

Time began: 4.02pm  
Time ended: 5.20pm

## **COUNCIL CABINET**

### **13 July 2022**

Present	Councillor Poulter (Chair) Councillors Barker, Eyre, J Pearce, Smale Webb and Williams
In attendance	Councillors AW Graves, 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 Heather Greenan – Director of Policy, Insight and Communications Kara MacFadyen – Head of Communications and Marketing

This record of decisions was published on 15 July 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.

## **27/22      Apologies**

An apology for absence was received from Councillor Hassall.

## **28/22      Late Items**

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late item on the grounds that it should be considered as a matter of urgency

- **Darley Mills Bridge – Delivery of a Temporary Footbridge and Delivery Options**  
To approve the delivery of a short term temporary footbridge option at Darley Mills to support both the community and local businesses.

## **29/22      Receipt of Petitions**

There were no petitions.

## **30/22      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 2 – Darley Mills Bridge – Delivery of a Temporary Footbridge and Delivery Options (minute no 34/22)**

The reason for urgency was that there was an urgent need to deliver a short term temporary bridge at Darley Mills. The delivery of a short term bridge was the quickest option for delivery and supported both the community and local businesses.

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.

### **31/22      Declarations of Interest**

There were no declarations of interest.

### **32/22      Minutes of the meeting held on 15 June 2022**

The minutes of the meeting held on 15 June 2022 were agreed as a correct record.

## **Matters Referred**

### **33/22      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**

### **34/22      Darley Mills Bridge – Delivery of a Temporary Footbridge and Delivery Options**

The Council Cabinet considered a report which sought approval to deliver a short term temporary footbridge at Darley Mills.

The Executive Scrutiny Board welcomed these proposals which would hopefully lead to a temporary bridge being erected over the existing bridge within a matter of

weeks. These were; however, costly undertakings and a permanent replacement bridge could cost circa £5M. City council budgets were stretched and it was important therefore, that Council Cabinet writes to both the appropriate Secretary of State and Crown Estates to fund or partly fund both the temporary bridge and the future permanent bridge.

### **Options Considered**

Do nothing, however no other organisation was likely to provide a solution.

### **Decision**

1. To approve the delivery of a short term temporary footbridge option as detailed in the report.
2. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Director of Legal, Procurement and Democratic Services, to enter into all necessary contractual agreements to facilitate delivery of the short term temporary footbridge.
3. To approve a waiver, in line with Contract Procedure Rules, to allow the appointment of a specialist contractor to deliver the short term temporary footbridge solution.
4. To approve funding of up to £500k for the delivery of a short term temporary foot bridge and delegate authority to the Strategic Director of Corporate Resources following consultation with the Cabinet Member for Finance, Digital and Culture to utilise this funding.
5. To accept the recommendation from the Executive Scrutiny Board that Council Cabinet writes to both the appropriate Secretary of State and Crown Estates to fund or partly fund both the temporary bridge and the future permanent bridge.

### **Reasons**

1. Delivery of a short term temporary bridge option was the quickest option for delivery, supported the community and local businesses and allowed time for the consideration and development of other options.
2. The construction and delivery of the longer term temporary options had emerging complications and substantial cost factors. Trying to deliver these quickly, or at all, needed to be carefully considered as there were significant emerging risks.

## 35/22      Food Safety, Food Standards, Animal Feed and Health and Safety Service Plan

The Council Cabinet considered a report which sought approval for the adoption of the Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan 2022-23. The statutory plan set out the Councils regulatory function in these service areas.

The Council was required prepare a documented plan for Food Safety, Food Standards, Animal Feed and Health & Safety that it had a duty to enforce and set out how the authority intended to deliver its official controls and enforcement responsibilities within the city.

The plan combined previously separate plans for Food and Health & Safety.

The Executive Scrutiny Board noted the report.

### **Options Considered**

The Food Safety, Food Standards, Animal Feed and Health & Safety plan must be reviewed on an annual basis as there was a legal duty for this.

### **Decision**

1. To adopt the Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan, for the administrative year 2022/23.
2. To continue to support Food and Safety Team and Trading Standards Teams in their regulatory recovery activity as a result of the COVID-19 pandemic and the resumption of duties imposed on the authority by the Food Standards Agency (FSA) and Health and Safety Executive (HSE).
3. To authorise the Director of Public Protection and Streetpride to agree any subsequent amendments to this year's Food Safety, Food Standards, Animal Feed and Health & Safety Service Plan, as needed in the context of the ongoing challenges that may occur but members would be kept fully updated.

