

Time began: 4.00pm
Time ended: 5.40pm

COUNCIL CABINET

9 March 2022

Present Councillor Poulter (Chair)
 Councillors Barker, Eyre, McCristal, J Pearce, Smale Webb
 and Williams

In attendance Councillors Peatfield, Repton and Skelton
 Paul Simpson – Chief Executive
 Rachel North – Strategic Director of 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

This record of decisions was published on 11 March 2022. 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.

165/21 Apologies

Apologies for absence were received from Councillors Hassall and Shanker.

166/21 Late Items

There were no late items.

167/21 Receipt of Petitions

There were no petitions.

168/21 Identification of Urgent Items to which Call In will not apply

There were no items.

169/21 Declarations of Interest

There were no declarations of interest.

170/21 Minutes of the meeting held on 16 February 2022

The minutes of the meeting held on 16 February 2022 were agreed as a correct record.

Matters Referred

171/21 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.

172/21 Recommendation from the Communities Board

The Council Cabinet considered a recommendation from the Communities Board requesting Council Cabinet to look at ways to reverse the loss of the Allestree Golf Course as a heritage asset and maintain assets.

The Executive Scrutiny Board noted the minute extract.

Decision

To note the recommendation from the Communities Board.

Key Decisions

173/21 Update on UK City of Culture 2025

The Council Cabinet considered a report which provided updated information on the UK City of Culture 2025 competition and asked Council Cabinet to note the next stages in the competition before the announcement of the winning city is made in May 2022.

The Executive Scrutiny Board noted the report.

Options Considered

The city could choose to withdraw the application to become UK City of Culture in 2025. However, entering the competition was a clear indication to national stakeholders of our commitment to culture led regeneration to transform our city. Regardless of the outcome our ambition was strong, and this could support inward investment by building confidence in our city vision and our future.

Decision

To endorse the Council's continued support for and work towards the ambition for Derby being named UK City of Culture in 2025.

Reasons

1. Continuing to participate in the competition demonstrated Derby's ambition to use culture to build a sense of place and local pride, and support sustained local inclusive growth. This would help deliver a vision that would transform our city and to make Derby a place that people want to live, work, visit and invest in.
2. Culture had been agreed as a key driver of the city's reinvention and ambition to create a vibrant and successful city. This was clearly articulated in the recently adopted Council Plan 2022- 2025 within the Vibrant Theme which recognised the importance of a vibrant city, reimagined with culture at its heart.

174/21 Infrastructure Programme Board Capital Programme

The Council Cabinet considered a report which set out the following proposed 2022/23 work programmes for approval:

- | | |
|---------------------------------------|------------|
| • Highways and Transport (H&T) | £7,159,000 |
| • Vehicles, Plant and Equipment (VPE) | £1,988,000 |
| • Flood Defence (FD) | £250,000 |

The H&T programme included a 3-year Asset Management programme for 2022/23, 2023/24, and 2024/25, as required by the Department of Transport (DfT) and in accordance with sound asset management principles. There was also a specific recommendation to approve s106 spend.

The H&T programme supported the achievement of the goals set out in our Local Transport Plan, LTP3. It responded to nine challenges in the LTP3 but in particular – provide network efficiency, reduce unnecessary delays and facilitate economic activity. The programme also responded to the climate change agenda and supported changes in travel behaviour and technology to reduce carbon emissions.

In the VPE programme, funding was prioritised against a replacement criterion. This was based on the expected life of the different types of vehicles and equipment, the operational demands/requirements of the service and decarbonization.

The FD programme funding was targeted towards schemes which managed and reduced the potential for and impacts of flooding to property and infrastructure in the city. This programme would contribute to our efforts to adapt to the impacts of climate change as we grow our understanding of them.

The Executive Scrutiny Board recommended to Council Cabinet.

