

Time began: 6.00pm  
Time ended: 6.25pm

**COUNCIL CABINET  
9 December 2015**

Present                      Councillor Banwait (Chair)  
                                    Councillors Afzal, Bolton, Eldret, Hussain, Rawson, Repton,  
                                    Russell and Shanker

In attendance              Councillors Hickson and Jones and Philip Hutchinson  
                                    (Youth Mayor)

**108/15      Apologies**

An apology for absence was received from Councillor Graves.

**109/15      Late Items**

There were no late items.

**110/15      Receipt of Petitions**

There were no petitions received.

**111/15      Identification of Urgent Items to which Call In will not  
                                    Apply**

There were no items.

**112/15      Declarations of Interest**

There were no declarations of interest

**113/15      Minutes of the meetings held on 11 November 2015**

The minutes of the meetings held on 11 November 2015 were agreed as a correct record and signed by the Chair.

## **Matters Referred**

### **114/15 Recommendations from Corporate Scrutiny and Governance Board**

The Council Cabinet considered a report on Recommendations from Corporate Scrutiny and Governance Board. The Corporate Scrutiny and Governance 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 2, prior to commencement of the meeting.

#### **Decision**

To receive the report and accept all the recommendations from the Corporate Scrutiny and Governance Board.

## **Key Decisions**

### **115/15 Approved Mental Health Practitioner Out of Hours Service**

The Council Cabinet considered a report on Approved Mental Health Practitioner Out of Hours Service. Derby City Council currently had challenges in providing a consistent Approved Mental Health Practitioner (AMHP) Service out of office hours. The AMHP service was a statutory service, required to be available 24 hours a day. The inconsistency had arisen as it had not been possible to recruit qualified staff with the required experience across adult and children's services who also had an AMHP qualification. In the short term an agreement had been drawn up with Derbyshire County Council to spot purchase AMHP capacity and an agency AMHP was being used.

The intention was to look to provide this service through a Service Level Agreement with a third party. Any arrangement with a third party to provide an AMHP service would constitute an outsourcing of one of the Councils statutory functions and therefore approval was required for any such arrangement to proceed.

Derbyshire County Council had expressed a clear interest in providing an out of hours AMHP service for Derby City Council. In order to comply with the Council's Procurement regulations, it was necessary to undertake a market testing exercise to identify if there were other providers who would be interested in providing this service for the Council.

Any such arrangement with a third party over a number of years would incur sufficient cost of approximately £106k per annum to require Council Cabinet approval for this level of expenditure, in accordance with the Council's financial regulations.

The Corporate Scrutiny and Governance Board supported the recommendations outlined in the report and recommended that the Council continues to support the development of staff to ensure recruitment issues do not arise again in future.

### **Options Considered**

Doing nothing was not an option as there was a risk to the Council in not providing this statutory service.

### **Decision**

1. To approve the outsourcing of the statutory responsibility for an AMHP service to a third party provider, subject to having undertaken a procurement compliant market testing exercise.
2. To approve expenditure of up to £318,018 over the 3 year duration of a service level agreement with a third party.
3. To delegate authority to the Acting Strategic Director for Adults and Health following consultation with the Director of Finance and the Cabinet Member for Integrated Health and Care to enter into a contractual arrangement with a third party, following a compliant procurement process, to provide an AMHP out of hours service.
4. To accept the recommendation from Corporate Scrutiny and Governance Board for the Council to continue to support the development of staff to ensure recruitment issues do not arise again in future.

### **Reasons**

1. Derby City Council was at risk of not consistently meeting its statutory requirement for providing an AMHP services out of hours. Action was required to address and manage the risk this presented to the Council.
2. The proposed service would improve timely access to AMHP service for customers in times of mental health crisis which was a commitment the City Council had signed up to through the Crisis Care Concordat.
3. The approach identified above would add some resilience to the internal AMHP service which had historically been provided.

