

Time began: 4.00pm
Time ended: 5.10pm

COUNCIL CABINET

14 April 2021

Present	Councillor Poulter (Chair) Councillors Barker, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors Repton, Shanker and Skelton Paul Simpson – Chief Executive Rachel North – Strategic Director of Communities and Place Simon Riley – Strategic Director of Corporate Resources Olu Idowu – Head of Legal Services and Deputy Monitoring Officer Gurmail Nizzer – Director of Children's Integrated Commissioning Connie Spencer – Youth Mayor Priya Gill – Deputy Youth Mayor Matthew Frost - Communications Officer

This record of decisions was published on 16 April 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.

153/20 Apologies

Apologies for absence were received from Councillor AW Graves, M Holmes, Andy Smith – Strategic Director of Peoples Services and Emily Feenan – Director of Legal, Procurement and Democratic Services.

154/20 Late Items

There were no late items.

155/20 Receipt of Petitions

There were no petitions

156/20 Identification of Urgent Items to which Call In will not apply

There were no items.

157/20 Declarations of Interest

There were no declarations of interest.

158/20 Minutes of the meeting held on 10 March 2021

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

Matters Referred

159/20 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 and 2, prior to commencement of the meeting.

Decision

To receive the report and consider the recommendations alongside the relevant report.

160/20 Recommendation from the Children and Young People Scrutiny Board – Education Otherwise than at School (EOTAS)

The Council Cabinet considered a recommendation from the Children and Young People Scrutiny Board on Education Otherwise than at School (EOTAS).

The Board recommended to Council Cabinet that the Council co-produces an Education Otherwise than at School (EOTAS) offer for Derby with parent carers and children and young people to ensure that Derby City Council are meeting their statutory duties to produce an offer that Derby can be proud of.

The Executive Scrutiny Board noted the recommendation.

Decision

To accept the recommendation from the Children and Young People Scrutiny Board that the Council co-produces an Education Otherwise than at School (EOTAS) offer for Derby with parent carers and children and young people to ensure that Derby City Council are meeting their statutory duties to produce an offer that Derby can be proud of.

Key Decisions

161/20 Schools Capital Programme 2021/22 – Phase 1 Schemes

The Council Cabinet considered a report which stated that the Council was currently awaiting notification from the Department for Education (DfE) of confirmed school condition maintenance allocations for 2021-22 for Community and Foundation schools.

In order to commence scheme development, and to complete essential work during the school summer holiday period, early approval of schemes was necessary. It was therefore proposed to seek scheme approval in principle, based on indicative allocations of £1.350m.

A breakdown of the indicative school maintenance Capital Programme funding for 2021/22 was set out within Appendix 1 of the report. The proposed phase 1 schools capital programme schemes for 2021/22, including proposed individual school condition maintenance projects, were outlined in Appendix 2 of the report. As set out in paragraph 8.3 of the report, construction contracts would not be awarded until final allocations had been confirmed by the DfE.

The proposal was for funding to be prioritised to deal with essential school condition and maintenance issues across the schools estate for Council maintained schools. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues to ensure that school buildings remained safe and open.

The report sought approval for the schools maintenance capital programme for 2021/22 as set out within Appendix 2 of the report.

The Executive Scrutiny Board recommended to Council Cabinet that it ensures that the investments that are being done are future proofed for a zero carbon future, such as higher than standard insulation levels, stronger roofs for PV readiness and options for air/ground-sourced heat as investment now will save in the future.

Options Considered

The available capital funding had been prioritised in line with the School Asset Management Plan to deal with the most urgent condition and health and safety issues.

Decision

1. To approve, subject to recommendation 2.4 of the report, the Schools Capital Programme priority schemes for 2021/22 as outlined in Appendix 2 of the report.

2. To approve scheme commencement, subject to recommendation 2.4 of the report and final allocations being confirmed by the DfE, as set out in paragraph 8.3 of the report.
3. To approve the amendment of the approved 2021/2022-2022/23 capital programme with the proposed scheme allocations as detailed in Appendix 1 and Appendix 2 of the report.
4. To note that once confirmed by the Department for Education (DfE), final capital allocations and any adjustments to the Schools Capital Programme 2021/22 would be reported to Council Cabinet as part of the quarter 1 monitoring update 2021/22, should there be any variation from the indicative allocation.
5. **To accept the recommendation from the Executive Scrutiny Board as far as it is possible to do so. All schemes set out in the report will comply with modern building regulations, and in line with DfE building bulletin guidance. The schemes will be designed to help reduce carbon emissions by providing better modern insulation, glazing and more efficient heating systems.**

Reasons

1. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues across the schools estate to ensure that school buildings remained safe and open. In order to complete as much work as possible during the school summer holiday period, early approval of schemes was necessary.
2. In accordance with Financial Procedure Rules, amendments to the Council's capital programme were required to be reported to Council Cabinet.

162/20 Ravensdale Infant and Nursery School – New School Project

The Council Cabinet considered a report which sought approval to award the contract for the final construction phase of the replacement Ravensdale Infant and Nursery School building, following a major fire in October 2020.

The overall cost of the new build was expected to be £7.549m, subject to final detailed design work, and the final insurance settlement would remain unconfirmed until the end of the scheme and all costs had been determined.