1. that, in relation to ongoing problems with traffic congestion at Kingsway Retail Park, the responsible Cabinet Members urgently convene a meeting with all interested parties and that they provide and publicise a scheme to resolve this problem, spelling out how and when it will be delivered;
2. that to reduce the City's Carbon and waste footprint that we maximise the reuse of road and footway material as part of the resurfacing programmes and the use of recovered aggregates as part of the road reconstruction/building when required – and to encourage utility companies to do the same; and
3. that it requests a formal annual (or more frequent) update of all projects within the Infrastructure Programme Board's remit, highlighting those that haven't been delivered within the approved financial year, with the reasons for this slippage.

Options Considered

1. The development of the H&T programme had involved the consideration of various schemes for inclusion. The draft programme was the best fit to the objectives of LTP3, the local priorities of Neighbourhood Boards, with the level of budget available. It also contributed to our statutory functions.
2. The VPE and FD programmes had been developed in consideration against Council objectives, Streetpride service standards and statutory obligations. They offered the maximum value for money considering available budgets.

Decision

1. To approve the proposed Highways and Transport programme for 2022/23, which included Asset Management schemes for 2022/23 as detailed in appendix 1a of the report and note the indicative Asset Management schemes for future years as detailed in appendix 4 (2023/24) and appendix 5 (2024/25) of the report.
2. To approve the allocation of s106 contributions totalling £0.777m in the 2022/23 Highways and Transport programme, as detailed in appendix 1b of the report.
3. To approve the proposed Vehicle, Plant and Equipment programme for 2022/23, as shown in appendix 2 of the report.
4. To approve the proposed Flood Defence programme for 2022/23, as shown in appendix 3 of the report.
5. To delegate authority to the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Streetpride and Public Spaces and the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport and Strategic Director of Corporate Resources, to respond to changing priorities through the year by introducing

new schemes or bringing forward schemes to replace others, within the scope of the latest approved budget. In line with financial procedure rules, subject to funding being available, any new scheme(s) to be added to the capital programme will seek cabinet approval for the addition.

6. In respect of recommendation 1 from the Executive Scrutiny Board to cooperate and encourage parties to seek a solution.
7. In respect of recommendation 2 from the Executive Scrutiny Board to support the spirit of the recommendation and do as much as possible to reduce the City's Carbon and waste footprint that we maximise the reuse of road and footway material as part of the resurfacing programmes and the use of recovered aggregates as part of the road reconstruction/building when required – and to encourage utility companies to do the same.
8. To accept recommendation 3 from the Executive Scrutiny Board to provide an annual report on the Infrastructure Programme Board projects.

Reasons

1. Approval and noting of indicative work programmes prior to the start of 2022/23 financial year allowed effective planning and programming, particularly for schemes allocated in 2023/24 and 2024/25 allowing a move away from design and delivery in the same year. This meant that schemes were delivered in the best possible way and achieve value for money. Having sight of indicative programmes facilitates the early identification of any risks to delivery, which would enable us to review and monitor risks and costs more efficiently and effectively.
2. In the interests of effective programme management, it was appropriate to maintain the delegated approvals as outlined in the Infrastructure Board Terms of Reference.

175/21 Compulsory Acquisition of Homes

The Council Cabinet considered a report which sought approval to initiate compulsory purchase proceedings in relation to 4 long-term vacant properties, where the owners had not sufficiently demonstrated that they would be occupied in the near future.

The Council's Empty Homes Strategy aimed to facilitate the renovation and re-occupation of vacant dwellings; thereby contributing towards meeting local housing demand. The actions would also help tackle any anti-social and environmental nuisance that neglected properties could present. The re-use of these homes would contribute towards the Council's New Homes Bonus income under the Government's current rules.

Where owners could not be traced or were unwilling/unable to bring a property into use, there was a compelling case in the public interest for the Council to take enforcement action to achieve the aims of the strategy.

Compulsory purchase could return problematic empty homes to useful housing stock.

The Executive Scrutiny Board noted the report.

