

Time began: 4.00pm
Time ended: 5.20pm

COUNCIL CABINET
4 August 2021

Present Councillor Poulter (Chair)
 Councillors Barker, M Holmes, McCristal, Pearce, Roulstone,
 Smale, Webb and Williams

In attendance Councillors AW Graves, Repton, Shanker, Skelton and Cooper
 Paul Simpson – Chief Executive
 Rachel North – Strategic Director of Communities and Place
 Simon Riley – Strategic Director of Corporate Resources
 Emily Feenan – Director of Legal, Procurement and
 Democratic Services

This record of decisions was published on 6 August 2021. 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.

37/21 Apologies

There were no apologies for absence.

38/21 Late Items

There were no late items.

39/21 Receipt of Petitions

There were no petitions

**43/21 Identification of Urgent Items to which Call In will not
 apply**

There were no items.

41/21 Declarations of Interest

There were no declarations of interest.

43/21 Minutes of the meeting held on 14 July 2021

The minutes of the meeting held on 14 July 2021 were agreed as a correct record.

It was announced that the former Youth Mayor of Derby Abdul Siddiqi had been named as the Children's Champion at the National Children and Young People's Awards 2021 for his role in supporting and championing young vulnerable people in the City. The Cabinet congratulated him on this achievement, he had been a fantastic voice for children and young people in Derby. They also took the opportunity to congratulate the current Youth Mayor and Deputy for all their work last year and wished them the best for the coming year.

Matters Referred

44/21 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.

45/21 Minute Extract from Council – Motion: Allestree Golf Course and Hall

The Council Cabinet considered a minute extract from Council following a resolution relating to Allestree Golf Course and Hall, requesting that Cabinet and Council officers do not give a further time extension to the identified preferred bidder in order to finalise the deal.

The Council resolution also requested that Cabinet and Council officers ask Marketing Derby to identify suitable organisations who were interested in operating the Hall and Golf Course in an integrated manner or the golf course as a separate entity.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that it commits to the will of Council in relation to this resolution.

Decision

Council Cabinet resolved to not accept the recommendation contained within the resolution, having given due consideration to the will of Council and considered the evidence presented in support of the proposal.

Reason

Cabinet considered the evidence presented in the resolution in support of the proposal, contributions from councillors in attendance and technical information from council officers in respect of the following:

- The advertisement and publicity undertaken as part of the original expression of interest
- The Heritage Statement relating to Allestree Hall and the historical significance of the original golf course design.
- The credibility of subsequent expressions of interest and the timescales for competition of the original agreement reached in September 2019.

Council Cabinet noted that the proposed disposal of land had been properly advertised and processed in line with Council's normal procedures. It was not an award of contract, so procurement regulations did not apply to the disposal. There had been several expressions of interest, but they had failed to meet the specified criteria.

It was reported that the process had been carried out by a reputable company in the field, but interest was limited to the Hall. Subsequently, further bids were requested for the Golf Course, Expressions of Interest were received but none were found to be viable, based on the advice and support of council officers. Interested parties found that the proposal for a Golf Academy was unviable as there was no clubhouse, no parking and lack of space for a range. English Heritage had been approached by a campaign group, but they declined to designate the golf course as an area of special interest. Council Cabinet had resolved in September 2019 that if no viable proposal was received, then the golf course would be decommissioned and absorbed into the existing parkland; this took place early in 2021.

It was further noted that Allestree Hall was a Grade II listed building, to which relevant planning legislation applied. A bidder was currently negotiating with the Council to lease the Hall for a period of 250 years to establish a hospitality business. Council Cabinet agreed that it would be inappropriate to withdraw from negotiations with the preferred bidder as there would be a risk of challenge by that bidder that the Council was acting unreasonably, given the decision made by Council Cabinet in September 2019.

It was reported that of the expressions of interest received all but one had been reached by the Council's original publicity. Council Cabinet concluded that it would be inappropriate at this time to stop the process based on recently received emails expressing a general interest; the only reason to stop the current process would be if there was a legitimate claim with enough investment available. The current process has been followed for over eighteen months and during that time a potential purchaser has not appeared.

On the balance of the evidence considered, Council Cabinet agreed there were not sufficient grounds to overturn its decision of September 2019.

46/21 Minute Extract from the Communities Scrutiny Board

The Council Cabinet considered a minute extract from the Communities Scrutiny Board recommending that Cabinet consider increasing the opening hours of the Raynesway HWRC site and removing the booking system.

The Executive Scrutiny Board resolved to note the minute extract and asked for a further update report regarding the opening hours and the booking system to be taken to the Communities Scrutiny Board.

Decision

Cabinet agreed that an update report on regarding the opening hours and the booking system be taken to the Communities Scrutiny Board

Key Decisions

47/21 Delegation of Authority to Approve Affordable Housing Schemes

The Council Cabinet considered a report which sought approval to delegate authority to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and S151 Officer and Cabinet Member for Adults, Health and Housing to approve expenditure up to a total cost of £2.5m for each new affordable acquisition or development, providing that they could be contained within the current approved 3 year Housing Revenue Account (HRA) capital programme and met all necessary financial parameters.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that it consider requesting the report on the uplift in delegation level to come to Council Cabinet two months before the approval for higher spending limit ends to enable the higher level of delegation to continue uninterrupted, if that is what Cabinet decides, and that during the trial period the Executive Scrutiny Board would expect quarterly reports to come to Council Cabinet.

