

Time began: 4.00pm  
Time Adjourned; 4.00pm  
Time Reconvened: 6.00pm  
Time ended: 6.38pm

## **COUNCIL CABINET**

**6 December 2023**

Present                      Councillor Shanker (Chair)  
                                    Councillors Dhindsa, Hezelgrave, S Khan, Martin, Peatfield,  
                                    Swan and Whitby

In attendance              Councillors Eyre and Prosser  
                                    Paul Simpson – Chief Executive  
                                    Emily Feenan - Director of Corporate Governance, Property  
                                    and Procurement and Monitoring Officer  
                                    Alison Parkin – Director of Finance  
                                    Kirsty McMillan – Director NHS Integration and Prevention  
                                    Gurmail Nizzer – Director of Commissioning and Delivery  
                                    Sam Dennis – Director of Communities  
                                    Muhammad Muntasir – Youth Mayor  
                                    Harman Kaur – Deputy Youth Mayor  
                                    Charlotte Ward-Webster – Communications Officer

This record of decisions was published on 8 December 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 meeting was convened at 4pm but due to exceptional circumstances was inquorate, therefore the Democratic Services Officer adjourned the meeting until 6pm to enable a quorum to be established.

### **91/23        Apologies**

An apology for absence was received from Andy Smith Strategic Director of People.

### **92/23        Late Items**

There were no late items

### **93/23        Receipt of Petitions**

There were no petitions.

### **94/23        Identification of Urgent Items to which Call In will not apply**

There were no items.

## 95/23      Declarations of Interest

There were no declarations of interest.

## 96/23      Minutes of the meeting held on 21 November 2023

The minutes of the meeting held on 21 November 2023 were agreed as a correct record.

## Matters Referred

### 97/23      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.

### 98/23      Recommendation for the Executive Scrutiny Board – Forward Plan

The Council Cabinet considered a recommendation from the Executive Scrutiny Board which urged Council Cabinet to bring the following Key Decisions forward on the Forward Plan to allow for earlier scrutiny by Executive Scrutiny Board.

- 27/23 - Award of a Contract to Enable Derby City Council and Derby Homes to Continue Their AI Journey Following the Introduction of Darcie and Ali
- 03/21 - Project Assemble

The Executive Scrutiny Board also referred each key decision to the relevant scrutiny Board for possible inclusion on its work programme.

#### **Decision**

To note that key decision 27/23 would be considered by Council Cabinet on 20 December 2023 and key decision 03/21 was due to be considered by Council Cabinet in January 2024.

## Key Decisions

### 99/23      Proposal to Merge Walbrook Nursery School and Pear Tree Infant School

The Council Cabinet considered a report which stated that Walbrook Nursery School and Pear Tree Infant School had been operating as federated schools for many years. This meant that they shared the same Headteacher and Governing Body but had separate financial budgets. The Council was responsible for both of these schools, as maintained schools.

Following Derby City Council's successful bid to the Government's School Rebuilding Programme (SRP), it had been confirmed that Pear Tree Infant School would be rebuilt. This was an exciting project to provide new teaching and learning facilities for the benefit of children, staff and the whole school community.

The Department for Education (DfE) was leading on the school rebuild project, working together in close partnership with Pear Tree Infant School and Derby City Council. Based on latest discussions with the DfE, the new school building may be ready for opening in January 2026.

The Governing Body of the Pear Tree and Walbrook Nursery Federation approached the Council with a request to consider formally merging the infant and nursery school, to create a single school, within the brand-new Pear Tree Infant School building. A consultation proposal was, therefore, developed to form a single infant and nursery school for children aged 2-7.

There was no provision within School Organisation Regulations to 'merge' schools and so to achieve a single infant and nursery school, it was necessary to follow a statutory consultation process to 'close' Walbrook Nursery School and expand the size and age range of Pear Tree Infant School. If the proposal was approved, children attending Walbrook Nursery School would relocate to the newly built Pear Tree Infant School, on its completion.

