

# Appendix 1

Time began: 6:00pm  
Time ended: 7.25pm

## **COUNCIL CABINET 11 September 2019**

Present	Councillor Poulter (Chair) Councillors Barker, M Holmes, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors Eldret and Skelton Paul Simpson – Strategic Director of Corporate Resources Rachel North – Strategic Director Communities and Place Emily Feenan – Director of Legal, Procurement and Democratic Services Suanne Lim – Director of Early Help and Children's Social Services Simon Riley – Director of Financial Services Dave Kinsey – Head of Highways and Grounds Maintenance, Land Drainage and Flood Defence John Sadler – Strategic Asset Manager Duncan Cowie – Parks Development Manager Heather Greenan – Director of Policy, Insight and Communications Greg Jennings – Director of Development and Growth Abdul Siddiqi– Youth Mayor Gagandeep Kaur – Deputy Youth Mayor

This record of decisions was published on 13 September 2019. 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.

### **47/19      Apologies**

Apologies for absence were received from Councillor Graves

### **48/19      Late Items**

There were no late items.

### **49/19      Receipt of Petitions**

There were no petitions

### **50/19      Identification of Urgent Items to which Call In will not apply**

There were no items.

## 51/19      Declarations of Interest

There were no declarations of interest.

## 52/19      Minutes of the Meeting Held on 7 August 2019

The minutes of the meeting held on 7 August 2019 were agreed as a correct record.

## Matters Referred

### 53/19      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.

### 54/19      Recommendations from the Corporate Parenting Committee

The Council Cabinet considered a recommendation from the Corporate Parenting Committee, which requested that Council Directors consider engaging young people including the Children in Care Council (CICC) in any future consultations regarding changes to service provision as the involvement of CICC and young people in consultation needs to be broader across the whole council.

#### **Decision**

To accept the recommendation from the Corporate Parenting Committee.

## Key Decisions

## 55/19 Derby and Derbyshire Safeguarding Children Partnership

The Council Cabinet considered a report which provided an update regarding the establishment of the Derby and Derbyshire Safeguarding Children Partnership. Following the permissions granted by Council Cabinet on 13 March 2019, a process was undertaken to determine which authority should host the combined partnership arrangements. This culminated in a decision by the Chief Officers of statutory safeguarding (Derbyshire County Council, Derby City Council, Derby and Derbyshire CCG, Tameside and Glossop CCG, Derbyshire Constabulary) on 25 February 2019, that Derby City Council should host the business unit for the partnership. Arrangements were therefore being put in place to give effect to this decision.

The combined partnership arrangement would be serviced by a single business unit hosted by Derby City. Consultation with staff and unions would be ongoing, regarding the specific posts within the unit. There would not be any redundancies as a result of this process. The proposal was that two members of staff would transfer from Derbyshire County Council to Derby City Council, in order that they could work within the business unit. Their presence would facilitate the transition and assimilation of knowledge and information relating to the Derbyshire Safeguarding Children Board, into the new partnership arrangement.

The proposed arrangements for delegation of functions between the local authorities would involve a delegation of functions under section 16J of the Children Act 2004. This would only allow for the delegation of Derbyshire County Council's functions, specified in sections 16E to 16I of the Children Act 2004, to Derby City Council. The delegation of functions extended solely to the arrangements of the safeguarding partnership and not the overriding responsibility for ensuring the safeguarding of children in Derbyshire. A legal agreement would be established between the statutory partners to set out their shared responsibilities and accountability for the new Multi-Agency Safeguarding Arrangements (Derby and Derbyshire Safeguarding Children Partnership). The arrangements were proposed for an initial period of three years and to be reviewed thereafter.

The Executive of Derbyshire County Council would meet on 12 September 2019, when it was anticipated that it would determine to delegate those functions highlighted in the preceding paragraph to Derby City Council, to include a formal request to the latter to accept the delegation to it.