Options Considered

The Council could continue to work under existing approval limits. However, this would not maximise the opportunity to deliver much needed affordable housing within the city at pace.

Decision

1. To delegate authority to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and S151 Officer and Cabinet Member for Adults, Health and Housing for a period of 12 months to

- a) approve expenditure on each affordable housing acquisition or developments up to a total cost of £2.5m providing that they could be contained within the existing approved capital programme and meet all necessary financial parameters and procurement regulations where applicable.
 - b) approve the changes to the HRA capital programme as required for the addition of these schemes.
 - c) enter into all necessary agreements required to deliver the affordable housing acquisitions or developments.
 - d) review the delegated authority after 10 months.
2. To agree to the developments and acquisitions the subject of these delegations being incorporated within the Councils housing stock to be managed by Derby Homes.
 3. To accept the recommendations from the Executive Scrutiny Board. It was noted that quarterly financial reports would take place in Financial Matters.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that it consider requesting the report on the uplift in delegation level to come to Council Cabinet two months before the approval for higher spending limit ends to enable the higher level of delegation to continue uninterrupted, if that is what Cabinet decides, and that during the trial period the Executive Scrutiny Board would expect quarterly reports to come to Council Cabinet.

Reasons

1. Delegation would offer more dynamic opportunities for the Council to secure affordable housing developments and acquisitions that currently may be missed due to the length of time it takes to secure a Council Cabinet decision.
2. Delegated approval would only be sought after the scheme had been presented to the HRA Capital Board and on the recommendation of the HRA Capital Board, who would ensure that the scheme meets the necessary financial assessment and parameters.
3. The housing market was currently extremely competitive where purchase decisions needed to be proposed and agreed within a short timescale and this trial period for 12 months would better enable the Council to respond to the current market conditions.

48/21 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 2021-22. This statutory plan sets out the Councils regulatory function in these service areas.

The Council was required to 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 resolved to note 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 2021/22.
2. To continue to support Food and Safety Team and Trading Standards Teams in their regulatory recovery activity in response to 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 allow 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 surrounding Covid but to keep Members 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 enforces food and feed legislation. The FSA required 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, Food and Safety Team and Trading Standards service face increasing demands, exacerbated by the Covid-19 pandemic, which would continue to be a significant challenge.

2. Health and Safety

The plan meets 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 deliver 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.

Contract and Financial Procedure Matters

49/21 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.

- D2N2 Growth and Innovation Programme 3 (GIP3) - approval of the Council's capital match funding contribution
- D2N2 Growth and Innovation Programme 3 (GIP3) – approve delegated authority to the Strategic Director for Communities and Place following consultation with Strategic Director of Corporate Resources and Leader of the Council, to accept and enter into a variation to the Deed of Grant between East Midlands Business Limited and Derby City Council and approval of the subsequent addition of GIP3 to the capital programme
- Local Authority Delivery phase 3 (LAD 3) - Bid for and acceptance of the new funding announced by the Government in June 2021
- Public Health – approve delegated authority to award contracts for Local Enhanced Services and associated software
- Public Health – approve delegated authority to award a contract for point of care testing (within the drug treatment system)
- Public Health – approve delegated authority to award grants from Section 31 funding awarded to Public Health and COVID Contain Outbreak Management Fund during the financial year 2021/2022

The Executive Scrutiny Board resolved to note the report.

Decision

1. To approve the Council's capital match funding contribution of £0.265m from the Derby Enterprise Growth Fund (DEGF) capital reserve to the D2N2 Growth and Innovation Programme 3 (GIP3) as outlined in section 4.1 of the report.
2. To delegate authority to the Strategic Director for Communities and Place following consultation with Strategic Director of Corporate Resources and Leader of the Council, to accept and enter into a variation to the Deed of Grant between East Midlands Business Limited and Derby City Council in regard to the D2N2 Growth and Innovation Programme for GIP3 as outlined in section 4.1 of the report.
3. To approve the addition of £0.402m to the capital programme for GIP3 on award of grant and deed of variation as outlined in section 4.1 of the report.
4. To approve submission of the bid for LAD 3 funding to the East Midlands Energy Hub (MEH) and/or the Business, Energy and Industrial Strategy for capital funding of up to £2.5m for the 2022/23 financial year as outlined in section 4.10 of the report.
5. If the bid is successful, to delegate approval to the Strategic Director of Communities and Place and the Strategic Director of Corporate Resources in consultation with the Cabinet Member for Adults, Health & Housing to accept any resultant LAD grant award and for it to be added to the capital programme and to enter into any Grant Agreement/Grant Determination Notice/MOU with MEH and or The Department of Business, Energy and Industrial Strategy (BEIS) for LAD Funding, to enter into any collaboration agreement or other similar agreement with Derby Homes for the funding and to enter into any third party agreement necessary to carry out the proposed project as outlined in section 4.10 of the report.
6. To delegate authority to the Director of Public Health to award contracts up to seven years during the financial year 2021/2022 (annual break clauses are to be included within all contracts) as outlined in section 4.21 of the report.
7. To delegate authority to the Director of Public Health to award grants from Section 31 funding awarded to Public Health and COVID Contain Outbreak Management Fund during the financial year 2021/2022 as outlined in section 4.21 of the report.

MINUTES END