

Time began: 3.00pm
Time ended: 4.45pm

COUNCIL CABINET 8 December 2021

Present	Councillor Poulter (Chair) Councillors Barker, Eyre, Hassall, McCristal, Pearce, Smale, Webb and Williams
In attendance	Councillors Cooper, Prosser, Repton, Shanker and Skelton 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 Claire Davenport – Director of Leisure Services Wayne Sills – Area leisure Centre Manager Priya Gill – Deputy Youth Mayor

This record of decisions was published on 10 December 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.

106/21 Apologies

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

107/21 Late Items

The Chair agreed to consider an addendum to item 14 – Compliance with Contract and Financial Procedure Rules.

108/21 Receipt of Petitions

It was noted that Democratic Services have recently received a petition in relation to Item 11 – Future of Queen's Leisure Centre, which has been processed under the Council's Petitions Scheme. The lead petitioner has received a letter of acknowledgement confirming that 1836 valid signatures have been received and that the matter has now been referred to the Council Cabinet. The Leader confirmed that the Council Cabinet have considered the representations contained in the Petition and will take them into account when making any decisions this evening.

109/21 Identification of Urgent Items to which Call In will not apply

There were none.

110/21 Declarations of Interest

There were no declarations.

111/21 Minutes of the meeting held on 10 November 2021

The minutes of the meeting held on 10 November 2021 were agreed as a correct record.

Matters Referred

112/21 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.

Key Decisions

113/21 Approval of the Council Tax Support Scheme (CTS) for 2022/23

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 2022 for approval. An assessment of the Scheme operable in 2021/22 had been

undertaken and it was recommended that no changes be made to the CTS Scheme for 2022/23.

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 2022/2023.

Decision

To approve the Council's CTS Scheme operable from 1 April 2022. The Scheme was set out in Appendix 1 to 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.

114/21 Preparing a New Local Plan for Derby

The Council Cabinet considered a report which stated that the Derby City Local Plan Part 1 (DCLP1) was adopted in January 2017. It set out strategic planning policies, including a housing target and a strategy for meeting this and other development needs. The DCLP1 together with the saved policies of the City of Derby Local Plan Review (CDLPR) formed the adopted development plan for Derby. The report sought approval to begin work on a new Local Plan.

There had been several important developments that underpinned this proposal:

- a. changes to standard methodology for calculating housing requirements
- b. need to align with our Derby Housing Market Area (HMA) partners, particularly given the requirement to achieve target numbers from (a)
- c. regulatory requirement to review Local Plans every 5 years
- d. intended changes to the national planning system.

Achieving the levels of growth required, due to changes in (a) above, would have significant impacts across the city. Taken with the other points above there was compelling justification to begin the process of preparing a new Local Plan. An indicative timetable was included in the report along with a proposal to establish a cross-party advisory group to oversee and steer the preparation.

The Executive Scrutiny Board noted the report.

Options Considered

Wait for further details from the anticipated Planning Bill. As set out at paragraph 4.3.4 of the report we needed to work with our HMA partners and neighbouring authorities to address how we meet our housing requirements. Not commencing a

new Local Plan and waiting for further details from the Planning Bill risked being left behind in the process and failing to find a solution for dealing with any of the City's increased housing requirement that could not be met within our administrative boundaries.

Decision

1. To authorise the Chief Planning Officer to begin work on a new Local Plan for Derby, having considered the preparation of a Joint plan with Housing Market Area partners as set out in paragraph 4.5.3 of the report, and for this to review DCLP1 and CDLPR policies, integrating and up-dating draft DCLP2 policies into it as appropriate.
2. To agree and authorise the Chief Planning Officer to publish the schedule at Appendix 1 of the report reviewing existing adopted Local Plan policies.
3. To recommend to Executive Scrutiny Board that they establish a cross-party Local Plan Member Working Group, to advise and steer the preparation of the new Local Plan.
4. To approve the use of £158,000 of the local plan reserve over the next 3 years to support the development of the plan.
5. To delegate authority to the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning, to agree a Local Plan Timetable and revisions to the Local Development Scheme, in line with the indicative milestones in paragraph 4.12 of the report.

