

Time began: 4.00pm
Time ended: 4.40pm

COUNCIL CABINET

10 January 2024

Present	Councillor Shanker (Chair) Councillors Dhindsa, Hezelgrave, S Khan, Martin, Peatfield, Swan and Whitby
In attendance	Councillors Hassall and Kus Paul Simpson – Chief Executive Emily Feenan - Director of Corporate Governance, Property and Procurement and Monitoring Officer Alison Parkin – Director of Finance Gurmail Nizzer – Director of Commissioning and Delivery Sam Dennis – Director of Communities Louise Brown – Housing Development Manager Mark Crown – Derby Homes Development Manager Paul Clarke – Chief Planning Officer Harman Kaur – Deputy Youth Mayor Matthew Frost – Communications Officer

This record of decisions was published on 12 January 2024. 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.

114/3 Apologies

Apologies for absence were received from Councillors Poulter and Prosser.

115/23 Late Items

There were no late items

116/23 Receipt of Petitions

There were no petitions.

117/23 Identification of Urgent Items to which Call In will not apply

The following item needed to be implemented immediately and therefore been exempted from call-in on the grounds of urgency.

Item 8 - Council Tax Base 2024/25 (Minute no 121/23)

The Chair of the Executive Scrutiny Board had agreed the matter could be treated as an urgent item and therefore not subject to call-in.

118/23 Declarations of Interest

There were no declarations on interest.

119/23 Minutes of the meeting held on 20 December 2023

The minutes of the meeting held on 20 December 2023 were agreed as a correct record.

Matters Referred

120/23 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 note that no recommendations had been put forward by the Executive Scrutiny Board.

Key Decisions

121/23 Council Tax Base 2024/25

The Council Cabinet considered a report which stated that the Council had a legal requirement to calculate a Council Tax base for each financial year and to notify its Council Tax base to both The Police and Crime Commissioner for Derbyshire and Derbyshire Fire & Rescue Authority. The Council Tax base must be calculated between 1 December and 31 January in the preceding financial year and notified to The Police and Crime Commissioner for Derbyshire and Derbyshire Fire & Rescue Authority by 31 January of the preceding financial year.

The Council Tax base was an estimated figure of the number of domestic properties expressed in terms of 'band D' equivalents in the Council's area during the financial year concerned. It was used to determine a headline charge for band D properties in the city. Charges for other bands were calculated as defined fractions of the headline charge.

The proposed Council Tax base for 2024/25 was 71,844.12 band D equivalent properties compared with the 2023/4 Council Tax base of 71,038.69.

The Executive Scrutiny Board noted the report.

Options considered

The Council had a statutory duty to set a Council Tax base.

Decision

1. To approve the Council Tax base for the year 2024/5 as 71,844.12 band D equivalent properties, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012/2914).
2. That in accordance with the methodology and estimates shown at Appendix 1 of the report to recommend Council to approve this calculation, at the Council meeting on 17 January 2024.

Reasons

Agreeing the Council Tax base was the first step in the process of setting the Council Tax to be collected in 2024/25 and was an essential part of establishing the 2024/25 budget.

122/23 Commission of Adult Social Care Provision within Extra Care Housing

The Council Cabinet considered a report which stated that Derby City Council commissioned the adult social care provision for the five extra care housing schemes within Derby. The services were previously re-tendered and contracts commenced in September 2021 for two years ending in September 2023, with the option for an extension for two 12-month periods.

In June 2023 an appointed provider delivering care across three of the five extra care schemes, terminated their contract earlier than anticipated and this resulted in an urgent need to re-tender care provision within the affected schemes. Three individual home care providers were temporarily awarded the care provision until the end of March 2024. The existing extra care provider delivering the other two schemes was now operating under a 12-month extension of the original contract.