**The Executive Scrutiny Board resolved to agree that the results of the initial review of the new arrangements of the Derby and Derbyshire Safeguarding Partnership, planned for December 2019, be presented to the Children and Young People Scrutiny Review Board and that further updates be reported as part of the Boards ongoing work programme.**

### Options considered

1. Two separate new multi-agency safeguarding arrangements for each local authority area had been considered and discounted. This option would not be

the preferred model for the key statutory partners as it would continue to duplicate arrangements for them. Separate arrangements would not allow for the two existing Boards to combine strengths, co-ordinate resources and deliver a shared approach. It was envisaged that there would be improved co-ordination and areas of duplication would be avoided, leading to greater impact and effectiveness over time; the extent of this would be established during the first 12 months of implementation of the new arrangements.

2. The option of including the Derby and Derbyshire Safeguarding Adult Boards (DSAB's) within the new partnership arrangements was considered by the chief officer group. However, it was felt beneficial to retain a strong focus on safeguarding children and minimise the risks inherent in further change. This could be a consideration in the future.

## Decision

1. To approve, in principle, the delegation of functions from Derbyshire County Council, as outlined in paragraphs 1.2 and 1.3 of the report.
2. To delegate authority to the Strategic Director for People Services, following consultation with the Cabinet Member for Children and Young People, to accept the formal delegation request from Derbyshire County Council.
3. To note the arrangements for the operation of the Derby and Derbyshire Safeguarding Children Partnership to commence on 29 September 2019.
4. **To support the recommendation for the Executive Scrutiny Board that the results of the initial review of the new arrangements of the Derby and Derbyshire Safeguarding Partnership, planned for December 2019, be presented to the Children and Young People Scrutiny Review Board and that further updates be reported as part of the Boards ongoing work programme.**

## Reasons

1. The Children and Social Work Act 2017 makes provision for deletion of sections 13 to 16 of the Children Act 2004, which means that the obligation to establish a local safeguarding children board will be abolished. The Children and Social Work Act 2017 inserts a new section, section 16E, into the Children Act 2004, which requires the "safeguarding partners" for a local authority area in England to make arrangements for the safeguarding partners, and any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area. Those arrangements must include arrangements for the safeguarding partners to work together to identify and respond to the needs of children in the area.
2. The definition of "safeguarding partner" for these purposes is: "(a) the local authority; (b) a clinical commissioning group for an area, any part of which falls within the local authority area; and (c) the chief officer of police for a police

area, any part of which falls within the local authority area. The Children and Social Work Act 2017 also inserts into the Children Act 2004 section 16J, which gives the safeguarding partners for two or more local authority areas in England power to agree that their areas are to be treated as a single area for the purposes of sections 16E to 16I and 16J(3) to 16J(5) of the Children Act 2004. Sections 16J(3) to 16J(5) make provision for the following arrangements for carrying out functions if there is an agreement to treat local authority areas as a single area:

## **56/19      Changes to the Single Discretionary Award Scheme**

The Council Cabinet considered a report which explained the proposed change to the Council's Single Discretionary Award (SDA) Policy, and set out the consultation timetable. On 3 August 2016, following a public consultation, Council Cabinet agreed to implement a new SDA Policy from 30 August 2016.

The Single Discretionary Award Scheme brings together the application process for Discretionary Housing Payments (DHP) Council Tax Hardship (CTH) and the Local Assistance Scheme (LAS).

It also introduced the integration of a person centred and needs tailored programme of support. This personalised support programme focused on the needs of the customer and included money advice, digital skills support, housing advice, intensive housing management support, affordable banking and ethical lending, benefits advice and better off calculations, education and training and towards work support.

We liaise closely with the Department of Works & Pensions (DWP) to ensure that the customers claim for Universal Credit was accurate and up to date. This service would be extended further from 1 September 2019 when the DWP would refer customers who needed personal budgeting support into this service.

The DHP component was funded by a grant from Central Government which in 2018/19 was £625,661 and in 2019/20 is £525,737, a reduction of £99,924 (16%). Such a reduction needed to be reflected in the award criteria of the SDA Policy going forward.

The funding for each financial year was announced in the last two months of the previous financial year. With such late notification, the consultation requirement had made it very difficult to respond quickly to changes in the grant allocation. It followed that future versions of the SDA Policy must be sufficiently flexible to deal more easily with changes to future allocations from Central Government.