Following Cabinet Member approval, initial consultation had now taken place on the proposal. Consultation was carried out over a six-week period between 12 September to 24 October 2023, with the Consultation Document circulated widely to all key stakeholders and interested parties. The Consultation Document and response form were also made available online on Let's Talk Derby. A copy of the Consultation Document was attached as Appendix 1 to the report.

A total of 157 responses were received during the consultation period. Of those responses, 153 (97%) were in support of the proposal. A summary of responses, including very positive comments in support of the merger, were outlined in Appendix 2 of the report. Due to the significant level of support shown in the consultation responses, and the advantages that could be achieved through a merger, this report sought approval to progress to the next stage of the process which included the publication of a statutory notice, and a

further four-week representation period. It was anticipated that a final decision would be taken on the merger proposal in March 2024.

The Executive Scrutiny Board recommend to Council Cabinet that serious consideration be given to the future use of Walbrook Nursery School, for example as a Community Hub.

### **Options considered**

1. There was an option to retain a separate nursery and infant school. However, it was generally accepted that combined nursery and infant schools could offer certain advantages including continuity for pupils and parents, as well as flexibility in terms of school resources.
2. The request to consider a 'merger' had been raised by The Pear Tree and Walbrook Nursery Federation. The rebuild of Pear Tree Infant School, through the Government's School Rebuilding Programme, presented an exciting opportunity to merge the infant and nursery school, to create a single school, within a brand-new building.

### **Decision**

1. To approve the publication of a statutory notice, with a further four-week formal consultation period, on the proposal to close Walbrook Nursery School and expand the age range and size of Pear Tree Infant School to form a single infant and nursery school for pupils aged 2-7.
2. Subject to resolution 1 above, to delegate authority to determine the proposal to the Strategic Director of People Services and Section 151 Officer if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.
3. To accept the recommendation from the Executive Scrutiny Board that serious consideration be given to the future use of Walbrook Nursery School, for example as a Community Hub.

### **Reasons**

1. The Governing Body of the Pear Tree and Walbrook Nursery Federation approached the Council with a request to consider formally merging the infant and nursery school, to create a single school for pupils aged 2-7. Following Cabinet Member approval, initial consultation had now taken place on the proposal.
2. The rebuild of Pear Tree Infant School, through the Government's School Rebuilding Programme (SRP), presented an exciting opportunity to merge the infant and nursery school, to create a single school, within a brand-new building.

## 100/23      Proposals on Integration between Derby City Council and Derbyshire Community Health Services for the Delivery of Reablement, Short Term Care and Urgent Support

The Council Cabinet considered a report which stated that Council Cabinet received a report in August 2023 seeking permission to commence consultation about a proposal 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 enabled Councils and NHS bodies to work in partnership. This was referred to as a 'Section 75 Partnership Agreement'.

This report provided the outputs of the consultation and engagement exercise as well as the considerations from the Equalities Impact Assessment. The report proposed that Members consider these and consider whether to progress towards a formal partnership with Derbyshire Community Health Services (DCHS), an NHS Foundation Trust.

The report proposed that a formal partnership should be entered into and that a detailed agreement, including the areas set out in 4.8 of the report, be drawn up using the powers of s75 of the 2006 National Health Service Health Act, and that this task be delegated to the Strategic Director of People Services and the Director of Corporate Governance, Procurement & Property, following consultation with the Cabinet Member for Health and Adult Care.

The Executive Scrutiny Board recommend to Council Cabinet that it includes in the partnership agreement with DCHS an expectation that support of patients will include ongoing public health and preventative work to build resilience and so minimize the risk of return to hospital in the medium and longer term.

### **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 which were primarily about sharing resources to manage demand pressures more successfully into the future and to improve the experience of individuals by receiving a service from a unified and single team.