### **Reasons**

#### **1. Food Safety, Standards and Feed**

Under the powers in the Food Standards Act 1999, the Food Standards Agency (FSA) oversees and monitors how Local Authorities enforce food and feed legislation. The FSA require all Local Authorities to produce and approve an annual plan that sets out how it was going to execute its responsibilities.

The Plan would be used as a basis of any audit undertaken by the FSA.

The plan was written to meet all the requirements of the FSA, in terms of its content and format. The plan detailed the demands of the service, the risk-based work programme, and the resources available to deliver the required work. As with many other Council services, FAST and TS service face increasing demands, and catch up exacerbated by Covid-19 pandemic, which continued to be a significant challenge.

## **2. Health and Safety**

The plan met the Council's statutory duties as an 'enforcing authority' under the Health and Safety at Work etc. Act 1974, detailing our priorities and responsibilities.

In the last five years, we had continued to redesign the way we delivered the Council's health and safety regulatory functions, to meet the Government's objective of reducing the health and safety burden on the business. This approach was specified in the National Code, which local authorities must comply with.

The plan was therefore written to meet all requirements of the HSE National Local Authority Enforcement Code in terms of its content and format.

## **36/22 Special Educational Needs and Disability (SEND) 'Living My Best Life' Capital Programme in Derby Phase 1/3**

The Council Cabinet considered a report which stated that in September 2021 Council Cabinet approved the consultation on the proposed use of Special Educational Needs and Disabilities (SEND) Capital Funding. The purpose of this report was to seek the agreement to progress with phase 1 of the proposals based on the consultation which closed on 12 January 2022 for which 223 responses were received. The responses were overwhelmingly in support of the Derby proposals presented in this report and supported by the Equality Impact Assessment (EIA).

The SEND capital programme was designed to increase places in specialist provision in Derby and build capacity at the early intervention or graduated response in mainstream schools; it was essential that both elements were developed concurrently. The key design principles of the SEND capital programme were as follows:

- To strengthen the graduated response through the development of Inclusion Hubs in mainstream schools.
- To increase the number of placements in Enhanced Resource Units across the city.
- To expand existing specialist school provision.
- To build additional specialist provision if required.

The proposals outlined in the report was to progress phase 1 of Derby's capital ambition for SEND. These key proposals in this phased approach were based on the priority to secure Derby children and young people with SEND a specialist place to match the need in a Derby school. Phase 1 would take place from September 2022-23 and consisted of the following elements:

### **Secondary Provision**

This proposal was agreed following a lengthy consultation with the sector across the city during the consultation process:

- Kingsmead Special School remodelled for alternative provision for children and young people with Social Emotional and Mental Health (SEMH) needs with an additional 45 places (35 within this financial year).

### **Primary Provision**

This expansion was offered following a lengthy consultation with the sector across the city during the process:

- Ivy House Special House for social communication and interaction needs coupled with complex health needs – develop an additional 13 places.

There would be further Council Cabinet reports outlining the next 2 phases of the SEND capital programme following co-production with the local area of the options supported by the SEND consultation. The further phases were to include the enhance resource units, the Inclusion Hubs across the city and the expansion and remodelling of St Clare's special school to open in 2023.

The Executive Scrutiny Board resolved to agree to pass its thanks to officers to both commend and recognise their hard work on this over many months and it also recognised the valuable input and guidance of local organisations, partners, and parents to whom without their input and good work with officers we wouldn't have had this proposed enhanced provision and none of this would have been possible.

### **Options Considered**

The "do-nothing" approach - commission further out of authority placements for Derby children with SEND without taking any investment into the required additional capacity into account. If demand and placements were not met, this approach would result in a significant deficit for the Dedicated Schools Grant (DSG).

### **Decision**

1. To approve proposals in the report to improve Derby's specialist provision for Derby children and young people with SEND to be educated in Derby.
2. To note that further reports would be presented to Council Cabinet through the course of the next 12 months on future phases of the SEND capital programme.