Options Considered

1. Do nothing. This was not considered appropriate. The properties would remain a waste of potentially good housing and increasingly blight their respective neighbourhoods.
2. Enforced sale. There were currently no relevant property-based financial charges registered against the properties that would facilitate this option.
3. Empty Dwelling Management Orders. These involved the return of the properties to the original owner in the longer term. As the owners had failed to bring these empty homes into beneficial use a permanent change of ownership was considered to be most beneficial to the public interest.
4. Other enforcement powers. The local authority has powers to deal with structural danger, nuisance or other environmental problems. These alone were piecemeal and reactive in nature and did not provide a long-term strategic solution for these long-term empty homes.

Decision

1. To authorise the making of Compulsory Purchase Orders under the Acquisition of Land Act 1981 (pursuant to the power under section 17 of the Housing Act 1985) for the acquisition of the houses, together with the associated land, as identified in Appendix 1 of the report for the purposes of their renovation and reoccupation as housing accommodation.
2. To authorise the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Adults, Health and Housing, the Director of Legal, Procurement and Democratic Services and Monitoring Officer and the Director of Financial Services to:
 - i. take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders;
 - ii. acquire the legal interests in the properties, whether by voluntary agreement or compulsorily using statutory powers set out in the preceding paragraph;
 - iii. dispose of the properties in accordance with the proposals set out in the report; apply financial procedure rules regarding acquisition and disposal of property;

- iv. suspend or abandon the compulsory purchase order proceedings, or withdraw an order, in relation to any particular property on being satisfied that the subject dwelling will be satisfactorily renovated and re-occupied voluntarily;
- v. take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings; and
- vi. take all other necessary action to give effect to these recommendations.

Reasons

1. The properties identified in Appendix 1 of the report (the exempt appendix appears later in the agenda) had been vacant for a number of years and all reasonable options open to the Council to encourage the respective owners to voluntarily bring them back into use have proven unproductive.
2. Restoring the houses to the useful housing stock would contribute to meeting the increasing housing needs in Derby.
3. The risk of common problems associated with empty buildings such as trespass, vandalism, fly tipping or anti-social activities would be reduced.

176/21 Derby Enterprise Growth Fund (DEGF)

The Council Cabinet considered a report which stated that the DEGF Panel had recommended the award of a grant of £0.300m from the DEGF capital budget to an applicant company. Given the value of the proposed Grant this was subject to Cabinet approval and satisfactory due diligence.

Revised Terms of Reference for the Derby Enterprise Growth Fund (DEGF) Panel were approved by Council Cabinet on 12 September 2018 (Council minutes ref 60/18). As a result of this revision, DEGF Panel recommendations with a value above £0.250m require formal ratification by the relevant delegated authority within the Council before the Agreement could be executed by the Council.

The Executive Scrutiny Board note the report.

Options Considered

Do nothing and record the loss of prospective jobs to the City.

Decision

1. To approve, in principle, a grant of £0.300m from the DEGF capital budget, subject to the confirmation of a satisfactory due diligence outcome and subsidy control position.

2. Subject to receipt of a satisfactory due diligence report and subsidy control compliance, to delegate authority to agree terms for and award the grant to the Strategic Director of Communities and Place following consultation with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport.
3. Subject to recommendations 2.1 and 2.2 of the report, to add the £0.300m onto the capital programme for 2022/23 to be funded from the £0.476m balance of recycled DEGF capital receipts available.

Reasons

1. To comply with Financial Procedure Rules.
2. To comply with DEGF Panel Terms of Reference.
3. To support projects as recommended by the Investment Panel.

Budget and Policy Framework

177/21 Writing off Uncollectable Business Rate, Housing Benefit Overpayment and Sundry Debts

The Council Cabinet considered a report which recommended Business Rates, Housing Benefit Overpayment and Sundry Debts, deemed uncollectable, for write-off in accordance with the Council's current Financial Procedure Rules.

Each financial year the Council was tasked with collecting very large sums of money from residents and businesses across the city. For the financial year 2021/22 the current estimates were £80million for Business Rates, £70million for Sundry Debts and £1.5million for Housing Benefit Overpayments. Whilst overall collection rates were high it was inevitable that some debts could not be collected. Although not an exhaustive list, some of the main reasons a debt could not be collected were listed below.

