

Time began: 4.00pm
Time ended: 5.12pm

COUNCIL CABINET

9 December 2020

Present	Councillor Poulter (Chair) Councillors Barker, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors AW Graves, Ingall, Lind, Repton, Shanker and Skelton Paul Simpson – Chief Executive Rachel North – Strategic Director 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 Priya Gill – Deputy Youth Mayor Kara Macfadyen - Senior Communications Officer

This record of decisions was published on 11 December 2020. 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.

74/20 Apologies

Apologies for absence were received from Councillor M Holmes and Connie Spencer – Youth Mayor

75/20 Late Items

There were no late items.

76/20 Receipt of Petitions

There were no petitions

77/20 Identification of Urgent Items to which Call In will not apply

There were no items

78/20 Declarations of Interest

There were no declarations of interest.

79/20 Minutes of the Meeting Held on 11 November 2020

The minutes of the meeting held on 11 November 2020 were agreed as a correct record.

Matters Referred

80/20 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.

81/20 Recommendation from the Children and Young People Board – Education Inclusion (SEND) Report

The Council Cabinet considered a minute extract from the Children and Young People Board on Education Inclusion (SEND) report. The Board had asked Council Cabinet:

- That a consultation be undertaken with Parent Carers across the City regarding Absence, SEND, Elective Home Education, Attendance and Mental Health and Wellbeing to ensure that needs are better met.

The Executive Scrutiny Board noted the recommendation.

Decision

To agree to undertake targeted and meaningful consultation as appropriate to ensure the best outcomes for children.

Key Decisions

82/20 Adult Social Care Charging Policy

The Council Cabinet considered a report which stated that Adult Social Care was governed by the Care Act 2014 and the supporting statutory guidance. This legal

framework allowed some discretion for the Council in the way that it charges for services. The Adult Social Care Charging Policy lays out how that discretion would be exercised.

It was normal practice to review the Adult Social Care Charging Policy every two years. This year, a public consultation on proposed changes to the Adult Social Care Charging Policy was conducted as part of the regular review. The consultation process included an Equality Impact Assessment.

A new Adult Social Care Charging Policy had been drawn up incorporating the proposed changes and taking into account the feedback from the consultation and the Equality Impact Assessment. The report sought approval for its adoption and implementation.

The Executive Scrutiny Board noted the report.

Options Considered

The option of doing nothing, and not reviewing and/or updating the Adult Social Care Charging Policy was discounted as the Council would be failing in its duty to maintain the policy.

Decision

1. To note the content of the Equality Impact Assessment and the positive outcome of the public consultation carried out on the proposed changes to the Adult Social Care Charging Policy.
2. To adopt the revised Adult Social Care Charging Policy and to agree that this would be implemented from 1 January 2021.

Reasons

1. It was normal practice to review and update the Adult Social Care Charging Policy every two years. A public consultation and EIA were conducted this year because it was five years since a similar exercise had been undertaken.
2. The revised Policy would provide an improved framework for charging customers appropriately and equitably for the services that they received.

83/20 Derby Adult Learning Strategic Plan

The Council Cabinet considered a report which set out the Derby Adult Learning Service (DALs) Strategic Plan. The DALs Strategic Plan focused on a more integrated and partnership-based approach to delivering employment, skills and adult learning opportunities that had the most social impact and value for the citizens of Derby.

DALS was a main training provider, majority funded by the Education and Skills Funding Agency (ESFA). DALS learning delivery was regulated by OFSTED; and

therefore, DALS strategic planning was required to have governance from the most senior levels of Derby City Council (DCC).

The proposed Strategic plan for Derby Adult Learning prioritised a learning offer that focussed on health, wellness, skills and employment. The proposed DALS Strategic Plan also described our intention to integrate and collaborate across DCC Services to maximise our contribution to the DCC recovery plan. Practical examples of this were included in the Strategic Plan.

The Executive Scrutiny Board noted the report.

Options Considered

Continue as we are – good quality training that does not optimise social impact.

Decision

To approve the Derby Adult Learning Service Strategic Plan.

Reasons

1. Derby Adult Learning Service was funded for adult education through the Education and Skills Funding Agency (ESFA) Adult Education Budget (AEB). The main purpose of this funding was to provide access to learning that would have the most social value and impact, by developing the skills, confidence, motivation and resilience of adults of different ages and backgrounds in order to:
 - progress towards formal learning or employment and/or
 - improve their health and well-being, including mental health and/or
 - develop stronger communities.
2. The OFSTED Further Education Inspection Framework required that DCC leaders and managers had a clear and ambitious vision for provision for providing high-quality inclusive education and training. Those with responsibility for governance must ensure that Derby Adult Learning Service fulfils its statutory duties.
3. The proposed Derby Adult Learning Service Strategic plan had stronger links to the DCC Covid-19 recovery plan and was a catalyst for collaborative working with business and community.
4. As a result of the Covid-19 pandemic our Derby citizens were facing unprecedented challenges; including a high level of unemployment and increased isolation. In order to have the most social impact, DALS Strategic Plan was designed to engage with and support Derby citizens at a time of significant challenge, to provide learning that promoted positive health and wellbeing; employability and an opportunity to learn new skills and develop stronger communities.