3. To welcome the recommendation from the Executive Scrutiny Board

## **Reasons**

1. To increase specialist and targeted provision in Derby to offer quality education and support to meet the needs of Derby children and young people with SEND in Derby.
2. Expected demand supported the conclusion that Derby placements would be full in 2022. Without the creation of additional capacity within Derby, children could not be supported closer to home.
3. The request to invest to save served as part of the development of a longer-term strategy around SEND in Derby to deal with current demand within the system and demand yet to hit the system. Creation of additional places played a key role in the longer-term aim of the High Needs Deficit Plan, which would not work without this initiative.
4. In accordance with Financial Procedure Rules, additions to the Council's capital programme not provided for in the approved budget were required to be reported to Council Cabinet.
5. The pressures faced by the Council were not unique to Derby. The national context was also seeing an increase in both demand and out of area placements. Councils already further in deficit were not as well placed as Derby to address the capital issue, investing to save on additional in-area capacity.

## **37/22 Derby Holiday Activity and Food Programme**

The Council Cabinet considered a report which sought approval to accept funding from the Department for Education's Holiday Activities and Food (HAF) fund from 2022/23 to 2024/25 to deliver activities and food across Derby for children eligible for Free School Meals and for that funding to be allocated through a mixed delivery model in partnership with Community Action Derby, Derby City Council departments, schools and other organisations who could support delivery of the HAF programme.

The Department for Education award for 2022/23 was £1.357m. The Government had indicated that annual allocations of HAF would also be made to the Council in 2023/24 and 2024/25 ("Programme Period").

Overall allocations of the funding throughout the year would be developed from the programme undertaken in 2021/22. The funding would be allocated to Community Action Derby via a grant, to council provisions and schools, with the remaining utilised to add provision and purchase services or activities which would be shared across the three elements of the programme.

The Executive Scrutiny Board noted the report.

## **Options Considered**

The Council could run the administration of the entire HAF programme itself, running a grant competition to allocate funding to partners and to schools. However, this was not considered a viable option given the timescales available and the resources required; it was considered that Community Action Derby were better placed to ensure the distribution of HAF monies to the Voluntary, Community and Social Enterprise (VCSE) sector as the voluntary sector infrastructure organisation in Derby.

## **Decision**

1. To delegate authority to the Strategic Director of Corporate Resources to accept all HAF funding allocations from the Department for Education, subject to agreement of acceptable grant conditions, over the Programme Period.
2. To agree to the adoption of a mixed delivery model for the Derby HAF programme for the Programme Period whereby Community Action Derby would be grant funded to administer, fund and liaise with VCSE providers across the city to deliver specified elements of the programme, and the Council would work with schools and children's centres to deliver specified elements of the programme. This model would be used to deliver the HAF programme from Summer 2022 onwards.
3. To delegate authority to the Strategic Director for People Services following consultation with the Cabinet Member for Children, Young People and Skills to agree specific elements of the annual delivery model for the HAF programme in Derby for each year of the Programme Period.
4. To delegate authority to the Strategic Director for People Services following consultation with the Strategic Director for Corporate Resources and the Cabinet Member for Children, Young People and Skills to agree the annual allocation of HAF funding to be awarded to Community Action Derby for each year of the Programme Period.
5. To delegate authority to the Strategic Director for People Services to agree the terms of and enter into an annual grant agreement with Community Action Derby in relation to the HAF programme in each year of the Programme Period.
6. To delegate authority to the Strategic Director for People Services to agree the terms of and enter into all such agreements necessary to allow the delivery of the HAF programme in Derby in each year of the Programme Period.
7. To note that, in accordance with Financial Procedure Rules, a grant of £0.226m to Community Action Derby was approved on 11 March 2022 to



allow delivery of the HAF programme over Easter 2022; this funding formed part of the total £1.357m allocation for 2022/23.

## **Reasons**

1. The 2022/23 to 2025 HAF programme in Derby would build on the success of previous years and follow the same mixed delivery model. This would involve Community Action Derby focussing on the third sector provision across the city, and the Council delivering through schools and council provisions. This would ensure all areas of the city could be reached in a coordinated and targeted way.
2. This approach would be adopted for future years subject to the Department for Education's funding principles and outlined remaining comparable, and contingent on the legal agreements being fulfilled.

