

Time began: 4.00pm
Time ended: 5.07pm

COUNCIL CABINET

6 October 2021

Present Councillor M Holmes (Chair)
 Councillors Barker, McCristal, Pearce, Roulstone and Webb

In attendance Councillors AW Graves, Prosser, Repton, Shanker and Skelton
 Paul Simpson – Chief Executive
 Rachel North – Strategic Director of Communities and Place
 Andy Smith – Strategic Director of People
 Simon Riley – Strategic Director of Corporate Resources
 Emily Feenan – Director of Legal, Procurement and
 Democratic Services
 James Watson – Principal Regeneration Manager

This record of decisions was published on 8 October 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.

71/21 Apologies

Apologies for absence were received from Councillors Poulter, Smale and Williams and Connie Spencer – Youth Mayor.

72/21 Late Items

There were no late items.

73/21 Receipt of Petitions

There were no petitions.

74/21 Identification of Urgent Items to which Call In will not apply

There were none.

75/21 Declarations of Interest

There were no declarations of interest.

76/21 Minutes of the meeting held on 8 September 2021

The minutes of the meeting held on 8 September 2021 were agreed as a correct record.

Matters Referred

77/21 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.

Key Decisions

78/21 Derby's Bus Service Improvement Plan Update

The Council Cabinet considered a report which stated that on 9 June 2021 Council Cabinet committed the Council to creating an Enhanced Partnership for bus services and to the development of a Bus Service Improvement Plan or BSIP to meet the requirements of the National Bus Strategy published in March 2021. The report provided an update on progress and sought approval to move forward with several elements to ensure Derby continued to meet the national timetable.

The Executive Scrutiny Board recommended:

- **Council Cabinet to urgently identify the communities in Derby negatively affected by the lack of a local bus service and to formulate plans to address this deficit. An example being Darley Village where many elderly, ill and those without a car now struggle to get to their G.P., the local shops and town, following the recent withdrawal of the 17A Darley Bus Service;**
- **to agree that it was disappointed that there had not been any meaningful consultation with the public or bus passengers even though this was a recommendation from June supported by Council Cabinet. The Executive Scrutiny Board therefore recommended to Council Cabinet that future consultation seeks to engage with people who were not yet bus passengers as well as those who were, and to consider the needs for enhancing routes along all corridors, not just those preferred by operators.**

Options Considered

Other options were not considered as the National Bus Strategy indicated that all current public transport funding would be removed and local authorities would be excluded from future funding arrangements for public transport, if they choose not to follow the processes set out on the national strategy.

Decision

1. To agree the principles set out in the draft BSIP appended to the report and delegate responsibility to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and the Cabinet Member for Streetpride and Public Spaces to finalise the BSIP in line with those principles to allow submission by 31 October 2021.
2. To note the proposed Memorandum of Understanding, at appendix 2 of the report, to cover joint working on cross-boundary service issues with neighbouring authorities.
3. To accept a second tranche of Department for Transport (DfT) capacity funding of £117,975 and approve its use in line with government criteria outlined in this report.
4. To delegate the acceptance of future tranches of DfT capacity funding and/or grant funding related to the delivery of the BSIP (as set out in guidance), subject to acceptable grant conditions, to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and the Cabinet Member for Streetpride and Public Spaces.
5. **To accept the recommendations from Executive Scrutiny Board except for the first sentence of recommendation 2. This would read**
 - **Recommend Council Cabinet to urgently identify the communities in Derby negatively affected by the lack of a local bus service and to formulate plans to address this deficit. An example being Darley Village where many elderly, ill and those without a car now struggle to get to their G.P., the local shops and town, following the recent withdrawal of the 17A Darley Bus Service;**
 - **Recommend to Council Cabinet that future consultation seeks to engage with people who were not yet bus passengers as well as those who were, and to consider the needs for enhancing routes along all corridors, not just those preferred by operators.**

Reasons

1. To delegate the acceptance of future tranches of DfT capacity funding and/or grant funding related to the delivery of the BSIP (as set out in guidance), subject to acceptable grant conditions, to the Strategic Director of Communities and Place, following consultation with the Strategic Director of

Corporate Resources and the Cabinet Member for Streetpride and Public Spaces.

2. To publish a Bus Service Improvement Plan for Derby by the required deadline.
3. To comply with Financial Procedure Rules.

79/21 Supporting the Delivery of the Eastern Gateway Project

The Council Cabinet considered a report which outlined the grant support to be provided to the “Eastern Gateway” project – a project to be delivered by the owners of the Derbion Centre to create a new public boulevard, urban green space and commercial space in a priority city centre location. This was a key regeneration priority for the city, transforming the entrance to the Eagle Market and leveraging private sector investment. It would strengthen the city’s sense of identity and significantly improve this key gateway to the city centre.