The report sought approval for a short-term extension of current contractual arrangements affecting three extra care schemes up to September 2024, whilst the whole provision of extra care was reviewed, redesigned and re-commissioned for all five schemes from September 2024. Co-production and consultation with all stakeholders had commenced. Negotiations and consideration of interface agreements with key partners was essential for the stability of extra care housing within Derby. Sufficient time was required to ensure that future services were as required for our adult residents, sustainable and provide value for money.

The report also sought approval to delegate authority to approve the future model of care delivery and to award the contract following an open tender process for care provision within all five extra care schemes.

The Executive Scrutiny Board noted the report.

Options considered

1. If the report was not approved, the procurement timeline may be revised with a future contract commencement date of 1 April 2024. However, this would result in limitations as to what was achievable for the review and redesign of future care provision within extra care housing schemes. This option may consider the need to separately retender care provision at various schemes within Derby City but this method would lose consistency in approach and risk to sustainability of the model longer-term.
2. If the report was not approved, an option was to extend the current contractual arrangements to September 2025 in line with the maximum extension term when the service was last procured through open procedure. However, this was not advised due to procurement regulations, budgetary implications and due to identified issues with the model of delivery impacting upon the support needs of tenants.

Decision

1. To extend contractual agreements with current care providers at three of the extra care schemes from 1 April 2024 to 8 September 2024.
2. To run a concurrent re-tendering process of adult social care provision for all five extra schemes, to commence from 8 September 2024.
3. To delegate authority to approve the future model of care delivery, specifically the design and service specification, within extra care housing to the Strategic Director of People Services and Director for Financial Services, following consultation with the Cabinet Member for Integrated Health and Adult Care.
4. To delegate authority to award contract following an open tender process for care provision across all five extra care housing schemes within Derby City to commence on 9 September 2024, to the Strategic Director of People Services and Director for Financial Services, following consultation with the Cabinet Member for Integrated Health and Adult Care.

Reasons

1. The benefits achieved from the short term contract extension aimed to redesign and reprocure high quality and sustainable services that support the duties placed upon Local Authorities through The Care Act 2014. The extra care model supported the ambition of Derby's Adult Social Care

Strategy 'Your Life Your Choice', to enable people to remain living in community/ communal environments for as long as possible, where safe care could be delivered and therefore reduce the cost bracket for residential provision for the council.

2. The care provision across all five extra care schemes within Derby should be reviewed, redesigned and repurchased simultaneously to encourage consistency with how services were delivered and how they were performance monitored. Additionally, there were financial benefits and efficiencies achieved from single procurement and commissioning exercises where provisions were placed into 'lots' dependent upon factors such as housing provider, size of scheme and location of scheme including proximity to nearby schemes.
3. Initial consultation exercises had demonstrated the need for a thorough review of the current model. This was based upon a number of factors which included: satisfaction of service delivery and service quality; suitability to provide housing with care options that served as an alternative to residential care; clarity regarding roles and responsibilities in interface agreements; and provision of sustainable services.
4. Failure to progress a short term extension posed a number of key risks, these included: insufficient time to redesign an effective and efficient model for the future care provision within extra care housing; risk of service interruption and provider failure due to provider viability concerns; management of foreseen budgetary pressures; reduced opportunity for engagement and coproduction activity; inadequate time to enter into and resolve negotiations with housing providers; and inability to comprehensively review joint protocols between key partners.

123/23 Houses in Multiple Occupation: Proposed Article 4 Direction

The Council Cabinet considered a report which gave an update on work to put in place local controls through the Planning system to manage the creation of Houses in Multiple Occupation.

A review of Houses in Multiple Occupation (HMOs) was proposed to progress to next the stage where an Article 4 Direction was proposed to control concentrations.

The Executive Scrutiny Board noted the report.

Options considered

To do nothing was not an option given the evidence provided. The creation of an Article 4 direction area would enable the council more controls over the suitability of premises through the planning process – a practice which was currently not available to us.

