

Time began: 4.00pm
Time ended: 5.48pm

COUNCIL CABINET

15 June 2022

Present	Councillor Poulter (Chair) Councillors Barker, Eyre, Hassall, J Pearce, Smale Webb and Williams
In attendance	Councillors Lindsey, Peatfield, 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 Matthew Frost – External Comms Lead

This record of decisions was published on 17 June 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.

01/22 Apologies

There were no apologies for absence.

02/22 Late Items

Councillor Shanker declared an interest in item 14 – Derby Nuclear Skills Academy, Infinity Park because he was an employee of Rolls Royce.

03/22 Receipt of Petitions

There were no petitions.

04/22 Identification of Urgent Items to which Call In will not apply

There were no items.

05/22 Declarations of Interest

There were no declarations of interest.

06/22 Minutes of the meeting held on 18 May 2022

The minutes of the meeting held on 18 May 2022 were agreed as a correct record.

Matters Referred

07/22 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. 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

08/22 Approval of the Single Discretionary Award Policy

The Council Cabinet considered a report which set out the Single Discretionary Award (SDA) Policy operable from 1 April 2022 for approval.

The Executive Scrutiny Board noted the report.

Options Considered

There was an option to do nothing. This had been discounted, as to do so would mean that households sponsoring Ukrainian citizens under the Homes for Ukraine scheme would be financially adversely affected.

Decision

To approve the Council's SDA Policy from 1 April 2022; this was shown at Appendix 1 of the report.

Reasons

1. To refresh the Council's SDA Policy to ensure that those households hosting a Ukrainian citizen or family under the Homes for Ukraine scheme could receive Council Tax Hardship that would mitigate any loss of Council Tax Support as a result of receiving a 'thank you' payment or non-dependent deductions.

2. To ensure that decisions were made swiftly so that financial assistance could be targeted as efficiently as possible, in line with emerging residents' needs and Government expectations.

09/22 Council Tax Energy Rebate – Discretionary Scheme

The Council Cabinet considered a report which stated that on 3 February 2022 the Government announced a support package, worth £9.1 billion, to help households with rising energy bills. For Derby, this package included discretionary funding of £516,600 to provide support to energy bills payers who were not eligible under the terms of the core scheme or to provide “top up” payments to the most vulnerable households who did qualify for a payment from the core scheme.

The report presented the Council’s Energy Rebate Discretionary Scheme for approval.

The Executive Scrutiny Board welcomed the report and the help on offer but also urges Council Cabinet to write to Government urging it to refund all or part of the additional revenue to those hard-pressed families facing staggering increases in petrol and energy prices.

Options Considered

There was an option not to design and implement a discretionary scheme. However, this would result in much need support not be provided to households across the city and, as such, was discounted.

Decision

1. To approve the Council’s Energy Rebate Discretionary Scheme which was set out at section 4.6 and the sub-paragraphs there under of the report.
2. To delegate any future changes to the scheme to the Director of Financial Services following consultation with the Cabinet Member for Finance, Digital and Culture.
- 3. To reject the recommendation from Executive Scrutiny.**

Reasons

1. To enable payments to be made in line with the eligibility criteria set out in the Energy Rebate Discretionary Scheme shown at section 4.6 and sub-paragraphs there under of the report.
2. To pass any remaining funding to the Council’s Household Support Fund.
3. To be able to make any future changes to the policy at pace whilst still ensuring appropriate governance arrangements were in place.

10/22 Climate Change Action Plan

The Council Cabinet considered a report which sought approval for the draft Council's Climate Change Action Plan. This set out the actions the Council would take over the next two years on its journey to reduce its carbon emissions in response to the climate emergency. While the action plan did not cover every aspect of work taking place across the Council, it identified some of the main drivers to get the Council on its journey to net carbon zero by 2035.

The Executive Scrutiny Board welcomed the Climate Change Action Plan in general and asks that as part of final editorial changes to be agreed there is greater clarity about the separation of climate and biodiversity actions, which are both important but different, and to give more emphasis to actions that the Council needs to take to enable everyone in the city to reduce their carbon footprints, including within Planning and Transport.

Options Considered

No other options were considered.