- The debtor dies,
- The debtor was declared bankrupt or was subject to other insolvency proceedings,
- A business was wound up or liquidated or was subject to other insolvency proceedings,
- The debtor absconds,
- A court remits the debt.

The Council recognised that not all debts could be collected and therefore, as part of having sound and prudential financial management arrangements in place, made a provision for debts classed as bad or doubtful.

Regularly reviewing the Council's debt profile and referring those debts judged uncollectable for write-off was also deemed to be sound financial management. Doing so reduced the respective level of arrears and bad debt provisions whilst ensuring that a more realistic position of collectable debt was presented within the Council's accounts.

Potted histories, setting out the action taken to try and recover the debt, together with the rationale for recommending the debts for write-off, were included in a confidential report elsewhere on the Cabinet agenda.

The Executive Scrutiny Board noted the report.

Decision

To approve writing off Business Rates debt of £401,832.79, Housing Benefit Overpayment debt of £27,784.15 and Sundry Debt of £16,965.00 as set out in appendices 1, 2 and 3 of the report respectively.

Contract and Financial Procedure Matters

178/21 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.

- Department of Levelling Up Housing and Communities (DLUHC), Homelessness Prevention Grant – acceptance of grant of £0.207m in 2021/22 and £0.986m in 2022/23.
- Healthwatch Derby Funding (HWD) Arrangements – approve award of a new Grant Agreement for Healthwatch Derby from April 2022 to March 2025 of £0.214m per annum funded by the Government through the Local Reform and Community Voices Grant.
- Covid Grants – To note the acceptance of funding from the Department of Health and Social care (DHSC) for Covid related activity in Adult Social Care and Public Health. All grants are ringfenced and any unspent funds must be repaid to the DHSC.
- Acquisition of skips for Household Waste Recycling Centre (HWRC) services – to seek approval to add to the capital programme and approve service finance borrowing to purchase the skips.

- Local Land Charges service – to seek approval to set the Fees and Charges levied by the Local Land Charges Service from 1 April 2022.

The Executive Scrutiny Board noted the report.

Decision

1. To approve acceptance of DLUHC Homelessness Prevention Grant 2021/22 top up of £0.207m, as outlined in section 4.1 of the report.
2. To approve acceptance of DLUHC Homelessness Prevention Grant 2022/23 of £0.986m, as outlined in section 4.1 of the report.
3. To delegate authority to the Strategic Director of Corporate Resources and the Strategic Director of Communities and Place, in consultation with the Cabinet Member for Adults, Health and Housing to allocate DLUHC Homelessness Prevention Grant funding, as outlined in section 4.1 of the report.
4. To approve the award of a new Grant Agreement for Healthwatch Derby for the period April 2022 to March 2025 of £0.214m per annum funded by the Local Reform and Community Voices Grant, as outlined in section 4.6 of the report.
5. To note accepting the grants totalling £7.343m from the DHSC for Adult Social Care, as outlined in section 4.28 and Appendix 1 of the report.
6. To note the acceptance of the grants totalling £3.472m from the DHSC for Public Health, as outlined in section 4.38 and Appendix 2 of the report.
7. To delegate authority to the Strategic Director of Corporate Resources and the Strategic Director of Peoples Services, following consultation with the member of Cabinet Member for Adults, Health and Housing to allocate the funding in line with the Derby and Derbyshire CCG terms of funding, as outlined in section 4.48 of the report.
8. To delegate authority to award the joint contract for the purchase of the skips for HWRC to the Strategic Director of Communities and Place and the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Streetpride and Public Spaces, as outlined in section 4.48 of the report.
9. To approve the purchase of the skips for HWRC to the Capital Programme for 2022/23, as outlined in section 4.48 of the report.
10. To approve and recommend to Full Council service finance borrowing for the purchase of skips for Raynesway HWRC to the value of £0.250m, as outlined in section 4.48 of the report.