## **116/15      Use of Section 106 Money for Improvements to Leisure Facilities in Littleover and Blagreaves**

This item was withdrawn.

## 117/15 Street Lighting LED Replacement Project

The Council Cabinet considered a report on Street Lighting LED Replacement Project. The energy required for street lighting in Derby costs around £1.2 million per year and produced over 5,124 tonnes of carbon emissions (CO<sub>2</sub>) based on 2015 figures. This accounted for 12% of the Council's energy budget and 18% of our total CO<sub>2</sub> emissions.

Energy costs increased by more than 56% between 2007 and 2013 which was an increase of more than 8% year on year. While predicted rises had slowed, the cost of energy was still expected to rise by nearly 79% by 2032. Without investment to reduce energy consumption, the running costs of our street lighting equipment would have a serious impact on the Council's revenue budgets.

The report looked at the feasibility of converting 14,289 residential lanterns to more efficient LED units. This represented 49% of the total street lighting stock. Conversion to LED lanterns resulted in...

- An 80% reduction in energy consumption for the selected assets, from 3,614,465 kWh to 737,550 kWh.
- A reduction of 63.6% in carbon emissions from the selected assets, down from 1,657 tonnes to 603 tonnes. Additional carbon savings could be made via the introduction of variable lighting (dimming), down a further 265 tonnes to 338 tonnes which was a total of reduction of 79.6%.
- An annual reduction in energy costs of £307k per annum.
- The scheme achieves full payback in 10 years.

The report sought approval to invest £2.8 million to supply and fit the new LED lanterns. The £2.8 million was to be made up from a £1.5 million interest free loan from Salix Finance, with the remaining £1.3 million to be Council match funding, financed by borrowing.

As well as the approval to invest in new LED lighting the report sought permission to bid to Salix Finance for a £1.5 million interest free loan to part fund the project. Salix Finance was a not-for-profit company funded by the Department of Energy and Climate Change (DECC) to remove the barrier of significant upfront capital cost to investing in energy efficient technologies.

A full business case prepared, in conjunction with our Street Lighting provider, Balfour Beatty, was included as appendix 2 to the report.

The Corporate Scrutiny and Governance Board supported the recommendations outlined in the report.

## **Options Considered**

1. A full range of alternative options were considered in detail in the business case (appendix 2 of the report). A summary was included in table 1 of the report.
2. The preferred option of converting existing lanterns to LEDs provided the best value overall when considering delivery of service to residents and road users and future investment in the network. LED replacement would increase reliability, reduce the number of lamp failures and did not require any lights to be switched off.

## **Decision**

1. To note the information contained in the business case, recognising the potential to reduce energy consumption and to support the conversion of over 14,000 lanterns to LED technology.
2. To approve the submission of a bid to Salix Finance for a £1.5 million interest free loan to part fund the scheme.
3. To approve £1.3 million of borrowing to match fund the remaining project cost.
4. To approve the addition of the full £2,838,670 budget for the LED replacement project to the capital programme.

## **Reasons**

1. To reduce the revenue burden from increasing energy costs.
2. To reduce the carbon footprint of our street lighting inventory.

## **118/15 Adoption of Sustainable Drainage Systems**

The Council Cabinet considered a report on the Adoption of Sustainable Drainage Systems. To comply with the National Planning Policy Framework and the associated Planning Practice Guidance, the Planning Authority required developers to give priority to Sustainable Drainage Systems (SuDS) in flood risk areas and on major development sites.

The report sought approval in principle for the Council to adopt SuDS both within the City and for SuDS outside of the City that may impact on drainage and flooding in the City. This was subject to securing sufficient funding for future maintenance of the SuDS from the owner or developer concerned.

The reason for this approach was to give the Council greater control and security over the maintenance of these assets thereby reducing the risk of flooding within the City.

The report provided details of a current SuDS proposal at the Hackwood Farm

development in Mickleover which the Council was proposing to adopt.