Reasons

1. To comply with our statutory duty to prepare and maintain a Local Plan as required by the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF) and to consider preparing a Joint Plan with partners as required by Section 33A of the same Act.
2. In accordance with the requirements of s10A of the Town and Country Planning (Local Planning) (England) Regulations 2017.
3. To provide early and ongoing cross-party input into Local Plan preparation and other planning policy documents.
4. To ensure the sustainable funding of Local Plan preparation.
5. To ensure that the Council could update and publish a revised Local Development scheme in line with s15 of the Planning and Compulsory Purchase Act 2004 (as amended).

115/21 Vision and Strategy for Derby's Built Indoor Leisure Facility Provision

The Council Cabinet considered a report which sought approval of the vision and strategy for Derby's built indoor leisure facilities. The built Indoor Leisure Facilities Strategy (LFS) formed part of the Council's evidence base for physical activity and sport within the city.

The refreshed LFS, provided an opportunity to think differently about future indoor built provision and roles in which the Council, in partnership with others, should take to maximise the opportunities across the city to provide an active city for all, improving health and quality of life.

The LFS also framed the priorities for future investment and the continued development of built leisure facilities across Derby. The evidence base created would be utilised when considering planning applications in consultation with Sport England as a statutory consultee, who in turn would consult with National Governing Bodies of Sport (NGB's) as appropriate.

Whilst the analysis within the LFS would assist in determining the priorities for investment, any developments would still be subject to sources of funding being made available. Any development or disposal would also be subject to a clear business case, impact assessment and where appropriate a funding application.

An initial strategy document was completed in 2018 and in 2021 the Council refreshed the strategy providing a further informed position of facility supply and demand in key areas of swimming pools and sports hall provision. The opening of Moorways Sports Village (MSV) in 2022, would further assist the identification of key issues and gaps in provision. This would support the Council in a strategic and reasoned approach to be taken when considering future provision.

The Executive Scrutiny Board noted the report.

Options Considered

1. Not adopting the LFS. This would impact on the Council's ability to successfully apply for external funding from Sport England, NGB's and developers to support its' facility development aspirations.
2. Furthermore, this would leave services without a clear rationale for allocation of budget/resources and a plan against which external agencies such as NGBs can be engaged.

Decision

1. To approve the adoption of the Derby City Built Indoor Leisure Facilities Strategy as set out in Appendix 1 of the report, covering the period 2018 - 2028 in line with the Local Plan.

2. To approve the undertaking of a strategic review of swimming pool provision in circa three years' time to assess the impact of Moorways Sports Village, the swimming provision at the time, and the city's recovery and growth following the Covid-19 pandemic.
3. To note that a Built Indoor Leisure Facilities Strategy action plan would be produced, covering the period 2021 - 2028 to enable the delivery of the Strategy's recommendations within an appropriate timeframe.
4. To note the Built Indoor Leisure Facilities Strategy would be used to inform the development and review of local development documents as well as support external funding bids, developer discussions around Community Infrastructure Levy (CIL) and Section 106 contributions as well as guide the future decisions on built leisure facilities in the City.

Reasons

1. To guide future provision of built leisure facilities within the City in the context of national planning guidelines and local need.
2. To support future external funding bids to support the development of built leisure facilities within the City.
3. To guide and support planning officers in their discussion with housing developers and neighbouring authorities around CIL and Section 106 contributions, both within and external to the City, where housing developments would impact on City provision.
4. To guide and support planning officers to respond to future planning applications for built indoor leisure facilities within the City.

116/21 Future of Queen's Leisure Centre

The Council Cabinet considered a report which provided information to determine the future of Queens Leisure Centre (QLC).

Two previous Council Cabinet reports in November 2017 and February 2019, both detailed the expectation that QLC would close when Moorways Sports Village (MSV) opens. The report provided a summary of key information (including consultation) for Council Cabinet to enable the future of the Queens Leisure Centre to be determined.

The Executive Scrutiny Board recommended that Council Cabinet now commits to providing a replacement centrally located pool; if further re-examination of the Council's finances clearly demonstrated that it was not economically viable to repair and reopen the existing facility. Such commitment and re-examination were to take place before the proposed closure of Queen's Leisure Centre.