Decision

1. To note that, based on an assessment of the evidence provided, local controls be pursued through the establishment of an Article 4 Direction for the City centre area as defined by the plan (Appendix 1 of the report).
2. To delegate approval to the Chief Planning Officer to make a direction under article 4 of the General Permitted Development Order as amended (Article 4(1), GPDO 2015) so that development consisting of a change of use of a building within Class C4 from a use falling within Class C3, as defined by accompanying plans, should not be carried out unless permission was granted for it on application under Part 3 of the Town and Country Planning Act 1990.
3. To delegate approval to the Chief Planning Officer to carry out the statutory procedure for making the Article 4(1) direction including the necessary consultation procedure, informing Council Cabinet of the consultation responses.
4. To note that the notice, when making the Direction, would specify that the Direction was not intended to come into force until 12 months after it had been confirmed by the Council.
5. That a Supplementary Planning Document which sets out how Planning would approach applications from Class C3 to C4 be developed, consulted on in accordance with the Statement of Community Involvement, and adopted before the Article 4 direction comes into force.

Reasons

1. Progressing an Article 4 direction would give the Local Planning Authority the ability to properly consider the implications of all new HMOs that were created, avoid excessive concentrations of HMOs in particular areas and continue to monitor their distribution and effects on the wider area. Approval of the recommendations in the report would establish delegated authority to the Chief Planning Officer to progress with the statutory process and consultation required to establish these local controls of HMOs.
2. The process included a 12-month period between making the Direction and the Direction coming into force, in other words a notice period. This 12-month notice period ensured there was no compensation payable to affected property owners.

124/23 Development of Grange Avenue School Site

The Council Cabinet considered a report which sought approval for the development of a council owned former school playing field site at Grange Avenue for affordable housing.

The new homes would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Organisation (ALMO),

The report sought the necessary financial and contractual approvals to deliver the new affordable homes.

The Executive Scrutiny Board noted the report.

Options considered

1. To not develop the site. This option had been discounted as it did not maximise the use of an existing Council owned asset and would miss an opportunity to deliver on the Council's priority to build affordable homes.
2. To sell the site. It was not considered appropriate to sell this asset as it was required for the development of social housing. The other half of the site was used to develop a free school (the Akaal Primary School on Grange Avenue).
3. Develop the site in partnership with a Registered Provider. Although the Council did have valuable partnerships with other Registered Providers of social housing, this site could contribute to the strategic aim to deliver more Council housing. As there was capacity within the latest approved Housing Revenue Account (HRA) business plan to develop this site there was no particular benefit to a partnering route.

Decision

1. To agree in principle the development of the site as detailed in the report funded through the Housing Revenue Account (HRA) Capital Programme with subsidy from Right to Buy (RTB) receipts.
2. To approve the project budget as defined within the confidential version of this report within the HRA Capital Programme including RTB receipt subsidy and to note that there was capacity within the latest approved HRA business plan to develop the site.
3. To delegate authority to the Director of Communities, following consultation with the s151 Officer and the Cabinet Member for Housing, Property and Regulatory Services, to agree the terms to enable the Council to enter into all appropriate contracts and agreements necessary to deliver the project within the approved budget.

Reasons

1. To enable the delivery of new affordable homes to meet the high level of need in Derby in line with the Council plan and delivery plan expectations.
2. To ensure the best value use of the Council's assets (the land).

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

125/23 Purchase of Newbuild Homes to Provide Affordable Housing

The Council Cabinet considered a report which sought approval to purchase a housing scheme to be funded from the Housing Revenue Account (HRA) capital programme and Right to Buy receipts (RtB).

The Council had been offered the opportunity to purchase 13 properties on a wider development which falls over the city border into the district of South Derbyshire.

These houses would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation.

The report sought the necessary financial and contractual approvals to purchase the 13 properties.

The Executive Scrutiny Board noted the report.