The Corporate Scrutiny and Governance Board supported the adoption of SuDS and the recommendations outlined in the report. However the Board recommended that the Council ensures that any SuDS were appropriately funded, that technical expertise was available and the legal issues around maintenance and liability were fully considered prior to implementation of any schemes.

### **Options Considered**

#### **1. Adoption by private maintenance companies.**

This option although it had been employed on some developments in Derby, was not considered the best option. The main issue was that the maintenance was dependent on a maintenance company which could go out of business or may not fully carry out its responsibilities. These systems were often designed to offer benefits to properties downstream. Lack of maintenance of the systems could reduce the amount of attenuation the systems were designed to accept, although having little impact locally it could cause an increase in flooding downstream. Under the Floods and Water Management Act the City Council was responsible for managing surface water flood risk within its area. This effectively placed a burden on the Council to inspect the systems to ensure maintenance was taking place. Members of the public were also likely to contact the council if maintenance was not being carried out but we would have limited powers to undertake enforcement. The administration of managing these private drainage systems would therefore place a financial burden on the council.

The highway authority would not allow direct connection of their drainage assets to a privately managed SuDS system.

#### **2. Adoption by Water Companies.**

This was viewed as another viable alternative and may be the best option for the future. Water Companies had expressed an interest in adopting the systems; however there were strict legal definitions of what the companies were allowed to adopt which currently makes adoption difficult. It was believed that these issues were being addressed by the industry, however until these issues were resolved Severn Trent Water would not adopt SuDS features. It was believed that it may be some time before water companies were in a position to adopt. Therefore this option was ruled out.

### **Decision**

To approve in principle:

1. The adoption by the Council of Sustainable Drainage Systems (SuDS), including SuDS situated outside of the City boundary where those assets may have an impact on the drainage and flooding within the City.

2. Where appropriate, the use of powers under Section 106 of the Town and Country Planning Act to secure commuted sum payments to finance the future maintenance of the SuDS system.
3. Where appropriate, the use of powers under Sections 38 and 278 of the Highways Act 1980 to secure commuted sum payments to finance the future maintenance of SuDS systems that relate to highway drainage.
4. To delegate the decision and functions in 1, 2 and 3 to the Head of Service for Highways, Engineering, Grounds Maintenance and Street Cleansing.
5. To approve in principle the adoption of the SuDS System at Hackwood Farm, Mickleover subject to the Head of Service for Highways, Engineering, Grounds Maintenance and Street Cleansing being satisfied that the SuDS were suitable and acceptable for adoption and that the commuted sum payment secured for its maintenance was adequate.
6. To accept the recommendation of the Corporate Scrutiny and Governance Board that the Council ensures that any SuDS were appropriately funded, that technical expertise was available and the legal issues around maintenance and liability were fully considered prior to implementation of any schemes.

## **Reasons**

1. The “Sustainable drainage systems – House of Commons Written Statement” (HCWS161 18 December 2014) sets out the Government’s intentions on the provision of SuDS on new developments and directs local planning authorities to, “consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation were appropriate and ensure through the use of planning conditions or planning obligations that there were clear arrangements in place for on-going maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements were economically proportionate.”
2. Whilst developers could retain the future ownership and maintenance of SuDS themselves or arrange for others such as a management company to take on that responsibility, there could be problems arising should those companies cease to exist. The adoption of SuDS by the Council subject to securing sufficient sums for future maintenance removes this risk.
3. The adoption of sustainable drainage systems by the council would therefore assist the planning authority in fulfilling its obligation to ensure that the sustainable drainage systems could be provided and adequately maintained for the lifetime of the development and help deliver the Core Principles CP2 and CP19 outlined in the Derby City Local Plan Core Strategy.
4. Under the Flood Risk Regulations the City Council became a Lead Local Flood Authority (LLFA). The Floods and Water Management Act 2010 placed duties on the LLFAs as follows:



- to prepare and maintain a strategy for local flood risk management in their areas, coordinating views and activity with other local bodies and communities through public consultation and scrutiny, and delivery planning,
- to maintain a register of assets – these were physical features that had a significant effect on flooding in their area,
- to investigate significant local flooding incidents and publish the results of such investigations.