## **38/22      Appointment of Academy Sponsor for New Primary School at Snelsmoor Grange, Boulton Moor**

The Council Cabinet considered a report which stated that a new housing development was proposed at Snelsmoor Grange, Boulton Moor, for 800 dwellings. It was anticipated that 224 primary school pupils would be generated by a development of this size. In addition, a housing development on Fellow Lands Way, Chellaston, made up of 190 dwellings, had recently been completed. Based on the Council's pupil yield multipliers, the total of 990 new dwellings across the two developments would generate an estimated 277 primary aged pupils.

Derby City Council had identified that additional primary capacity was required at Boulton Moor to serve the new housing developments at Snelsmoor Grange and Fellow Lands Way. A new one and a half form entry primary school (315 pupils), with a 39-place nursery, was proposed to open in September 2023, to be located on a new site within the Snelsmoor Grange housing development. Work was due to begin on the new school building in Summer 2022.

The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a Local Authority (LA) considered there was a need for a new school in its area, it must seek bids from potential sponsors to establish an academy (free) school.

Following Council Cabinet approval, the competition process for Snelsmoor Grange primary school launched on 15 February 2022, with a six-week period for potential sponsors to submit bids.

The Council had held a competition process, in line with Department for Education (DfE) guidance, to identify a sponsor to open the new school at Snelsmoor Grange. Following a detailed evaluation of bids, the report sought approval to recommend to the Secretary of State the highest scoring bidder as the Council's preferred sponsor. It should be noted that the Secretary of State would take the Council's

preferred sponsor into consideration but had the option to decide to appoint an alternative sponsor.

The DfE asks that preferred sponsors are not made public until the Secretary of State had taken the final decision to appoint a sponsor. The report did not, therefore, name the Council's suggested preferred sponsor. Additional confidential information, based on the detailed evaluation and scoring of bids, was provided to Council Cabinet and set out in the confidential Council Cabinet report, to enable a decision to be taken on the approval of the Council's preferred sponsor.

The Executive Scrutiny Board noted the report.

### **Options Considered**

The Council had a statutory duty to plan sufficient school places for the City. The option of creating no additional provision was discounted as there was very limited surplus capacity available in primary schools close to the sites. It was not considered possible to expand existing primary schools to the extent needed to accommodate estimated pupil numbers.

### **Decision**

1. To approve the Council's preferred sponsor for Snelsmoor Grange primary school for recommendation to the Secretary of State, as set out in the confidential Council Cabinet report.
2. To delegate authority to the Strategic Director of Peoples Service to provide the notification of the Council's preferred sponsor for Snelsmoor Grange primary school to the Secretary of State, on behalf of the Council.

### **Reasons**

1. A new primary school was required to accommodate pupils from housing developments at Fellow Lands Way, Chellaston, and Snelsmoor Grange, Boulton Moor. Where a Local Authority (LA) thinks there was a need for a new school in its area, it must seek proposals from potential sponsors to establish a free school.
2. The Council was able to make a recommendation to the Secretary of State on its preferred sponsor, following an evaluation of proposals. The decision on which sponsor was appointed to open the new school was then taken by the Secretary of State.

## **39/22      Community Managed Libraries**

The Council Cabinet considered a report which stated that library services should co-design and co-create their services with the active support, engagement, and participation of their communities so services were accessible and available to all who needed them in the context of available resources. This was even more important given the 'impacts' across society of the Covid19 pandemic and the

growing importance of local opportunities to connect with others and for access to advice and support services.

In 2016, in response to austerity there was a corporate decision to reduce the available budget for statutory library provision. As such the Council carried out a comprehensive review of its library service, which involved conducting a strategic needs assessment. One of the main outcomes of the review to be able to provide a comprehensive and efficient library service in Derby was for the Council to operate 5 statutory libraries. This enabled the Council to then invite its local stakeholder community to submit expressions of interest (E.O.I) to operate one or more of the remaining 10 libraries as community managed libraries (CML's). Direct Help & Advice (DHA) submitted an E.O.I for all 10 libraries and were successful in entering into a 4-year arrangement with the Council. This arrangement was extended by a further year to the end of 2022/23 in response to the impacts of the pandemic.