To report sought approval to amend the Council's approved capital programme, as set out in the confidential report later on the agenda for this meeting, which included commercially sensitive financial information.

The Executive Scrutiny Board recommended to Council Cabinet that it builds the new school to be "zero carbon ready". So, fabric such as insulation

levels and roof strength for PVs are included at this stage, together with additional connections for mechanical and electrical services as appropriate.

Options Considered

The Council has no other option but to seek to replace Ravensdale Infant and Nursery School at the earliest opportunity.

Decision

1. To approve the increase to the Schools Capital Programme for the replacement construction work for Ravensdale Infant and Nursery School, as set out in the confidential report later on this agenda.
2. To approve scheme commencement for the above works without the need for Gateway approval, to add the profiled spend to the 2020/21-2022/23 capital programme and to amend the Council's approved capital programme.
3. To note that the costs were anticipated costs, and the Council was working closely with its insurer to seek a full insurance settlement for each element. Should costs vary from currently anticipated figures, any necessary approvals would be made in line with the Council's Financial Procedure Rules and scheme of delegation. Final costs would be reported to Council Cabinet once confirmed.
4. **To accept the recommendation from the Executive Scrutiny Board as far as it is possible to do so in relation to carbon emissions. The new school will be designed to modern building regulation standards and be based on DfE guidance. The school is designed to be more energy efficient and produce fewer carbon emissions than the school it replaces.**

Reasons

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 Cabinet for approval.

Contract and Financial Procedure Matters

163/20 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.

- Public Health - Bid and acceptance of Section 31 grant to help reduce crime and death associated with drug misuse.

- Communities and Place - Bid for and acceptance of the new Levelling Up Fund released by the Government in March 2021 for infrastructure.
- Peoples Services - Acceptance of funding from the National Health Service – NHS.
- Council Wide - Update on acceptance of COVID grants for 2021/22.

The Executive Scrutiny Board resolved, in relation to the Levelling Up Fund to recommend to Council Cabinet:

- 1. that the Levelling up " lottery Bid " is welcome but it is totally insufficient to tackle the real problems facing derby and Cities up and down this country. We need a fully funded National Recovery Plan on a scale similar to the New Deal in the USA after World War 2. We therefore call on Council Cabinet to write to the Relevant Government Ministers and the LGA to ask for such a plan to be urgently formulated;**
- 2. that it ensures that there is engagement and consultation with ALL elected Councillors as well as MPs on suitable schemes that could be delivered through this funding in the spirit of openness and transparency;**
- 3. that it asks for suggestions from the wider public that might be appropriate for inclusion in the Levelling Up Fund;**
- 4. that all parties are to be consulted on the proposed final bid to the Levelling Up Fund, giving the fund timetable up to 18 June; and**
- 5. that we liaise with neighbouring Councils to ensure that a bid is also submitted on behalf of Mid Derbyshire.**

Decision

- 1. To approve:**
 - a) a Public health bid for and acceptance of £0.433m of Section 31 grant to help reduce crime and death associated with drug misuse as outlined in section 4.1 of the report.
 - b) that authority be delegated to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Regeneration, Planning and Transportation and the Cabinet Member for Finance and Procurement to agree the final detail of and submission of the final bid for the Levelling Up Fund as outlined in section 4.6 of the report.
 - c) That authority be delegated to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Regeneration, Planning and

Transportation and the Cabinet Member for Finance and Procurement to accept the funding subject to the identification of any council requirement for capital or revenue match funding requirement and agree conditions associated with a successful bid to the Levelling Up Fund as outlined in section 4.6 of the report.

- d) the acceptance of £0.804m funding from the NHS to facilitate all hospital discharges via the Councils existing Home First service and a new Enhanced care pathway as outlined in section 4.15 of the report.
- 2. The note the acceptance of the council of COVID funding for 2021/22 as outlined in section 4.17 of the report.
- 3. To reject the recommendations from the Executive Scrutiny Board.**

164/20 Exclusion of the 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 item on the grounds that it 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 Decisions

165/20 Ravensdale Infant and Nursery School – New School Project

The Council Cabinet considered a report which sought approval to award the contract for the final construction phase of the new Ravensdale Infant and Nursery School, following the major fire in October 2020.

The overall cost of the new build was predicted to be £7.549m, subject to final detailed design work. However, the final insurance settlement would not be confirmed until the end of the scheme, once all costs were determined.

The report sought approval in relation to funding, as set out in paragraph 7.5 of the report.

The Executive Scrutiny Board recommended to Council Cabinet that a calculation be done on the future savings to the school in energy costs if it is constructed to zero carbon standards.

Options Considered

The Council has no other option but to seek to replace Ravensdale Infant and Nursery school at the earliest opportunity.

Decision

1. To approve the recommendation set out in paragraph 2.1 of the report.
2. To approve, subject to recommendation 2.3 of the report, scheme commencement for the above works without the need for Gateway approval, to add the profiled spend to the 2020/21-2022/23 capital programme and to amend the Council's approved capital programme.
3. To note that the above costs were anticipated costs, and the Council was working closely with its insurer.
4. **To accept the recommendation from Executive Scrutiny Board so far as is it is possible to do so in relation to future savings to the school in energy costs in a new school building.**

Reasons

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 Cabinet for approval.

MINUTES END