Earlier this year, the Council received confirmation of a £15m Future High Streets Fund (FHSF) award to support a programme to transform the high street, support economic growth and increase the vibrancy of the city centre. A Memorandum of Understanding was in place for the funding and the Council was the accountable body for the Future High Streets Fund monies. The Eastern Gateway was one of three projects within the programme which also included the Market Hall and Connecting Works projects. The report sought delegated approvals to prepare and enter into a conditional grant agreement with the owners of the Derbion Centre.

The project required total public sector investment of up to £5.097m from the Council, which was to be funded through a direct grant of up to £5.097m from the Future High Streets Fund programme and would be added to the Council’s capital programme, subject to Programme Management Office (PMO) Board approval. The grant would lever private sector match funding investment of up to £6m.

The Executive Scrutiny Board called on Council Cabinet in a non party political manner to write to Government asking for a named senior Cabinet Member to be given specific responsibility for the revival of our high streets, helping local government fulfil what was currently a very challenging problem facing every city in this country.

Options Considered

The Council’s commercial property advisers had considered a number of alternative delivery models and the staged grant agreement had been identified as the preferred option. Other options had been considered and were outlined in the confidential report.

Decision

1. To approve the project delivery arrangements for the Eastern Gateway project, including the grant agreement and capital programme implications, as set out in the confidential report.
- 2. To note the recommendation from Executive Scrutiny Board.**

Reasons

1. To ensure delivery of the Eastern Gateway project and fulfilled the requirements of the FHSF award and associated business case.
2. A key component to the recovery of the city centre was the rationalisation of retail space and creation of a high-quality environment. Supporting this project would transform this key gateway, opening it up and significantly improving the environment to better connect the area with the rest of the city centre.
3. The addition of budget to the Council's Capital Programme required approval by Council Cabinet to comply with the Council's Contract and Financial Procedure Rules.

80/21 Transforming Cities Update – Mobility Hub

The Council Cabinet considered a report which sought approval to progress our Transforming Cities Fund (TCF) programme as set out in the Strategic Outline Business Case (SOBC) for mobility hubs/park&ride. This was an element of the Derby Mobility Programme and had been approved as part of the successful TCF bid with Nottingham City Council.

The Executive Scrutiny Board noted the report.

Options Considered

Derby has very limited land available for development. Not purchasing the site was an alternative but we would not be then able to deliver this element of the TCF programme.

Decision

1. To approve the site acquisition using the approved TCF funding as set out in the accompanying confidential report.
2. To delegate authority to the Strategic Director for Communities and Place, following consultation with the Strategic Director for Corporate Resources and S151 Officer and the Cabinet Members for Regeneration, Decarbonisation, Strategic Planning and Transport and for Finance, Assets and Digital to enter into the necessary agreements relating to the purchase of the land as set out in the accompanying confidential report.

Reasons

The site was identified as a mobility hub/park&ride through the SOBC, which was co-produced with the Department for Transport (DfT) and had been approved and funded as part of the successful TCF bid with Nottingham City Council.

Contract and Financial Procedure Matters

81/21 Bid to the Social Housing Decarbonisation Fund - Authorisation to Bid for Wave 1 Funding

The Council Cabinet considered a report which sought authority to bid for and acceptance of the new Social Housing Decarbonisation Fund (SHDF) Wave 1, launched by the Government in August 2021, with the aim of raising the energy performance of low EPC rated social housing.

The Executive Scrutiny Board welcomed that the Council was already connecting with other social housing providers to help identify housing stock in need of energy improvement and recommended to Council Cabinet that we continue this work, and also that the Council engages with Derby College and elements in the building trade to improve sector skill levels for doing this work and availability of relevant materials.

Decision

1. To approve submission for the SHDF, Wave 1 funding application to the Midlands Energy Hub (MEH), for capital funding of up to £946,093 including administration and ancillary costs of £144,360 over the financial years, 2021/22 and 2022/23.
2. If the bid was successful to delegate approval to the Strategic Director of Communities and Place and the Strategic Director of Corporate Resources following consultation with the Cabinet Member for Adults, Health and Housing:
 - To accept, subject to satisfactory grant conditions, any resultant SHDF, Wave 1 grant award
 - To enter into a Memorandum of Understanding (MoU), a Privacy Notice, Data sharing Agreement and a Grant Determination Notice with MEH subject to acceptable grant conditions.
 - To enter into a Collaboration Agreement with Derby Homes to complete the proposed project.
 - To add the grant and associated HRA match funding to the capital programme.

3. To note the recommendation from Executive Scrutiny Board because this was already being undertaken.

82/21 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.