As part of the E.O.I proposal, DHA opted into a Council grant facility which required a management agreement to be put in place. It also opted to operate out of the 10 existing library buildings, which resulted in leases for each facility being put in place between both organisations. The Council had annual revenue budgets of £120k to provide a grant and £55k for library books (spent by the Council on behalf of DHA.) There was also approximately £90k remaining in a reserve fund.

DHA were required to submit an annual grant application and in 2021/22, from the amount requested, it was clear that the funding required was more than the available budgets for the remainder of the agreement. There had been engagement between both organisations to try to find a way forward where DHA's grant application could be refined to fit within the available budget. However, DHA had recently confirmed to the Council that it was unable to continue to operate CML's within the existing budget threshold.

As part of the engagement process undertaken to date, DHA conducted a review of its CML operations between November 2021 and February 2022. The outcome of which was that to satisfactorily address the key issues, it was agreed that a more thorough review of all available options should be led by Community Action Derby (CAD) over a 6-month timescale and that options be brought back for consideration.

The review would explore the potential opportunities and options for the ongoing sustainable provision of community libraries within localities. The review would focus on the city in terms of post-pandemic recovery and in the context of service redesign to a more locally accountable shared approach to support community resilience and shift towards building community capacity in community spaces.

In light of the current state of the city council finances where there was an underspend, the Executive Scrutiny Board resolved to request that Council Cabinet confirms that our much-loved libraries will remain open in the future and also explores the possibility of bringing them back under council control. In addition to this, there must be an attempt by Council Cabinet to obtain longer term funding via Government intervention.

## Options Considered

1. Temporary closure post 31 August 2022 while governance proposals and measures were put in place to validate identified next steps.

So far as decisions on temporary closure were concerned, it was not recommended. A closure in any form would work against the City's focus in terms of post-pandemic recovery. Reopening the assets once in a position to do so, would also be a greater challenge.

2. Immediate permanent closure post 31 August 2022.

The existing corporate mandate for CMLs was that the Council grant funds, leases buildings to and, on account of both, had a management agreement in place that justified the basis on which a grant was currently made available to DHA. With DHA's position demonstrating that they could not operate within the grant envelope, their grant application was unsustainable. DHA's position was therefore that without a grant, they could not operate and so would need to close the libraries.

So far as decisions on permanent closure were concerned, it was not recommended. As with a temporary closure, permanent closure in any form would work against the City's focus in terms of post-pandemic recovery and would exacerbate the temporary closure concerns.

3. Agree to a 3-year plan with DHA for the CML provision.

For the last 12 months, funding for the CML's had been on a short-term basis whilst the Council had been working with DHA to refine their grant application to fit within the available financial envelope. DHA was clear that this process had required significant time from DHA's management team and was impacting the development and delivery of its core charity services.

The original Council expectation of DHA as a third sector organisation was that it would be able to unlock external funding and work with the library assets to earn income, thereby gradually reducing the need for Council funding. However, especially during a pandemic, DHA remained largely dependent on a DCC grant. To agree to a 3-year plan, the Council would require confidence that DHA's original aspirations could be achieved.

## Decision

1. To approve further funding for DHA at the current level of £26,196 per month for the period from 31 August 2022 to 30 November 2022.
2. To accept notice from DHA to withdraw from the service, ceding its CML operations back to the Council with effect from 30 November 2022 and use the period 1 September 2022 to 30 November 2022 to manage the transfer of services back to the Council by 30 November 2022.

3. To recognise and support the importance of the assets within the context of locality working and agree to aim to keep the 10 assets open and accessible to the community throughout this transition.
4. To note that a further report was to be brought to Council Cabinet providing an outcome and appraisal of the CAD review of community library provision. The report would aim to provide recommendations for future delivery options and/or use of the 10 assets including setting out next steps, a financial plan and risk register.
5. Notwithstanding the outcome of the decision or the additional review, it was recommended that the council seeks to maintain and support a positive strategic partnership with DHA and endeavour to support their continued work within Derby City where possible.
6. To note the recommendation from the Executive Scrutiny Board.