11. To approve to set the Fees and Charges levied by the Local Land Charges Service from 1 April 2022, as outlined in section 4.56 of the report.

Other

179/21 Revision of the Council Tax Support Scheme 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 make a revision to the Council's CTS scheme operable from 1 April 2022 which was approved by Council Cabinet at its meeting on 8 December 2021. A revision was required to ensure that any payment made under the Energy Rebate Scheme 2022 would be disregarded when determining a CTS applicant's entitlement to a reduction under the Council's CTS scheme; or the amount of any reduction to which the CTS applicant was entitled.

The Executive Scrutiny Board recommended to Council Cabinet that it urgently gets a response from Government to our request that Council Cabinet agreed to write to them asking for additional resources to ensure that those people that desperately need the £150, that's 40,000 of them, get it as soon as possible.

Decision

1. To approve the Council's revised CTS Scheme set out in appendix 1 of the report operable from 1 April 2022.
2. To accept the recommendation from the Executive Scrutiny Board to urgently get a response from Government to our request and the Council Cabinet writes to them asking for additional resources to ensure that those people that desperately need the £150, that's 40,000 of them, get it as soon as possible.

180/21 Levelling Up and Devolution

The Council Cabinet considered a report which stated that in January 2022, the Government published its long-awaited White Paper on Levelling Up, a significant set of proposals representing a step forward in addressing geographical disparities in funding, productivity and growth across England. As officers continued to assess the broader implications for Derby, the report presented some emerging opportunities for Council Cabinet to consider.

Further to initial discussions held with Government in Autumn 2021, Derby City Council and Derbyshire County Council were recognised in the White Paper as national 'Levelling Up' leaders, securing a County Deal. It was hoped that the deal would bring extra investment to the area, alongside the transfer of specific powers in areas like transport, bus services, housing, and skills from central Government to a local level, giving greater autonomy to local leaders over decision making and funding; however, the scope and implications of any deal remained subject to negotiation and clarification.

In light of the new devolution framework published in the White Paper, the Council alongside Derbyshire was now exploring options with Nottingham and Nottinghamshire ('D2N2 authorities') to more fully exploit the opportunities provided by Levelling Up. This could involve the formation of a combined authority subject to agreement by all respective councils, along with new governance arrangements, which were also being explored.

As a Council, we are committed to working with regional and local partners to ensure that Derby secures greater resources and flexibilities through Levelling Up, thereby maximising the opportunities to improve outcomes for citizens in our city.

The Executive Scrutiny Board noted the report.

Decision

1. To note the opportunities arising from the Levelling Up White Paper through the devolution framework, which could benefit local communities through greater investment and flexibilities for our area.
2. Subject to discussions with Government and the D2N2 authorities, to note a further report would be brought to Council Cabinet and Council, on the proposed governance model for any future devolution deal with Government.
3. To note alignment between the 12 missions contained in the White Paper and the Council Plan 2022-25, as shown in Appendix 1 of the report.
4. To note the intention to complete and submit the Governments template, setting out the freedoms and flexibilities that the D2N2 authorities propose incorporating into a potential devolution deal, subject to consultation with the Leader of the Council.

181/21 Exclusion of 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 items on the grounds that they 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.

182/21 Compulsory Acquisition of Homes

The Council Cabinet considered exempt information in relation to the compulsory acquisition of homes.

The Executive Scrutiny Board noted the report.

183/21 Derby Enterprise Growth Fund (DEFG)

The Council Cabinet considered exempt information in relation to the Derby Enterprise Growth Fund.

The Executive Scrutiny Board made a recommendation in relation to due diligence.

Decision

To accept the recommendation from the Executive Scrutiny Board in relation to due diligence.

184/21 Writing off Uncollectable Business Rate, Housing Benefit Overpayment and Sundry Debts

The Council Cabinet considered exempt information in relation to the writing off of uncontrollable business rate, housing benefit overpayment and sundry debts.

The Executive Scrutiny Board noted the report.

MINUTES END