The Executive Scrutiny Board also agreed that as reuse/refurbishment of property reflected the concern of consultation respondents about the site, and because

renewal and reuse could mean a much lower carbon footprint than the demolition and construction of a similar sized building. The Executive Scrutiny Board recommend that Council Cabinet, alongside announcing the decision to close Queens Leisure Centre, publicises that the Council would welcome suggestions for possible future use of Queens Leisure Centre buildings, if affordable.

Options Considered

To keep QLC open would enable the Council to continue to deliver a limited leisure offer from the Centre. However, this would require the significant financial and safety implications referred to in the report, to be resolved. Indicative costs to allow the continued operation of the QLC was estimated to be in excess of £10 million. In addition, the operation of both the MSV and continued operation of the QLC would require increased subsidy.

Decision

1. To consider the outcome of the public consultation, which collated information from the public consultation that took place between 22 July and 14 October 2021, responses to which were contained in paragraphs 4.22 to 4.25 of the report.
2. To note the Strategic Assessment for Provision of Swimming Pools carried out in September 2021.
3. To note the information collated by FMG consultancy detailed in paragraphs from 4.27 of the report, regarding the Built Leisure Facilities Strategy (LFS).
4. To note the Equality Impact Assessment (EIA), Appendix 1 of the report.
5. To approve the cessation of the current leisure operation at Queen's Leisure Centre by DCC, and delegate to the Strategic Director for Communities and Place all necessary actions linked to this decision,
6. To delegate approval to the Strategic Director of Communities and Place following consultation with the Cabinet Member for Wellbeing, Leisure, Culture and Tourism to agree the exact closure date aligned with the opening of Moorways Sports Village and the transfer of activities therein.
7. To reject recommendation 1 from the Executive Scrutiny Board.
8. To accept recommendation 2 that alongside announcing the decision to close Queens Leisure Centre, Council Cabinet publicises that the Council would welcome suggestions for possible future use of Queens Leisure Centre buildings, if affordable.

Reasons

1. A Strategic Assessment for Provision of Swimming Pools was carried out by Sport England in the Facilities Planning Model in September 2021 concluded that the location and scale of Moorways Sports Village, with its very extensive swimming activities offer, could meet the projected demand for swimming by Derby residents, without the current services being delivered at QLC.
(Summary information on the strategic assessment was detailed in paragraphs 4.4 to 4.14 of the report).
2. The EIA demonstrated that the new provision at MSV with its very extensive swimming, health and fitness and sport and physical activity offer ensured a positive impact for residents.
3. The information collated by FMG consultancy regarding the LFS included benchmarking analysis of the performance of QLC and a quality audit. Overall, the information demonstrated significant underperformance of QLC against key Leisure metrics.
4. The age and design of QLC was not suitable for modern leisure use
 - It delivered poor quality services to customers.
 - There was an overall under performance of the facility as detailed in paragraph's 4.35 – 4.45 of the report and would worsen further once MSV opened in spring 2022.
 - There were current closures within QLC of the teaching pool, the teaching pool changing rooms and the gym due to ongoing maintenance and health and safety issues.
 - Future investment would not represent Value for Money
5. MSV was due to open in spring 2022 as planned. This new £42m leisure facility provided extensive swimming and health and fitness facilities for Derby. MSV provided a 50m swimming pool, teaching pool and a water park as well as large health and fitness facility, spa, studios, soft play areas and cafe. When proposals for MSV were approved in 2017, there was an expectation that services at QLC would cease when MSV opened. This was due to the significant benefits the new facility would bring to the city and to it being able to meet demands and deliver the strategic outcomes for the city.
6. MSV would help citizens to have active and healthy lifestyles and improved quality of life because of the range of leisure activities available. It would give children, young people, students, and employees access to high quality sporting provision and would help to address the needs of local clubs and sports participants, specifically making facilities more accessible and inclusive for all. It would provide high quality facilities and pathways from beginner to excellence and would help build and enhance a national reputation for the City for excellence of its clubs and facilities around access to facilities to support better health.

Budget and Policy Framework

117/21 Strategic Planning – Council Plan and MTFS

The Council Cabinet considered a report which gave an update on the strategic context for a refreshed Council Plan alongside the Medium-Term Financial Strategy (MTFS) and recommended a revised Reserves Strategy to promote financial resilience.