## **Reasons**

1. Public libraries played an essential role in their communities as 'community spaces' offering a range of different services and access to advice and connecting local people with other important activities. The proposed extension with DHA allowed for the commissioned review by CAD to produce recommendations for the future of the community library provision. Working with DHA, a valued partner, the community and other key partners, the review would look to understand where we were now and would enable longer-term decisions to be made whilst gaining further understanding of the opportunities and risks that existed.
2. The proposed extension also provided a timeframe for the transition of the CML provision to be considered comprehensively. Fundamentally providing the best opportunity to reduce impacting on the ongoing delivery of service provision and use of the community assets.
3. The ability to forecast costs was significantly eased by agreeing to extend the arrangement with DHA. The review would explore the options for ongoing sustainable provision of community libraries within localities and explore the potential opportunities to establish a recommendation for a costed plan.
4. The CAD review would focus on the city in terms of post-pandemic recovery and in the context of service redesign to a more locally accountable shared approach to support community resilience and shift towards building community capacity in community spaces. This enabled the Council to work with its communities and partners to help best meet the needs and priorities as effectively as possible by working collaboratively.

## Budget and Policy Framework

### 40/22 Final Accounts – 2021/22 Outturn Report for General Fund, Capital Programme, Treasury Management, Housing Revenue Account, Dedicated Schools Grant and Collection Fund

The Council Cabinet considered a report which summarised the overall Councils final outturn position, subject to external audit opinion, for the 2021/22 financial year. The report described the final year end positions and the main variances from Quarter 3 and set out issues to note and requiring approval. In summary the outturn was as follows:

- a) **Revenue Budget:** The general fund revenue outturn position was an underspend of £2.836 million when compared to the revenue budget for 2021/22. The balanced position was achieved after utilising the (£2.880m) Covid Reserve and (£0.759m) Business Rates Smoothing reserve to mitigate revenue and the funding pressures of £2.793m. There had been further funding received and applied of (£1.990m) from the NHS and the Contain Outbreak Management Fund - COMF.

This had enabled a £2.836m replenishment of reserves, £1.2m for a new Pay and Inflation reserve and £1.636m to replenish the Covid reserve. These would be utilised to mitigate the impact of potential escalating costs in 2022/23 and future years. A detailed table was outlined in section 4.1 of the report.

£8.365m of the Councils savings target of £9.654m for 2021/22 had been achieved which was 86% a table and associated narrative was outlined in section 4.1.35 of the report.

- b) **Capital Budget:** The capital programme outlined the delivery of 84.84% of the latest approved £132.932m capital programme. Details of the capital outturn for 2021/2022 totalling £112.785m for work completed and an analysis of the (£20.084m) slippage against the final approved capital programme was set out in section 4.6 of the report.
- c) **Treasury Management:** Total borrowing for the Council was £342.927m and total investments were £31.851m as at 31 March 2022, as detailed in section 4.7 of the report.
- d) **Housing Revenue Account (HRA):** The HRA showed an outturn deficit of £0.191m against a planned shortfall of £2.769m, this was a positive variance of £2.578m. The overall HRA balances at 31 March 2022 were detailed in section 4.8 of the report.

- e) **Dedicated Schools Grant:** The Dedicated Schools Grant closed with a deficit of £2.8m on the central non-delegated items as detailed in section 4.9 of the report. Individual school balances were £8.5m.
- f) **Collection Fund:** The Councils share of the collection fund outturn was a deficit of £12.282m as detailed in section 4.10 of the report.

## General Fund

During the year the Council managed and controlled spending on services through its general fund. A summary of the net cost of running each main service area was set out in paragraph 1.2 of the report

This spending was financed from council tax, business rates, government grants and reserves were set out in paragraph 1.2 of the report.

The Executive Scrutiny Board noted the report.

## Decision

1. To note the position for 2021/22 (subject to external audit review):
  - a) The overall general fund revenue budget outturn position and budget variances as set out in section 4.1 of the report.
  - b) The savings achieved as summarised in section 4.1. 35 of the report.
  - c) The capital outturn and the capital expenditure incurred during the year as set out in section 4.6 of the report.
  - d) The flexible use of capital receipts to fund transformation projects as set out in section 4.6.11 of the report.
  - e) The Private Finance Initiative (PFI) reserve movements as set out in as set out in section 4.6.15 of the report.
  - f) The treasury management outturn and prudential indicators as set out in section 4.7 of the report.
  - g) The overall dedicated schools budget position as set out in section 4.9 of the report.
  - h) The Councils share of the collection fund is a deficit of £12.282m as set out in section 4.10 of the report.
  - i) The use of reserves under delegation as outlined in section 4.1.6 of the report.