Consulting on the proposed change would enable the Council to make informed decisions on policy and services, improving accountability to citizens, stakeholders and partners, whilst demonstrating our commitment to carrying out consultation that was targeted at and easily accessible to those with a clear interest in the Policy.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. Do not change the SDA Policy and:
  - Find alternative funding to address the £99,924 grant reduction, or
  - Accept the overspend.
2. Make other changes to the SDA Policy, for example shorten the original award. Adopting this approach would affect more households across the city, in 2018/19 of 1,275 awards made; 86% (1,099) were first time awards.

## **Decision**

1. To approve the consultation arrangements and the specified area to be consulted on as set out in paragraph 4.1 of the report.
2. To delegate authority to the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Finance and Procurement to:
  - Finalise and approve the arrangements to manage the consultation including the detail of the consultation documentation;
  - Go out to public consultation on the proposed change.
  - Collate, analyse and present final proposals to be put forward for adoption by the Council.
3. To note the proposed change to the local guidance used in the administration of the SDA Policy.

## **Reasons**

1. To ensure that the Scheme remained affordable for the Council and operated within the grant funding from Central Government.
2. To respond more promptly to changes in Central Government grant funding avoiding the potential for over and under spending.
3. To be fully informed about the way the Scheme was administered to ensure expenditure was aligned to Central Government funding.

## **57/19      Derby City Road Skid Resistance Policy**

The Council Cabinet considered a report which stated that Derby City Council was responsible for maintaining 731km of road network, containing 192 km of roads which were currently subject to a skidding resistance survey.

Skid resistance was an important property relating to the safety of highway users, particularly in damp or wet conditions. Over the course of a road's life, the surface can lose some of its characteristics associated with grip. Effective maintenance of the highway network included the requirement to systematically monitor the skid resistance of the road surface and to take a proactive approach to maintain this across the network to an appropriate standard.

A robust policy (Document AMF-20) and process ensures the Council could adequately adhere to their duty of care under the Highways Act 1980 and enable the public to travel safely on the highway network.

An operational document had also been developed (Document AMF-21), which provided a step by step approach to identifying skid deficient sites and the process for deciding their subsequent treatment through a prioritisation process, in accordance with the requirements of the Well Managed Highway Infrastructure Code of Practice: October 2016.

**The Executive Scrutiny Board recommended to Council Cabinet that consideration be given to assessing skid resistance in areas designed for pedestrians and cyclists, especially in the city centre and district centres and places with non-standard surfaces.**

### **Options considered**

None. Continuing as we have without a policy in place weakens our defence to counter legal actions for negligence on our network. It would only demonstrate to the Department for Transport and other key stakeholders that we had not considered what was 'reasonably practicable' to secure the highway to an adequate condition.

### **Decision**

1. To approve the policy for the management of skid resistance on the City's highway network.
2. To note the development work in progress to review and assess skid deficient sites, following revised guidance from Highways England.
3. **To reject the recommendation from the Executive Scrutiny Board at the current time but to consider it later as part of the work of the Footway and Cycleway Group.**

### **Reasons**

1. The annual surveying and testing of skid resistance had been undertaken for some time in Derby, but the approval of an overarching policy would allow the Council to robustly defend against claims and had an adequate defence in the possibility of a Corporate Manslaughter case.

2. It demonstrated to the Department for Transport that we had a robust and proactive approach to skid resistance and was evidence of good asset management.

## 58/19 Derby City's Resilient Highway Network

The Council Cabinet considered a report which stated that Derby City Council was responsible for maintaining 731km of road network, containing 146 km of roads which, following consultation, had been assessed as being part of the Resilient Highway Network.

The Transport Resilience Review (Department for Transport 2014) recommended that local highway authorities should “Identify a 'resilient network' to which they would give priority, in order to maintain economic activity and access to key services during extreme weather”. This had been further reinforced as a recommendation within the Well-Managed Highway Infrastructure Code of Practice: October 2016.

Derby City had self-assessed as a Band 3 Authority on the Incentive Fund, in that we were making significant progress towards effective asset management practices in maintaining our highway assets. It also ensured capital funding provided by the Department for Transport for highway maintenance was at the optimum level. Defining a resilient network was a key requirement of the Incentive Fund, so that investment in that part of that network may be prioritised alongside other asset management activities.