The adoption of SuDS would help in fulfilling these duties. Failure of SuDS features through lack of maintenance would impose a burden on the Council in terms of the requirement to investigate any resultant flooding and also would compromise the duty to implement a flood risk management strategy. Adoption by the Council would enable this situation to be managed and financed, whereas adoption by private management companies could lead to a high administrative burden on the Council with no financial compensation.

## **119/15     Derbyshire Cycle Plan and Launch Event**

The Council Cabinet considered a report the Derbyshire Cycle Plan and Launch Event. The report was to inform Members of the outcome of the public consultation on the Derbyshire Cycling Plan and to seek endorsement of the final version of the Plan (see Appendix 2 of the report).

The Plan aimed to make Derby and Derbyshire the most 'connected' in the country by doubling the number of people regularly cycling by 2025. It set a joint authority strategic ambition for increasing levels of cycling over the next 10 years.

The Plan was in response to the call to action from government for local authorities to work in partnership to increase local level cycling and the PM's ambition to "kick-start a cycling revolution".

The Plan had been produced by a wide range of partners and provided strategic direction and a combined vision that would ensure we were best placed to take advantage of potential future funding opportunities.

The Corporate Scrutiny and Governance Board commend the development of the Derbyshire Cycle Plan and supported the recommendations set out in the report.

### **Options Considered**

None.

### **Decision**

1. To endorse the final version of the Plan and welcome it as a document developed in collaboration with a wide range of partners.



2. To note the results of the consultation.
3. To approve the next steps of the Plan's delivery as detailed under section 4.17 of the report.
4. To inform Members of the launch event at Derby Arena on 19 January 2016.

### **Reasons**

1. To ensure the council demonstrated its support for the development of the cycling agenda across the city and beyond.
2. To ensure that the council were best placed to unlock potential external funding opportunities for investment in cycling in the city and county.
3. To ensure the cycling agenda continued to provide benefits across a wide range of council objectives relating to health, active travel, accessibility and environmental sustainability.

## **120/15 Strategic Property Transactions**

The Council Cabinet considered a report Strategic Property Transactions. The Council's City Centre Master Plan 2030 had identified a number of sites, including the Becketwell Area and the Assembly Rooms site, as key locations to be regenerated to support the delivery of the objectives of the Master Plan.

The report set out the current situation with regard to the progress that had been made and sought approval to commission a feasibility study to set out in more detail the potential options for the redevelopment of these sites.

The Council had recently appointed Cushman and Wakefield as its Strategic Property Advisors. One of their key tasks would be to focus on supporting the Council in the redevelopment of the city centre. This would involve them making recommendations with regard to disposal and possible acquisition of sites to provide an exciting and vibrant city centre offer, especially in regard to leisure, culture and residential.

The report sought approval for a specific commission to undertake a number of separate but linked studies to provide a demand led assessment as to what types of performance venue would be both viable and feasible in Derby, and to carry out preliminary architectural design work for such an offer, to recommend the best location. This would focus on, but not be limited to, the Becketwell and Assembly Rooms sites.

The estimate cost of undertaking this work was £135,000. Approval was sought to use the revenue element of the Property Rationalisation reserve.

In the New Year, Cushman and Wakefield would also begin to review the options for the disposal of Middleton House and St Mary's Gate, one of the locations of the Council's old office accommodation. It was anticipated that this site would be put to the market in early March 2016.

The Corporate Scrutiny and Governance Board support the recommendations set out in the report and requested a report detailing the results of the consultant's studies be reported back to a future meeting of the Corporate Scrutiny and Governance Board.