## 2. To approve:

- a) The final required movements in revenue reserves set out in section 4.1.2 to 4.1.4 of the report.
- b) The carry forward requests to reserves outlined and subsequent use of these carry forwards as detailed in section 4.1.5 of the report.
- c) The set-up of a pay and inflation reserve as detailed in section 4.1.4 of the report.
- d) The addition of net £18.199m budget slippage £20.084m and spend brought forward (£1.885m) to the 2022/23 capital programme as detailed in section 4.6.5 and 4.6.10 of the report.
- e) The identification of available funding streams from the net scheme underspends of (£4.197m) of the capital programme detailed in section 4.6.6 to 4.6.8 of the report for use to fund emerging priorities within the programme for 2022/23 and delegate these decisions to the Strategic Director of Corporate Resources (Section 151 officer).
- f) The use of £0.719m from the Flexible use of Capital Receipts to fund transformation projects as set out in section 4.6.11 of the report.
- g) The HRA outturn deficit of £0.191m as set out in section 4.8 of the report.
- h) The annual report in respect of Treasury Management activity for 2021/22 as outlined in section 4.7 of the report.

## Contract and Financial Procedure Matters

### 41/22 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.

- Capital programme - addition of £0.719m in Section 106 – s106 funding for the provision of the new primary school - Snelsmoor Grange, Boulton Moor
- Capital programme – addition of £0.889m and £0.101m in Basic Need funding, including allocation of £0.700m of this funding for the provision of the new primary school – Snelsmoor Grange, Boulton Moor
- Submission of the UK Shared Prosperity Fund (UKSPF) Investment Plan and use of the three year allocation of £6.1m and delegations associated with this funding/plan

The Executive Scrutiny Board noted the report.



## Decision

1. To approve the change to the 2022/23-2024/25 capital programme to include an additional £0.719m in s106 funding for the construction of the new primary school to serve the Snelsmoor Grange, Boulton Moor housing development, as outlined in section 4.1 of the report.
2. To approve the change to the 2022/23-2024/25 capital programme to include an additional £0.889m and £0.101m in Basic Need funding and allocate £0.700m of this funding for the provision of the new primary school – Snelsmoor Grange, Boulton Moor, as outline in section 4.1 of the report.
3. To approve delegated authority to the Strategic Director of Corporate Resources, following consultation with the Leader of the Council, to submit the Investment Plan to apply for UKSPF grant funding in accordance with the grant terms and conditions as outlined in section 4.2 of the report.
4. To approve, subject to acceptance of the Investment Plan by Government, acceptance of the grant of £6.1m funding over the next 3 years, 2022/23 – 2024/25 from UKSPF and use of the funds as determined by the terms and conditions of the grant as outlined in section 4.2 of the report.
5. To approve that the Council would be the Accountable Body for the UKSPF.
6. To approve delegated authority to the Strategic Director of Corporate Resources to make all necessary adjustments to the capital programme to incorporate the actions resulting from the Investment plan for UKSPF grant funding.
7. To approve delegated authority to the Strategic Director of Corporate Resources to authorise grants to external partners that were in line with the investment plan and had received approval from the internal SPF governance and bid review process.

## Performance

### 42/22 Performance Monitoring – Quarter 4 2021/22

The Council Cabinet considered a report which stated that the Council's Recovery Plan for 2021/22 was approved by Council Cabinet in February 2021. The report presented a consolidated overview of performance in line with commitments made in the Recovery Plan, bringing together priority performance measures, projects and strategic risks.

A summary of key performance highlights covering the period of January 2022 to March 2022 (quarter 4) could be found in paragraph 4.5, with details of key achievements presented within paragraphs 4.6 to 4.7 of the report. Areas for further work were detailed within paragraphs 4.8 to 4.13, and a full overview of progress against the Recovery Plan was available in Appendix 1 of the report.

Based on the information reported at the end of 2021/22, there was one performance measure identified for a Performance Surgery in 2022 (the timeliness of Education, Health and Care Plans).