Decision

1. To approve the draft Climate Change Action Plan.
2. To delegate to the Chief Executive in consultation with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport, any minor changes or improvements to the document including performance management arrangements.
3. **To accept the recommendation from the Executive Scrutiny Board to as part of final editorial changes for the action plan to ensure there is greater clarity about the separation of climate and biodiversity actions, which were both important but different, and to give more emphasis to actions that the Council needs to take to enable everyone in the city to reduce their carbon footprints, including within Planning and Transport.**

Reasons

1. The Council declared a Climate Emergency in 2019 and agreed several actions including the development of a Council specific action plan.
2. Approval and publication of the action plan would demonstrate the work that we were doing and galvanise the authority and our partners to work collectively to meet our net zero ambition.

12/22 Humber River Basin Flood Risk Management Plan

The Council Cabinet considered a report which stated that the Flood Risk Regulations 2009 required Derby City Council, as the Lead Local Flood Authority (LLFA) for the Derby Flood Risk Area (FRA), to prepare a Flood Risk Management Plan.

The Environment Agency had been working with LLFAs from across the Humber River Basin catchment on the development of joint draft Flood Risk Management Plans. These collectively formed the draft Humber FRMP 2021-2027 and covered a range of flood risk management measures to mitigate flood risk.

The report sought approval of the draft Humber Flood Risk Management Plan (FRMP) 2021-2027, specifically those measures within the wider plan that constituted the required Flood Risk Management Plan for the Derby Flood Risk Area (set out at paragraph 4.7 of the report).

The Executive Scrutiny Board noted the report.

Options Considered

There was a legal obligation to prepare, consult and publish a FRMP for Derby. The option of a stand-alone plan was not recommended as the benefits outlined in paragraph 4.4 of the report, by contributing to the wider Humber River Basin FRMP, would have been lost.

Decision

1. To approve the draft Humber River Basin Flood Risk Management Plan, specifically those measures relating to Derby's Flood Risk Area as set out in paragraph 4.7 of the report.
2. To delegate responsibility for signing the Lead local Flood Authority (LLFA) Approval Form, which provided formal approval for the Environment Agency to publish the final Humber Flood Risk Management Plan, to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration, Decarbonisation and Strategic Planning and Transport.

Reasons

To ensure Derby City Council complied with its statutory duties under the Flood Risk Regulations 2009 and the requirements of the Environment Agency for Derby's formal acceptance of the Humber FRMP.

13/22 Former Aida Bliss Site, City Road

The Council Cabinet considered a report which outlined alternative proposals for the development of the former Aida Bliss factory site, City Road. The report sought approval for disposal of the site for the purpose of developing the site into state of the art film studio and stunt training facilities.

To report also set out the financial implications and conditions associated with the proposed disposal.

The Executive Scrutiny Board welcomed these exciting proposals and hopes they can if possible be fast-tracked through the system so that the company can get on site and create these facilities as soon as is possible which is what local people wish to occur.

Options Considered

The primary alternative option was for the Council to proceed with the housing scheme on the site. This scheme was relatively expensive and further work would be required to ensure that it delivered value for money.

Decision

1. To formally declare the former Aida Bliss site as surplus to Council requirements and available for sale.
2. To approve disposal of the former Aida Bliss site on the basis of the agreed heads of terms, to an appropriate legal entity.
3. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources, the Cabinet Member for Adults, Health and Housing and the Cabinet Member for Community Development, Place and Tourism to finalise all relevant contractual matters and associated legal documentation to facilitate this disposal.
4. To delegate authority to the Strategic Director of Corporate Resources following consultation with the Cabinet Member for Finance, Digital and Culture, to authorise the terms of the sale.
5. To delegate authority to the Strategic Director of Corporate Resources to make the necessary financial arrangements and changes in relation to both the Council's General Fund and Housing Revenue Account to enable these proposals to proceed, including making amendments to the capital programme and the issuing of a grant if required.
6. To approve the making of a grant to MARV Studios (or other appropriate legal entity) for the sum of up to £303,000.

Reasons

1. These proposals offered an exciting alternative use of this former industrial site, which would contribute to the growth of the creative and digital sector in Derby and the diversification of the local economy.

2. These proposals leveraged significant private sector investment to the city and associated ongoing economic benefits.

Contract and Financial Procedure Matters

14/22 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.

- Acceptance and use an initial allocation of £1.3m of funding from the UK Spatial Development Framework - UKSDF for the government Maths Multiplier funding over the 3 year lifespan of the project.
- A flexible procurement approach to implementation of large format digital advertising in Derby.
- Acceptance of the Arts Council MEND Bid grant for the Museums and Arts Gallery Project allocation of £0.750m.
- Kingsway Roundabout - Addition to the capital programme and note acceptance and use associated funding.