Options considered

1. An option would be not to proceed with the purchase of the 13 properties. However, not doing so would compromise the Council's ability to meet its housing development and acquisition targets and provide much needed affordable housing.
2. In the current round of Local Plans covering the City and South Derbyshire District Council (SDDC) 2011-2028, SDDC's local plan identified land to build 12,500 new homes and of those 12,500 just over 3,000 would be meeting Derby City's need.

Decision

1. To approve to purchase the properties as detailed in the report, funded through the HRA capital programme at a price not exceeding the formal (RICS approved) valuation.
2. To approve the project budget as defined within the confidential version of the report and make the necessary adjustments to the capital programme within the HRA where there was sufficient capacity within the latest approved HRA business plan to purchase the properties.
3. To delegate authority to the Director of Communities following consultation with the Section 151 Officer and the Cabinet Member for Housing, Property and Regulatory Services, to agree the terms to enable the Council to enter

into all contracts and agreements necessary to purchase the properties within the approved budget.

4. To delegate authority to the Director of Communities following consultation with the Section 151 Officer and the Cabinet Member for Housing, Property and Regulatory Services, to vary the rental model based on the profile of prospective tenants where it was appropriate to do so to meet housing need.
5. To approve the homes being incorporated within the Council's housing stock and being managed by Derby Homes.

Reasons

1. To facilitate the purchase of new homes to be let to households on the housing register to meet the high level of need in Derby in line with the Council Plan and Council Delivery Plan expectations.
2. To comply with the Council's Financial Regulations and Contract Procedure Rules.

Contract and Financial Procedure Matters

126/23 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.

- Acceptance of Department of Levelling Up Housing and Communities (DLUHC), Homelessness Prevention Grant of £1.058m in 2023/24.
- Acceptance of DLUHC, Homelessness Prevention Grant - Top Up Grant Homes for Ukraine of £0.307m in 2023/24.

The Executive Scrutiny Board noted the report.

Options considered

To not accept the grant had been discounted as it would reduce the financial resource available to the Council for a statutory service.

Decision

1. To approve acceptance of DLUHC Homelessness Prevention Grant 2023/24 of £1.058m, as outlined in section 4.1 of the report.

2. To approve acceptance of DLUHC Homelessness Prevention Grant 2023/24 – Top Up Grant Homes for Ukraine of £0.307m, as outlined in 4.2 of the report.
3. To delegate approval to the Chief Executive following consultation with the S151 Officer and the Cabinet Member for Housing, Property and Regulatory Services, to agree final terms and arrangements for spending these grants.
4. To note the continuation of the arrangement with Derby Homes (DH), in line with the 2021 Partnership Agreement and Council Cabinet delegation, for the delivery and management of the housing options and homelessness service in line with the principles set out below at paragraph 4.2.3 of the report.

Reasons

To comply with Contract and Financial Procedure Rules.

127/23 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 items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 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 Decisions

128/23 Development of the Grange Avenue School Site

The Council Cabinet considered a report which sought approval for the development of a council owned former school playing field site at Grange Avenue for affordable housing.

The new homes would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Organisation (ALMO).

The report sought the necessary financial and contractual approvals to deliver the new affordable homes.

The Executive Scrutiny Board noted the report.

Options considered

These were set out in paragraphs 6.1 to 6.3 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 to 3.3 of the report.

129/23 Purchase of Newbuild Homes to Provide Affordable Housing

The Council Cabinet considered a report which sought approval to purchase a housing scheme to be funded from the Housing Revenue Account (HRA) capital programme and Right to Buy receipts (RtB).

The Council had been offered the opportunity to purchase 13 properties on a wider development which falls over the city border into the district of South Derbyshire.

These houses would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation.

The report sought the necessary financial and contractual approvals to purchase the 13 properties.

The Executive Scrutiny Board noted the report.

Options considered

These were set out in paragraphs 6.1 and 6.2 of the report.

Decision

To approve the recommendations set out in paragraphs 2.1 to 2.5 of the report.

Reasons

These were set out on paragraphs 3.1 to 3.2 of the report.

MINUTES END