A robust process in creating a resilient network ensured the Council could adequately adhere to their duty of care under the Highways Act 1980 and enable the public to travel safely on the highway network.

The Executive Scrutiny Board noted the report.

### **Options considered**

None. Continuing as we have without an approved resilient network in place weakens our Band 3 Self-Assessment submission. It would only demonstrate to the Department for Transport and other key stakeholders that we had not considered what was ‘reasonably practicable’ to secure the highway to an adequate condition to build resilience.

### **Decision**

1. To approve the adoption of a Resilient Highway Network as part of our wider approach to asset management.
2. To note the continuing re-assessment of the highway network, in assessing and recognising the Resilient Highway Network. It would consider which routes were absolutely essential and which could be managed without for only



a short time. It was implicit that these decisions would not simply follow road classification, categorisation or winter gritting routes. The resilient network would be the bare minimum a highway authority needs to maintain when events or extreme weather reduce the capacity of the authority's resources.

## **Reasons**

1. During periods of prolonged extreme weather or unexpected events, the local and / or national highway network could be disrupted. Due to the effects of climate change, we would see an increasing incidence of extreme weather events. This was highlighted during the recent flooding events of 2000, 2007 and 2012/13 as well as significant snow and freezing conditions of 2008/09, 2009/2010 and early 2010/11. Many areas of the country suffered much transport disruption. In response, the Secretary of State commissioned an independent review of the resilience of the nation's transport network, resulting in the Department for Transport's 'Transport Resilience Review' (2014).
2. Recommendation 35 of 63 required local highway authorities to understand which routes were of such vital economic and social importance and sought to ensure that they are maintained and where appropriate, enhanced to a higher standard in order to mitigate the effects of extreme weather. This should also tie in with the authority's approach to asset management in prioritising resources in the correct locations. A resilient network should be a much narrower definition than that used to prioritise general network maintenance. It was the minimum network to maintain economic activity.
3. The adoption of the Resilient Highway Network would facilitate a more efficient and responsive highways service that worked with our key partners to maintain key routes and manage public expectations.

## **59/19      Expanding Fostering Provision – Enabling Access to Suitable Properties to Facilitate Foster Care**

The Council Cabinet considered a report which sought authority to run a pilot relating to the acquisition or re-allocation of additional accommodation for the specific use of foster caring families.

The pilot would entail either Derby Homes Ltd (DH) acquiring, or the Council, funded from the Housing Revenue Account (HRA), acquiring or re-allocating, up to 3 properties over a 2-year period. The properties would be made available for foster carers or prospective foster carers who were unable to expand or commence foster care provision due to the lack of suitable accommodation.

The Executive Scrutiny Board noted the report.

## **Options considered**

There were no viable alternatives available to the Council to increase accommodation for prospective foster carers.

## Decision

1. To approve the commencement of this 2-year pilot project as set out in more detail in section 4 of the report.
2. To delegate the final approval to proceed with each property to the Strategic Director of Communities and Place, the Strategic Director of Corporate Resources and the Strategic Director of People Services, following consultation with the Cabinet Members for Adults, Health and Housing and Children and Young People.
3. To agree that any properties made available through this scheme are allocated outside of the Derby Homefinder lettings process as *Non-Shortlist Direct Offers*. (More detail was set out in paragraph 4.8 of the report).
4. To authorise Derby City Council Children's Services to jointly develop with Derby Homes a housing pathway for foster carers to include assessment and prioritisation criteria.

## Reasons

To increase the number of Council foster carers and reduce reliance on costly independent fostering agencies.

## 60/19 Castleward Urban Village – Future Phases

The Council Cabinet considered a report which sought approval for a new primary school at Castleward as a critical step in the delivery of further housing in Castleward and the adjacent former DRI site.

The report also sought approval for the use of un-ringfenced right to buy receipts and HRA funding to enable delivery of further phases of housing development including the acquisition of a number of affordable homes.