The Executive Scrutiny Board recommended that all political groups on Derby City Council, be given full and easy access to information concerning every aspect of the Council's finances. This would enable all councillors to understand the true position and challenges the Council faces and would also allow councillors to work collaboratively to find solutions to protect services and ensure value for money for Derby's residents.

Decision

1. To approve the adoption of a Partnership Theme approach for the new Council Plan 2022/23 to 2024/25 as detailed in paragraph 4.1 of the report.
2. To note the strategic finance context for the development of the MTFS for 2022/23 to 2024/25 as detailed in paragraphs 4.6 to 4.14 of the report.
3. To approve a revised Reserves Strategy (attached at Appendix A of the report) to support future financial sustainability.
4. To accept the recommendation from the Executive Scrutiny Board that all political groups on Derby City Council, be given full and easy access to information concerning every aspect of the Council's finances because this was already being done. This would enable all councillors to understand the true position and challenges the Council faces and would also allow councillors to work collaboratively to find solutions to protect services and ensure value for money for Derby's residents.

118/21 Treasury Management Mid Year Report 2021/22

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

The mid-year report outlined the Treasury Management activity for the period 1 April 2021 to 30 September 2021, comprising:

- Summary of the Financial Markets to date in 2021/22.
- Forecast Outturn 2021/22 including Quarter 2 update.

- Borrowing Activity.
- Deposits; and
- Prudential Indicators.

Summary

The Treasury Management forecast outturn for 2021/22 was a net underspend of (£0.925m) as at 30 September 2021. This was mainly made up of a (£0.405m) saving as Minimum Revenue Provision (MRP) was less than anticipated due to capital programme slippage, and a net saving of (£0.520m) due to a reduction on estimated borrowing cost relating to a change in interest payable. It was proposed that the final underspend at year end was transferred to the Treasury Management Reserve.

At the end of September 2021, total debt was £422.39m and total investments were £83.157m compared to £432.75m and £37.159m as at 31 March 2021.

Treasury Management advice to the Council up to 30 September 2021 had been provided by Arlingclose. Their services included economic and interest rate forecasting, advice on strategy, portfolio structure, debt restructuring, investment policy and credit ratings and technical assistance on treasury matters as and when required.

The Executive Scrutiny Board noted the report.

Decision

1. To note the forecast outturn position of (£0.925m) underspend. At year-end, any final underspend would be transferred to the Treasury Management Reserve.
2. To note the position statement on Treasury Management Activity and compliance against the Prudential Indicators for the period 1 April 2021 to 30 September 2021.

Contract and Financial Procedure Matters

119/21 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.

- Decent and Safe Homes (DASH) Procurement Framework - the establishment of two Specialist Service Frameworks and appoint service providers onto the frameworks.

- Financial Management System Replacement – delegation of award of Contract for a Financial Management System Replacement.
- Reallocation of funding in the capital programme of £0.180m from the City Energy Savings Programme (CESP) to the Green Homes Grant, Local Authority Deliver phase 2 (GHG LAD) Grant Scheme.
- Homes England Funding - approval to bid to Homes England, for £0.800m capital of Garden Communities Capacity Funding, to support the development of the South Derby Growth Zone (SDGZ) and Infinity Garden Village (IGV).

The Executive Scrutiny Board noted the report.

Decision

1. To approve the establishment of two Specialist Service Frameworks for DASH Services and appoint service providers onto the frameworks as outlined in section 4.1 of the report.
2. To delegate authority to the Strategic Director of Corporate Resources, following consultation with the relevant cabinet member, subject to Project Management Office (PMO) - Gateway 3 project approval, to award the contract to the shortlisted bidder for the Financial Management System which best meets the Council's requirements as outlined in section 4.13 of the report.
3. To approve the reallocation of £0.180m from the CESP capital allocation to the GHG LAD Phase 2 capital allocation on the capital programme. This was a transfer of £0.180m in the current year.
4. To approve the submission of a bid of £0.800m capital funding, to Homes England, for Garden Communities Capacity Funding 2021/2022, as outlined in section 4.1 of the addendum report.
5. To delegate approval to accept the Homes England Garden Communities Capacity Funding allocated and add to the capital programme, in the event that the bid was successful, and subject to acceptable grant conditions, to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources (Section 151 Officer), and the Cabinet Member for Adults, Health and Housing, as outlined in Section 4.1 of the addendum report.

MINUTES END