84/20 Approval of Council Tax Support Scheme

The Council Cabinet considered a report which stated that 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 2021 for approval. An assessment of the Scheme operable in 2020/21 had been undertaken and it was recommended that no changes were made to the CTS Scheme for 2021/22.

The Executive Scrutiny Board noted the report.

Options Considered

Amend the Scheme. This required a public consultation. This was not assessed as being required for 2021/22.

Decision

To approve the Council's CTS Scheme operable from 1 April 2021. 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.

85/20 Approval of Single Discretionary Award Scheme

The Council Cabinet considered a report which set out the Single Discretionary Award (SDA) Policy operable from 1 January 2021 for approval.

The Executive Scrutiny Board recommend to Council Cabinet that it not approve the Single Discretionary Award Policy until the internal administrative change related to Brexit has been clarified.

Options Considered

There was an option to do nothing. This had been discounted, as to do so would mean that the Policy would continue to remain out of date during 2020/21.

Decision

1. To approve the Council's SDA Policy from 1 January 2021; this was shown at Appendix 1 of the report.
2. With reference to the Government's Covid-19 Council Tax Hardship (CTH) Fund, to delegate authority to the Section 151 Officer, following consultation with the Cabinet Member for Finance and Procurement, to be able to approve any changes to how this funding is used.
3. To reject the recommendation from Executive Scrutiny Board because there were no changes required at this time.

Reasons

1. To refresh the Council's SDA Policy to ensure it was up to date, incorporating the Government's latest guidance on Council Tax Hardship (CTH) during 2020/21, plus other necessary updates that had been identified since the Policy was first introduced in August 2016.
2. To ensure that decisions were made swiftly so that financial assistance could be targeted as efficiently as possible, in line with emerging residents' needs and Government expectations.

86/20 Changes to Derby's Household Waste and Recycling Centre at Raynesway

The Council Cabinet considered a report which stated that Raynesway Household Waste Recycling Centre (HWRC) was a facility provided for residents to deposit their own household waste as required by section 51(1)(b) of the Environmental Protection Act 1990.

The site was operated by HW Martin on behalf of Renewi and the City Council. HW Martin was incentivised to maximise recycling and to recover as much value from the waste as possible. For the financial year 2019/20 the site had a throughput of 19,420 tonnes.

The site was located on Raynesway in Derby, was accessed via an industrial estate and was next to the waste transfer station which was used by the council's refuse vehicles for the bulk and transfer of residual waste (black bins). One challenge over the years had been the impact of queuing and maintaining traffic flow at peak times such as during the spring and at Bank Holiday periods.

The proposals in the report sought to improve access to the site for legitimate users, by actively managing access and preventing misuse or excessive use of the site, and to prevent queuing as much as possible whilst still allowing access for local residents.

The information from the MiPermit booking system, would enable the continued monitoring of site usage and availability to maximise available booking slots for local residents by mitigating the misuse of the site and reducing 'no-shows'.

The Executive Scrutiny Board resolved:

1. to recommend to Council Cabinet to include an appeal process for the 12 visit limit;
2. to recommend to Council Cabinet to include cargo cycles and cycles with trailers to be able to bring materials to the site;
3. to recommend to Council Cabinet that before this new system goes live the option be considered for residents to pay a nominal fee beyond 12 visits. Thus, giving scope for increased visits, but incentivising residents attempts to stay to 12 visits;
4. to recommend to Council Cabinet that it explores the creation of extended specialist recycling facilities in other parts of the city; and
5. to recommend to Council Cabinet that the redevelopment of the site is looked at before implementation.

Options Considered

1. As some other local authorities were doing, it would be possible to charge customers for depositing certain non-household wastes for example concrete, rubble and plasterboard. However, this was not a popular option (it was introduced and quickly withdrawn in Derbyshire) and would take some administering in terms of managing and taking payment.
2. In the past, the Council had used a permit system for vans and trailers only in an attempt to discourage traders. The MiPermit data showed that suspected traders were visiting the HWRC in regular vehicles (small hatchbacks, family cars, 4x4s) and therefore had not necessarily maximised the impact required.