### **The Executive Scrutiny Board recommended to Council Cabinet**

- **that the design of the school allows for its expansion up to 2 form entry, which is the Council's preferred size for primary schools; and**
- **that the design of the streets close to the site be reviewed to ensure that they are as friendly as possible for families and children walking or cycling to the school.**

## Options considered

The option of doing nothing would put at risk the delivery of the Castleward Urban Village, which was essential in achieving our Local Plan targets and City Centre Masterplan objectives. If delivery of housing at Castleward were to stall, significant regeneration benefits for the city centre economy would be lost (for example footfall, local spend). We would also risk losing significant funding from Homes England's Housing Infrastructure Fund, which was predicated on a confirmation of the funding for the school and in turn the social infrastructure that accommodated the growth in

housing numbers. There was also a risk that the £1.2 million of S106 education contribution from the DRI development would have to be repaid at the end of the term as set out in the S106 Agreement and the Council had no alternative in the medium term but to provide school places to cater for the new family housing within the DRI site.

## **Decision**

1. To approve the development and construction of a new primary school at Castleward with approval delegated to the Strategic Director of Peoples Services following consultation with the Strategic Director of Communities and Place, Cabinet Member for Adults, Health and Housing and the Cabinet Member for Children and Young People to take all necessary actions to secure the building of the new School as set out in paragraphs 4.17 to 4.19 of the report.
2. To delegate approval to the Strategic Director of Corporate Resources, following consultation with the Strategic Director of Communities and Place to enter into a Deed of Variation to the existing Housing Infrastructure Fund grant funding agreement with Homes England as set out in paragraphs 4.13 and 7.5 of the report.
3. To delegate approval to the Strategic Director of Corporate Resources, following consultation with the Strategic Director of Communities and Place to enter into a grant funding agreement with D2N2 LEP for Local Growth Fund money as set out in paragraphs 4.11 and 7.8 of the report.
4. To approve the consideration in the 2020/21 budget setting process of the ongoing revenue pressures that occurred as a direct result of delivering a new school at Castleward and a cashflow contingency for this project as described in paragraph 7.2 of the report.
5. To approve the use of the Sovereign Car Park site for the school and note the financial implications of this change of use (paragraphs 4.20 and 4.21 of the report).
6. To approve the use of the Supported Capital Expenditure allocation of £500,000 financed through borrowing towards funding the school in Castleward.
7. To approve a departure from the corporate capital receipts policy and instead to earmark the receipts from the sale of Council owned land in Castleward for use on the Castleward Regeneration scheme (See Appendix 1 of the report for a plan of the Castleward area). This would include land at Traffic Street with an estimated value of £250,000 that would contribute to the funding package for the school (paragraph 7.11 of the report).
8. Once Grant Funding Agreements were in place and subject to approval through the Council's project gateway process, to delegate approval to the Strategic Director of Corporate Resources to add £8m to the Council's

2019/20 – 2021/22 Schools capital programme for the Castleward school, in line with the Financial Implications section of this report.

9. To approve up to £1.5m of un-ringfenced Right to Buy receipts to use towards the costs of land acquisition and other costs arising from a compulsory purchase order (should this be approved), to enable delivery of further housing development at Castleward as set out in paragraphs 4.14 and 7.16 of the report.
10. To delegate approval to the Strategic Director of Corporate Resources, following consultation with the Strategic Director of Communities and Place and the Cabinet Member for Adults, Health and Housing, to negotiate the purchase of a number of affordable homes at Castleward through the HRA and secure a formal agreement with Compendium Living as described in paragraph 7.16 of the report.
- 11. To reject recommendation 1 from the Executive Scrutiny Board that the design of the school allows for its expansion up to 2 form entry, which is the Council's preferred size for primary schools.**
- 12. To note recommendation 2 from the Executive Scrutiny Board that the design of the streets close to the site be reviewed to ensure that they are as friendly as possible for families and children walking or cycling to the school.**

## Reasons

The above approvals were required in order to progress the delivery of a new primary school at Castleward and to deliver the scale of housing in the vicinity of Castleward that delivered the Council's approved Local Plan housing targets and the objectives of Derby's City Centre Masterplan.

## 61/19 Becketwell Regeneration

The Council Cabinet considered a report which sought approval under Contract and Financial Procedures rules to amend the funding arrangements for Becketwell Regeneration.