## Decision

1. To note the feedback from the consultation and engagement exercise and the Equalities Impact Assessment that considered the proposed further integration. These were set out at sections 4.2 and 11 of the report.
2. To authorise the Council entering into a formal partnership agreement, and delegate responsibility to settle the terms of the agreement with Derbyshire Community Health Services, and for delivery of the agreement, to the Strategic Director – People Services and the Director of Corporate Governance, Procurement and Property, following consultation with Cabinet Member for Integrated Health and Adult Care.
3. To note that in order to maximise the benefits of the partnership and enable the required delegation of duties to take place, it was proposed that all employees involved in delivering the services currently should be managed by a single employer. This employer was proposed to be Derbyshire Community Health Services (DCHS), and therefore the Transfer of Undertaking Protection of Employment Regulations 2006 (as amended) was likely to apply for those employees whose roles were substantively involved in service delivery and who are currently employed by the Council.
4. To accept the recommendation from the Executive Scrutiny Board that included in the partnership agreement with DCHS is an expectation that support of patients will include ongoing public health and preventative work to build resilience and so minimize the risk of return to hospital in the medium and longer term.

## Reasons

1. The decision to enter into a partnership agreement under Section 75 (s75) of the NHS Act 2006 NHS was a key decision. In line with the Partnership Arrangements Regulations 2000, 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”. The report provided the outcomes of the consultation and engagement exercise to enable Cabinet to consider the impact of the proposal before deciding whether to enter into agreement. The partnership arrangement would encompass all related resources that were required for delivery of the specified services, delegation of the Council and DCHS’s respective health related statutory duties to each other and operating a transparent pooled budget.
2. The Council and DCHS 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 was 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.

## **101/23      Approval of the Council Tax Support Scheme (CTS) for 2024/25**

The Council Cabinet considered a report which stated the Derby's local Council Tax Support (CTS) Scheme was introduced from 1 April 2013, to replace the national Council Tax Benefit (CTB) Scheme which had been abolished by Central Government. The CTS Scheme assisted working age claimants who required financial assistance with paying their Council Tax bills. Pensioners were not affected by the CTS Scheme as they were treated separately under different legislation.

The purpose of the report was to present the CTS Scheme operable from 1 April 2024 for approval. An assessment of the Scheme operable in 2023/2024 had been undertaken and it was recommended that no changes are made to the CTS Scheme for 2024/2025.

The Executive Scrutiny Board noted the report and welcomed the proposal.

### **Options considered**

Amend the Scheme. This required a public consultation. This was not assessed as being required for 2024/2025.

### **Decision**

To approve the Council's CTS Scheme operable from 1 April 2024. The Scheme was shown at Appendix 1 of the report.

### **Reasons**

To ensure that customers who were entitled to receive help with their Council Tax bills under the Scheme, could continue to do so.

## **102/23      Waste Management and Environmental Enforcement Update**

The Council Cabinet considered a report which stated that Derby City Council (the council) provided services for residents to manage their waste, which included municipal kerbside waste collections, optional chargeable bulky waste collections and the provision of a Household Waste Recycling Centre (HWRC) on Raynesway where an online booking system was implemented in 2022.

The council stopped providing compactor days in 2021 which previously enabled residents to dispose of bulky items free of charge within communities as part of scheduled clean up campaigns.

Environmental crime such as littering and fly tipping on the public highway or council owned spaces is managed and investigated by the Council's Public Protection Officers with waste on land offences managed and investigated by the councils Environmental Protection Team.

The report set out proposed changes to increase the support to enable residents to provide every opportunity to dispose of waste sustainably and responsibly; along with stronger measures to ensure effective enforcement where waste crime offences are committed.

The Executive Scrutiny Board recommended to Council Cabinet.

1. that, before the changes are made to remove the booking system from the HWRC on Sundays in April, a further survey is done of users of the Centre to ensure that this is the right way forward and then to review this decision if it would no longer be preferred by even 25% of respondents (which was the proportion that were dissatisfied in the 2021 survey); and
2. that if changes are made to the Raynesway Household Recycling Centre booking system on Sundays, the changes are kept under constant review, with monitoring of both financial and other implications, including queuing traffic and traffic disruption. For a report to come back to Council Cabinet, Executive Scrutiny and the relevant scrutiny board detailing these outcomes, within between 6 and 9 months.