Decision

1. To approve the continued use of the MiPermit booking system at the HWRC.
2. To agree that measures be put in place to restrict access to the Raynesway HWRC to residents of Derby and Derbyshire only.
3. To agree that the maximum number of visits to the Raynesway HWRC per household per year be limited to twelve.
4. To agree that access to the HWRC for those who misuse the facility or fail to adhere to site policy would be refused.

5. To accept recommendations 1 and 2 from Executive Scrutiny Board.
 - to include an appeal process for the 12 visit limit.
 - to include cargo cycles and cycles with trailers to be able to bring materials to the site, subject to a site risk assessment and monitoring of uptake being undertaken.
6. To reject recommendations 3, and 5 from the Executive Scrutiny Board because they were covered by recommendation 1.
7. To reject recommendation 4 from the Executive Scrutiny Board because this had been tried unsuccessfully many times before.

Reasons

1. Based on current and historic management information, restricting access to the HWRC to twelve visits per household per year provided more than sufficient access for most households. Since the site reopened following the initial national lockdown in March, data showed that most people who had visited the HWRC had done so only once in the three-and-a-half-month period from June to September. By limiting visits, customers would only book when they intended to visit and this would help spread visits across the year, allowing fair access for all.
2. The HWRC was for the disposal of household waste; it was therefore important that steps were taken to prevent the unauthorised disposal of business/commercial waste at the HWRC, which was contravention of the site's licence. Restricting visits to twelve times per year made the HWRC a less viable option for those disposing of business/commercial waste, as most traders would have too much, too often. Reducing these unauthorised business/commercial waste tonnages would in turn reduce the cost of disposal of this waste to the Council.
3. Discouraging businesses and traders from using the HWRC would free up site capacity and booking slots for household recycling and disposal use and would improve customer satisfaction with the HWRC service.
4. Additionally, discouraging businesses and traders would support the site operator in complying with the terms of the site licence, which only permitted the site to accept waste which residents bring from their own household.
5. Excluding residents from other local authority areas (apart from Derby City and Derbyshire County) would ensure the Council was not picking up the costs associated with the disposal of waste created in other areas. This would also increase the number of booking slots available for use by local (Derby and Derbyshire) households.
6. Use of the MiPermit booking system would enable the Council to continue to manage long-term issues such as queues and local gridlock at peak times

and allowed continued COVID secure operations and social distancing by users.

Contract and Financial Procedure Matters

87/20 Contract and Financial Procedure Matters

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.

- Write off irrecoverable debts relating to Dunn Motor Traction Ltd, formerly trading as 'Yourbus'.
- Acceptance of Funding – Section 106 Contribution from South Derbyshire District Council for the construction of a footpath around the perimeter of Sinfin Moor Park.
- Addition to the capital programme - Construction of a footpath around the perimeter of Sinfin Moor Park.
- Approval to award grants to external organisations and schools to deliver the Council's plan to deliver the COVID Winter Grant Scheme.

The Executive Scrutiny Board recommended to Council Cabinet

1. that it implements in full the Council's agreed decision to provide free meals throughout the whole of 2021; and
2. that the new path around Sinfin Moor Park should be a minimum of 3m wide, and if funding allows, some seats are provided around the route.

Decision

To approve:

1. The write-off of irrecoverable debts totalling £0.063m owed by Dunn Motor Traction Ltd (formerly 'Yourbus') outlined in section 4.1 of the report.
2. The acceptance of funding of £0.346m from South Derbyshire District Council for the Sinfin Moor Park project outlined in section 4.2 of the report.
3. The addition of the Sinfin Moor Park project and associated funding to the 2020/21 - 2022/23 capital programme outlined in section 4.2 of the report.
4. To award grants as part of the plans for the COVID Winter Grant Scheme outlined in section 4.3 and Appendix 2 of the report:

- A grant to Community Action Derby (CAD) to deliver food parcels to vulnerable households and individuals via the Food 4 Thought Alliance of £0.225m.
 - A grant to CAD to recruit temporary staff to help implement the Food 4 Thought Alliance to deliver additional food parcels of £0.010m.
5. To delegate the distribution of the Free School Meals element of the Grant of £0.485m, to the Strategic Director of People Services as outlined in section 4.3 of the report.
 6. To delegate award a grant of £0.225m to Community Action Derby to the Strategic Director of Communities and Place.
 7. To reject the recommendation 1 from Executive Scrutiny Board because this would form a report to Council Cabinet at a later date
 8. To accept recommendation 2 from Executive Scrutiny Board that the new path around Sinfin Moor Park should be a minimum of 3m wide, and if funding allows, some seats are provided around the route, if this could be included within the cost and design of the scheme.

MINUTES END