### **The Executive Scrutiny Board recommended Council Cabinet**

- **that the high rise elements of the new build be required to include any appropriate recommendations from the Grenfell Tower inquiry, even if these have not been transferred into building regulations; and**
- **that sprinkler systems be required to be included in buildings within the scheme.**

## **Options considered**

Do nothing. If the proposed changes were not made the Council could not progress with the contractual arrangements to deliver Becketwell Regeneration, phase 1.

## **Decision**

1. To approve the revised use of the previously approved allocation from the Budget Risk Reserve for the Becketwell Regeneration scheme to fund capital expenditure instead of revenue project costs for the scheme.
2. To approve a revised capital programme profiled budget and funding set out in the confidential report which appeared later on the agenda for this meeting.
3. **To note the recommendations from the Executive Scrutiny Board.**

## **Reasons**

Contract and Financial Procedure Rules required Council Cabinet to approve the above changes.

## **62/19 Purchase of a Residential Development to Provide 14 New Affordable Homes**

The Council Cabinet considered a report which sought approval to purchase a housing scheme to be funded from the Housing Revenue Account (HRA) capital programme and Right to Buy receipts (RtB).

The Council had been offered the opportunity to purchase 14 new build homes on a self-contained development located within the City.

These homes would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation.

The Executive Scrutiny Board note the report.

## **Options considered**

An option would be not to proceed with the purchase of the 14 homes. However, not doing so would compromise the Council's ability to meet its affordable development targets and provide much needed affordable housing. It also failed to minimise the potential repayment of RtB receipts to the Ministry of Housing Communities and Local Government (MHCLG).

An option would be to not proceed with the purchases and let the open market manage the development. Due to the size of the site there was no planning

obligation to provide any affordable homes on the development so there would be no additionality of affordable homes to rent within the city.

### **Decision**

1. To agree the principle of acquiring the development as detailed in the report funded through the HRA capital programme and RtB receipts at the price not exceeding the formal (RICS approved) valuation.
2. To delegate authority to the Strategic Director for Communities and Place following consultation with the Strategic Director of Corporate Resources, and Cabinet Members for Adults, Health and Housing and Finance and Procurement, to enter into all necessary agreements required to secure the acquisition of the properties.
3. To agree to the development being incorporated within the Councils housing stock and being managed by Derby Homes.

### **Reasons**

1. The acquisitions would provide new affordable homes which would meet the needs of households on the waiting list.
2. To ensure the purchase of the development was undertaken in accordance with Council procedures ensuring due diligence throughout.
3. To ensure that the properties were correctly managed and maintained.

## **63/19 Compulsory Purchase of Empty Homes**

The Council Cabinet considered a report which sought approval to initiate compulsory purchase proceedings in relation to 5 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.

Where owners could not be traced or were unwilling/unable to bring the 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**

Do nothing. This was not considered appropriate. The properties would remain a waste of potentially good housing and increasingly blight their respective neighbourhoods.

Enforced sale. There were currently no relevant financial charges registered against the properties that facilitate this option.

Empty Dwelling Management Orders. These involved the return of the properties to the original owner. 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.

Other enforcement powers. The local authority had 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.

## **Decision**

1. To resolve to make 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 2 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 Monitoring Officer and the Strategic Director of Corporate Resources to:
  - Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders.
  - Acquire the legal interests in the properties, whether by voluntary agreement or compulsorily using statutory powers set out in the preceding paragraph; dispose of the properties in accordance with the proposals set out in this report; apply financial procedure rules regarding acquisition and disposal of property.
  - 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.
3. To take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings.
4. To take all other necessary action to give effect to these recommendations.

## **Reasons**

1. The properties identified in Appendix 1 (this 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.

## **64/19      Disposal of Allestree Hall and Future Operation of Allestree Park**

The Council Cabinet considered a report which stated that following a marketing exercise, a preferred bidder has been identified for the purchase of Allestree Hall.

This report sets out both the details of the disposal and the implications of the preferred bidders' proposals for the future operation of Allestree Park and golf course.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. The disposal of Allestree Hall provided a catalyst to review the golf course operation.
2. The golf course operated significantly below capacity and had incurred losses on a consistent basis. This was an unsustainable business model.

