability as outlined in section 4.3 of the report.
4. To approve an increase to the Saint Benedict Catholic Voluntary Academy expansion scheme budget from £6.165m to £6.365m, an increase of £0.2m, and approve the amendment of the approved 2023/24 to 2024/25 capital programme as set out in paragraph 4.4 of the report.
5. To approve a £0.2m increase in the currently approved grant agreement with Saint Ralph Sherwin Catholic Multi Academy Trust for the expansion works at Saint Benedict Catholic Voluntary Academy, from £6.165m to £6.365m, as set out in paragraph 4.4 of the report.
6. To approve the amendment of the Council's approved capital programme with an additional allocation of £2.573m in DfE Basic Need funding, for additional school places, allocated for 2025/26, as set out in paragraph 4.4 of the report.

Reasons

To comply with the Council's Financial and Contract Procedure Rules.

MINUTES END