### **Options Considered**

The Council could decide not pursue the aims of the City Centre Master Plan and simply put its current assets straight to the market. This would mean that the city centre may not be regenerated to provide the best overall city centre offer for Derby.

### **Decision**

1. To note the appointment of Cushman and Wakefield as the Council's Strategic Property Advisors.
2. To approve the commissioning of a demand led assessment into what types of performance venue would be appropriate for Derby in relation to viability and feasibility on the Becketwell area, the Assembly Rooms site or any other suitable site identified during the study.
3. To approve the use of £135,000 from the Property Rationalisation Reserve.
4. To note that progress on the disposal of Middleton House and St Marys Gate would begin in the New Year, with the aim of putting the property to the market in early March 2016.
5. To request that a report detailing the results of the consultant's studies be reported back to a future meeting of the Corporate Scrutiny and Governance Board.

### **Reasons**

To support the delivery of the objectives of the Council's City Centre Masterplan 2030.

## **Budget and Policy Framework**

### **121/15 Welfare Strategy for Derby City**

The Council Cabinet considered a report on the Welfare Strategy for Derby City. At its meeting on 7 October 2015 Council Cabinet agreed the principles of a Welfare Strategy for Derby to be implemented in April 2016. It was also agreed to bring a detailed Welfare Strategy to a future meeting.

The principles of the Welfare Strategy agreed included:

- A single Discretionary Policy covering the Discretionary Housing Payment (DHP), Local Assistance Scheme (LAS) and the Council Tax Hardship scheme (CTH) with a single needs assessment
- An individual programme of support to help people move closer to and ultimately into work where possible
- Work with partner organisations across the city to design and implement the Strategy
- Make best use of discretionary funds to reduce the welfare burden on the Council
- Develop a programme of financial and digital inclusion to help prepare residents for Universal Credit

Derby City Council had also taken part in a successful Government-funded Welfare Reform trial – Universal Support Delivered Locally (USDL). The Centre for Economic and Social Inclusion were conducting an evaluation of our 12 month USDL pilot on behalf of the DWP and early feedback was highlighting the value of:

- a co-ordinated partnership approach across organisations that could provide budgeting and housing advice, training and employment support and digital skills
- partners sharing a single case management system
- co-locating partner organisations at the Council House

With three separate discretionary assessments and awards we had an environment of multiple single interventions that was not always effective at helping move people out of their current crisis.

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

## **Decision**

1. To note the Welfare Strategy for Derby in Appendix 2 of the report, with a potential implementation date of June 2016.
2. To seek approval for a revised DHP policy for the period 1 April 2016 to 30 June 2016 at a future meeting of Council Cabinet.
3. To approve the concept of a single needs assessment process for all customers who would have previously presented for assistance from DHP, CTH or LAS.

4. To approve consultation with the residents of Derby on a single discretionary welfare policy.

## **Contract and Financial Procedure Matters**

### **122/15 Contract and Financial Procedure Matters Report**

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- Changes to the current 2015/16 programme
- Local Growth Fund (LGF) rounds 1 and 3 grant funding bids
- Approval to update approved Council policies in line with the organisational restructure and subsequent post changes.
- Award of contract

The Corporate Scrutiny and Governance Board supported the recommendations set out in the report.

#### **Decision**

1. To approve changes and additions to the capital programme in paragraphs 4 – 4.5 and Appendix 2 and 3 of the report.
2. To approve the acceptance of the LGF1 bids and note the financial implications detailed in paragraph 5 – 5.9 of the report.
3. To approve the submission of a bid for LGF3 as detailed in paragraphs 6 – 6.5 of the report.
4. To delegate authority to the Director of Governance to approve, where necessary, updates to the Council's current approved policies in respect of changes to directorates and post titles as a result of the organisational restructure as detailed in section 7 of the report.
5. To approve the award of contract for the supply of end user computing devices as detailed in section 8 of the report.

MINUTES END