- South Derby Growth Zone (SDGZ) and Infinity Garden Village (IGV) – Approval of a contribution of £0.0375m to enable to enable the next steps in the proposed IGV and SDGZ work.
- Project Assemble – Approval of up to £0.1425m to support the completion of the options appraisal and outline business case for Project Assemble.
- DFE Children's Home Capital Bid

The Executive Scrutiny Board In relation to Project Assemble:

- **seeks Council Cabinet reassurance that the options appraisal process is completed within a 12 month period. Council Cabinet was also asked that within this 12 month period it will provide the public with a fully costed, fully funded comprehensive business plan demonstrating that the £240,000 consultants fees were good value for money and a multi-million scheme was the best we could achieve for the city and the Executive Scrutiny Board resolved to recommend to Council Cabinet that no further tax payers money be spent on this particular scheme until commitment for capital investment had been obtained from Derby University or from other suitable sources.**
- **reminded Council Cabinet that approval for demolition of the Assembly Rooms had not yet been given and asked that options for use of the site, included consideration of the reuse of the existing Assembly Rooms. Reuse might be for alternative purposes or even build on design work that was done around 2005 to improve the entrance area and increased functionality of the performance space. This might also be achievable in time for, and enhance our bid to be, City of Culture in 2025.**
- **asked Council Cabinet to explore if other financial and management structures for the Assembly Rooms might be a more effective way forward, such as a Trust, as for Derby Museums.**

Decision

1. To approve a contribution of £0.0375m from the Delivering Differently Reserve to enable the next steps in the proposed IGV and SDGZ work as outlined in section 4.1 of the report.
2. To approve the use of the Delivering Differently Reserve to fund up to £0.1425m to support the completion of the options appraisal and outline business case for Project Assemble as outlined in section 4.6 of the report.
3. To approve Derby City being party to a bid for capital funding under the DfE Children's Homes Capital bid programme, and to approve the acceptance of funding if successful as outlined in section 4.17 of the report.
4. **To reject the recommendations for Executive Scrutiny Board.**

83/21 Exclusion of the 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 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 Decisions

84/21 Supporting the Delivery of the Eastern Gateway Project

The Council Cabinet considered a report which outlined the grant support to be provided to the "Eastern Gateway" project – a project to be delivered by the owners of the Derbion Centre to create a new public boulevard, urban green space and commercial space in a priority city centre location. This was a key regeneration priority for the city, transforming the entrance to the Eagle Market and leveraging private sector investment. It would strengthen the city's sense of identity and significantly improve this key gateway to the city centre.

Earlier this year, the Council received confirmation of a £15m Future High Streets Fund (FHSF) award to support a programme to transform the high street, support economic growth and increase the vibrancy of the city centre. A Memorandum of Understanding was in place for the funding and the Council was the accountable body for the Future High Streets Fund monies. The Eastern Gateway was one of three projects within the programme which also included the Market Hall and Connecting Works projects. The report described the project delivery arrangements for Eastern Gateway and sought delegated approvals to prepare and enter into a conditional grant agreement.

The Executive Scrutiny Board noted the report.

Options Considered

The Council's commercial property advisers had considered a number of alternative delivery models and the staged grant agreement had been identified as the preferred option. The other options considered and reasons for rejection were detailed in paragraph 6.1 of the report.

Decision

To approve the recommendations set out in paragraphs 2.1 to 2.6 of the report

Reasons

1. To ensure delivery of the Eastern Gateway project and fulfil the requirements of the FHSF award and associated business case.
2. A key component to the recovery of the city centre was the rationalisation of retail space and creation of a high-quality environment. Supporting this project would transform this key gateway, opening it up and significantly improving the environment to better connect the area with the rest of the city centre.
3. The addition of budget to the Council's Capital Programme required approval by Council Cabinet to comply with the Council's Contract and Financial Procedure Rules.

85/21 Transforming Cities Update – Mobility Hub

The Council Cabinet considered a report which sought approval for land acquisition as identified in the Transforming Cities Fund (TCF) Strategic Outline Business Case (SOBC) for mobility hubs/park&ride. This was an element of the Derby Mobility Programme and had been approved as part of the successful TCF bid with Nottingham City Council.

The Executive Scrutiny Board noted the report.

Options Considered

Derby has very limited land available for development. Not purchasing the site was an alternative but we would not be then able to deliver this element of the TCF programme.

Decision

1. To approve the acquisition of the available site using the approved TCF funding set out in paragraph 2.1 of the report.
2. To delegate authority to the Strategic Director for Communities and Place, following consultation with the Strategic Director for Corporate Resources and S151 Officer and the Cabinet Members for Regeneration, Decarbonisation, Strategic Planning and Transport and for Finance, Assets

and Digital to enter into the necessary agreements relating to the purchase of the land.

Reasons

The site was identified as a mobility hub/park&ride through the SOBC, which was co-produced with the Department for Transport (DfT) and had been approved and funded as part of the successful TCF bid with Nottingham City Council.

MINUTES END