The Executive Scrutiny Board resolved in relation to the Kingsway Roundabout, to recommend to Council Cabinet that it gives a public update when discussions regarding the Kingsway Island will take place and what action we hope to see following such a meeting.

In relation to large format digital advertising, the Executive Scrutiny was disappointed in the narrow Climate Change Implications comments related to the Large Format Digital Advertising Boards, for which the contract would extend to when the Council intends to be Zero Carbon. It asks for the contract period to be limited to end in 2035 unless there is assurance that the operation of the boards will be zero carbon.

Decision

1. To Approve acceptance of the grant of £1.3m funding over the next 3 years, 2022/23 – 2024/25 from UKSDF and use of funds as determined by the terms and conditions of the grant as outlined in section 4.1 of the report.
2. To delegate authority to the Strategic Director of People Services, following consultation with the Strategic Director of Resources and the Cabinet Member for Children and Young People and Skills, to apply the UKSDF grant funding in accordance with the grant terms and conditions as outlined in section 4.1 of the report.
3. To approve a flexible procurement approach to implementation of large format digital advertising in Derby as outlined in section 4.2 of the report.

4. To approve the length of the legal agreement for each site relating to large format digital advertising to be 15 years as outlined in section 4.2 of the report.
5. To approve acceptance of the grant of £0.750m funding for the Museum & Arts Gallery Project over the next 2 years, 2022/23 – 2023/24 from the Arts Council MEND Fund based on the terms and conditions as outlined in section 4.3 of the report.
6. To approve a legal charge of £0.750m being placed on the Derby Museum and Art Gallery building asset for a period of 15 years, as outlined in section 4.3 of the report.
7. To approve the addition of the Kingsway Roundabout Scheme for the value of £0.600m to the 2022/23 capital programme as outlined in section 4.4 of the report.
8. To note acceptance of a total of £0.544m S278 agreement funding from Tilia Homes (formerly Kier Living) and Homes England towards completion of highway works on the Kingsway Roundabout as outlined in section 4.4 of the report.
9. To approve the use of the £0.544m S278 agreement funding from Tilia Homes and Homes England as outlined in section 4.4 of the report.
10. To approve a contribution of £0.056m from the Highways and Transport Capital Programme budget to fund the total scheme cost of £0.600m for the Kingsway Roundabout as outlined in section 4.4 of the report.

11. To note the recommendations from the Executive Scrutiny Board.

Other

15/22 Derby Nuclear Skills Academy, Infinity Park

The Council Cabinet considered a report which provided an initial briefing on the rapidly emerging proposal to repurpose the iHub building to be the location of the Derby Nuclear Skills Academy, through a partnership of Rolls Royce, University of Derby, Nuclear AMRC and National College for Nuclear led, providing 2000 new apprenticeships in the next ten years to support the work of the Rolls Royce Nuclear Submarines business.

The report also set out the initial financial and legal implications and conditions associated with the project and the proposed iHub change of use.

The Executive Scrutiny Board welcomed the proposals.

Decision

1. To note the potential opportunity for the reconfiguration of the iHub as a Nuclear Skills Academy as detailed in section 4 of the report.
2. To note that the Council, Rolls Royce and NAMRC had commenced initial discussions in relation to the Project and that further discussions were required to finalise roles and responsibilities and financial arrangements in relation to the Project.
3. To delegate authority to the Strategic Director of Communities & Place, following consultation with the Strategic Director of Corporate Resources, the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport, and the Cabinet Member for Finance, Digital & Culture, to:
 - progress discussions with Rolls Royce and NAMRC in relation to the Project; and
 - initiate engagement with existing iHub tenants in relation to the potential need for them to be relocated.
4. To note that in the event that discussions were successful a further report would be brought to Council Cabinet seeking approval to take all necessary steps and enter into all necessary legal agreements to give effect to the Project and to outline any resulting financial implications.

Having declared a personal interest in the above item Councillor Shanker left the meeting during the discussion and voting thereon.

16/22 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 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 Decision

17/22 Former Aida Bliss Site, City Road

The Council Cabinet considered exempt information in relation to the former Aida Bliss site, City Road.

The Executive Scrutiny Board noted the report.

MINUTES END