### **Options considered**

1. To fully remove the HWRC booking system would cost an indicative amount of £430k, this option would create an increased pressure on the council's finances and was not recommended.
2. To reinstate compactor days across the city would cost an indicative amount of £90k, this option would require additional resource and place an increased pressure on the council's finance and therefore was not recommended.
3. To remove the charge for all bookable bulky waste collections would lose all income to the service which was currently reported as £220k. This option would create an increased pressure on the council's finances and was not recommended.

### **Decision**

1. To approve the removal of the charge on the system for two weeks per year to enable free bookable bulky waste collections for residents who book in this time; with the charge remaining in place at all other times, to be delivered in weeks determined by Streetpride in spring and winter from April 2024.



2. To approve and keep under review, the removal of the HWRC booking system on Sundays, with the booking system remaining in place at all other times, from April 2024.
3. To delegate authority to the Head of Community Safety and Localities to commence a procurement process to initiate a 12-month pilot scheme to deploy a suitable qualified contractor to undertake investigation and enforcement of fly tipping.
4. To note improvements in enforcement approach to enable Public Protection Officers to carry out waste on land enforcement.
5. To approve the new penalty fees for waste offences set out in table 4.22 of the report, effective from January 2024.
6. To note the recommendations from the Executive Scrutiny Board.

## **Reasons**

1. From May 2023 the council had a new leadership with a renewed focus and manifesto commitments around improving the environment, recycling more, reducing waste and improving public realm with commitments including:
  - Offer a free bulky waste and recycling service.
  - Increased penalties for fly-tippers.
  - Raynesway Tip would offer a variety of bookable appointments and open sessions.
  - Introducing mattress recycling and other large recycling and reuse collection schemes.
  - Deliver a climate and recycling hub.
  - Increase street cleaning in our city centre.
  - Prioritise our Neighbourhood Teams to tackle anti-social behaviour, fly-tipping, street drinking, support neighbourhood pride, community inclusion and development.
2. The report set out how the service was proposing to operationalise some of the manifesto commitments in section 3.1 of the report providing every opportunity for residents to recycle more and dispose of their waste sustainably, whilst strengthening enforcement for those who dump waste illegally.
3. Mattress processing was included the new guidance around Persistent Organic Pollutants (POPS) and therefore now collected separately and whilst work to develop a climate and recycling hub in the city was in the early stages of development, implementation of a reuse facility at the HWRC was progressing well.
4. With a focus on city centre development, manifesto commitments around increasing cleansing, tackling anti-social behaviour, and supporting pride in

neighbourhoods is being led through the City Centre Summit and City Centre Task force.

5. The City Centre Summit brought together a collective group of business and partners agencies to deal with crime and anti-social behaviour issues in the city centre, delivering outcomes through operational tasking of litter picks and visible patrols to improve feelings of safety.
6. The City Centre Task Force was developed to achieve the city vision and work through thematic areas of focus, such as increasing vibrancy and culture to create a city centre that could be used by all.

## Budget and Policy Framework

### 103/23 Treasury Management Mid-Year Report 2023/24

The Council Cabinet considered a report which stated that the council was required for good practice under the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the "CIPFA TM Code") to approve treasury management mid-year and outturn reports.

The report included the new requirement in the 2021 code, of quarterly reporting of the treasury management prudential and capital indicators. These indicators would be incorporated into future quarterly outturn reports presented to Council Cabinet.

This mid-year report outlined the Treasury Management activity and capital indicators for the period 1 April 2023 to 30 September 2023 for Council to note, comprising:

- Forecast Outturn 2023/24 including Quarter 2 update
- Summary of the Financial Markets to date in 2023/24
- Borrowing Activity
- Investment Activity
- Non Treasury Investments
- Treasury Performance
- Compliance Report
- Treasury Management Indicators
- Capital Expenditure Indicators.

The Executive Scrutiny Board noted the report.

#### **Options considered**

None.