In relation to the recent Ofsted inspection of services provided to children in need of help and protection, the Executive Scrutiny Board resolved to agree to acknowledge the hard work achieved by all the officers and give praise to both the officers and the Council Cabinet for achieving the Outstanding report from Ofsted and a number of the fantastic details within the report of increased jobs and prosperity for Derby.

### **Decision**

1. To note the latest performance results, paying particular attention to the latest profile of our strategic risks and emerging priorities for improvement.
2. To note the in-quarter activities set out in 4.14 to 4.17 of the report, that had been completed to provide assurances on our strategic risk controls and performance measures, with further activities scheduled for 2022/23.
3. To note that one performance measure was recommended for consideration via a Performance Surgery, which should be led by the Children and Young People's Overview and Scrutiny Review Board and attended by the Cabinet Member.
4. To welcome the recommendation from the Executive Scrutiny Board.

## **43/22      Annual Report and Review of Performance 2021/22**

The Council Cabinet considered a report which stated that every year we produced a short Annual Report, which was published alongside our Annual Review of Performance that presented a summary of our progress against agreed priorities from the last year.

These documents were important in communicating the work that we delivered, our achievements and the challenges we had encountered. They also complemented the Statement of Accounts and Annual Governance Statement that, by necessity, were technical in nature and published separately.

The Executive Scrutiny Board note the report.

### **Decision**

To note the Annual Report and Annual Review of Performance.

## 44/22 Council Delivery Plan 2022/23

The Council Cabinet considered a report which stated that in March 2022, Council approved the Council Plan 2022 – 2025.

The recommendations from that report, flagged that a Council Delivery Plan would be developed for 2022/23, setting out the specific milestones to be achieved over the next 12-months.

Attached at Appendix 1 of the report was the draft Plan for 2022/23, which included both the actions and the measures that would be used to monitor our progress.

The Executive Scrutiny Board noted the report.

### **Decision**

1. To approve the Council Delivery Plan 2022/23, which would be reviewed regularly to make sure the contents remained relevant and appropriate.
2. To note that targets for the performance measures would be presented to Council Cabinet by the end of September 2022, alongside an update against our priority projects and strategic risks.
3. Reporting to Council Cabinet against the milestones and measures within the plan would commence from quarter 2.

## 45/22 Inspection of Local Authority Children's Services

The Council Cabinet considered a report which stated that in November 2017, Ofsted published their framework for the inspection of local authority children's services (ILACS), with inspections commencing in 2018.

These inspections focused on the effectiveness of local authority services and arrangements:

- to help and protect children.
- the experiences and progress of children in care wherever they live, including those children who returned home.
- the arrangements for permanence for children who were looked after, including adoption.
- the experiences and progress of care leavers.

Derby's services for children and young people were inspected in March 2022, and the report presented the outcomes of the inspection.

The Executive Scrutiny Board resolved:

1. to welcome this report and the fact that our Children's Services had got an Outstanding Ofsted inspection and to thank the hard work and the dedication

of the officers in delivering this and that they should be applauded and celebrated in their success; and

2. to add its thanks to the Leader, the relevant Cabinet Member, the Chief Executive and the relevant Director.

## **Decision**

1. To note the inspection findings presented in paragraph 4.4, with the full letter available at Appendix 1 of the report.
2. To note that an improvement plan in response to any areas identified for development would be submitted to Ofsted by 19 August 2022, in line with the principles within the inspection guidance.
3. To refer the report to the Audit and Governance Committee, to reflect on under their function *“to consider reports from external regulators (e.g. OFSTED, Care Quality Commission, Local Government Ombudsman) that impact on the Committee’s areas of responsibility.”*
4. To welcome the recommendations of the Executive Scrutiny Board.

## **46/22 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**

### **47/22 Appointment of Academy Sponsor for New Primary School at Snelsmoor Grange, Boulton Moor**

The Council Cabinet considered exempt information in relation to the appointment of academy sponsor for new primary school at Snelsmoor Grange, Boulton Moor.

The Executive Scrutiny Board noted the report.

## **Options Considered**

These were set out in paragraph 6.1 of the report.

## **Decision**

To approve the recommendations set out paragraphs 2.1 and 2.2 of the report.

## **Reasons**

These were set out in paragraph 3.1 of the report.

**MINUTES END**