## **Decision**

1. To note the forecast outturn balanced position.
2. To note the position statement on Treasury Management Activity and compliance with the Prudential Indicators for the period 1 April 2023 to 30 September 2023.
3. To note and recommend the Treasury Management Mid-Year Report to Full Council.

## **Reasons**

1. In accordance with CIPFA Code of Practice for Treasury Management in Public Services (the “CIPFA TM Code”), it was considered good Treasury Management practice for members to note the progress and monitor performance quarterly. The report covered the progress of this activity as at Quarter 2. In addition, the report was required to go to Council Cabinet in the first instance and then Council for approval.
2. The 2021 Treasury Management Code introduced a new requirement that monitoring of the treasury management and Capital indicators from 2023/24 should be reported quarterly (along with the other prudential indicators) as part of the Authority’s general revenue and capital monitoring.
3. The report included the new requirement in the 2021 Code, mandatory from 1 April 2023, of quarterly reporting of treasury management and Capital prudential indicators.

## **Contract and Financial Procedure Matters**

### **104/23 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 for Education- DfE Funding for the Short Breaks Innovation Fund of £0.997m.
- Addition of a new scheme to the 2023/24 Property Capital Programme of £0.030m to purchase equipment for Sinfin Library.
- Bid for and acceptance of DfT and addition to the 2024/25 Highways and Transport – Transforming Cities Fund (TCF) Capital Programme – Zebra 2 capital funding of £36.5m.

- To outline arrangements in relation to the recent DfE's National Wraparound Programme (the Programme) and associated revenue and capital grant funding of £1.382m as determined under Section 31 of the Local Government Act 2003.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. Short Breaks Innovation Fund - 'Not to accept.' This would not be the recommendation. This was an opportunity to test innovative approaches to delivery and relieve pressure on the high needs block.
2. Zebra 2 - An alternative option proposed by Trent Barton to provide electric buses on the Skylink fleet had been considered and rejected due to high risks surrounding the deliverability of this option.

### **Decision**

1. To note the acceptance of £0.997m funding from the DfE for the Short Breaks Innovation fund as outlined in section 4.1 of the report.
2. To delegate authority to the Strategic Director for People's Services, following consultation with Cabinet Member for Children's Social Care, Learning and Skills and the Director of Financial Services, to incur expenditure and spend within the scope of the grant conditions.
3. To approve the addition to the 2023/24 Property Capital Programme for the scheme of works at Sinfin Library for £0.030m funded from S106 funding as outlined in section 4.2 of the report.
4. To approve a bid for funding from the DfT for capital funding of £36.5m from the second tranche of Zero Emission Bus Regional Areas scheme (ZEBRA 2) as outlined in section 4.3 of the report.
5. To delegate authority to the Strategic Director for Communities and Place, and the Director of Financial Services and Section 151 Officer, following consultation with the Cabinet Member for Climate Change, Transport and Sustainability, to accept funding awarded for the second tranche of Zero Emission Bus Regional Areas scheme (ZEBRA 2) as outlined in section 4.3 of the report.
6. To delegate authority to the Strategic Director for Communities and Place, and the Director of Financial Services and Section 151 Officer, following consultation with the Cabinet Member for Climate Change, Transport and Sustainability subject to a successful bid from the DfT for capital funding, the addition of the ZEBRA 2 scheme £36.5m to the 2024/25 Highways and Transportation (TCF) Capital Programme as outlined in section 4.3 of the report.

7. To note the acceptance of the DfE revenue and capital grant funding allocation of £1.382m to support the delivery of the National Wraparound Childcare Programme with the Council's School Organisation and Provision (SO& P) Service as Derby City's Lead for the Programme as outlined in section 4.4 of the report.
8. To delegate authority to the Strategic Director for People's Services, following consultation with Cabinet Member for Children's Social Care, Learning and Skills and the Director of Financial Services to deliver the Programme in line with the requirements set out in the Memorandum of Understanding.

### **Reasons**

To comply with Financial Procedure Rules.

**MINUTES END**