### **Decision**

1. To dispose of Allestree Hall to the proposed bidder on the terms set out in the confidential report which appears later on the agenda for this meeting.
2. To consult with relevant stakeholders, on the potential closure of the golf course.
3. To provide an opportunity for third party organisations to make viable business proposals which offer a sustainable future for the golf course by way of an Expression of Interest exercise.
4. To agree that if no viable proposal is received, that the golf provision ceases and for the course to be decommissioned and absorbed into the existing parkland.



5. To delegate authority to the Strategic Director of Corporate Resources and the Strategic Director of Communities and Place following consultation with the Cabinet Member for Governance and Licensing and the Cabinet Member for Leisure, Culture and Tourism to :-
  - i). Agree detailed terms for the disposal of Allestree Hall.
  - ii). Undertake consultation on the proposals for the future operation of the golf course.
  - iii). Undertake the Expression of Interest Exercise for the golf course.
  - iv). Agree and approve the criteria for assessing the viability of any submitted business proposal which offered a sustainable future for the operation of the golf course.
  - v). Determine whether a viable proposal had been submitted.
  - vi). Agree the closure of Allestree Park golf course if no viable business proposals are submitted.

## **Reasons**

1. To enable the disposal of Allestree Hall to progress.
2. To deliver a capital receipt from the disposal of Allestree Hall.
3. To eliminate the Council's financial and reputational liabilities associated with Allestree Hall.
4. To enable the Council to commence a consultation process with relevant stakeholders and to undertake an Expression of Interest Exercise to help reach an informed decision on the future of Allestree Park Golf Course.

## **Contract and Financial Procedure Matters**

### **65/19 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.

- To approve a procurement exercise for the supply and installation of telecare equipment by Carelink into Derby Homes owned homes.
- To approve the flexibility to award individual contracts commissioned as part of the Commissioning 4 Change Programme with regard to vulnerable adults.

- To provide an update to Council Cabinet on the 2016 loan to Derbyshire County Cricket Club and to approve a revised repayment profile for the loan, with the final repayment instalment being made on or before 31 December 2024.
- To approve the acceptance of additional grant funding of £1.464m of European Regional Development Fund funding from Ministry of Housing, Communities and Local Government.
- To update Council Cabinet on the progress of the Munio IIA- Derwent Parade Outfall European Regional Development Fund application for approximately £1m funding support and to secure delegated approval to accept the European Regional Development Fund grant associated with the Munio IIA application, should the bid appraisal process be successful.

The Executive Scrutiny Board noted the report.

## **Decision**

1. To approve a procurement exercise for the supply and installation of telecare equipment by Carelink into Derby Homes managed homes. The contract would have a value up to £0.550m funded from the Housing Revenue Account capital budget, as detailed in section 4.1 of the report.
2. To approve the flexibility to award individual contracts, commissioned as part of the Commissioning 4 Change Programme, up to a maximum duration of 20 years from the point of inception as opposed to the current maximum 5 years currently specified within the Council's Contracts Procedure rules. This meant that individual contracts could extend beyond the lifetime of the overarching Dynamic Purchasing System agreement, as detailed in section 4.4 of the report.
3. To approve the revised repayment profile for an existing loan to Derbyshire Cricket Club and approve the Council entering into all necessary documentation to vary the existing loan agreement to reflect the revised repayment profile, as detailed in section 4.10 of the report.
4. To approve the acceptance of additional grant funding of £1.464m of European Regional Development Fund funding from Ministry of Housing, Communities and Local Government to deliver the activities set out in the application for Munio (II) - Mill Fleam Pumping Station, as detailed in section 4.16 of the report.
5. To delegate authority to Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and the Cabinet Member for Regeneration and Public Protection, to accept the offer of approximately £1m European Regional Development Fund grant funding should the outcome of the Munio IIA full European Regional Development Fund application be successful and subject to acceptable grant conditions, as detailed in section 4.16 of the report.

## **Performance**

## 66/19 Council Delivery Plan Monitoring

The Council Cabinet considered a report which stated that in July 2019, Council approved the Council Plan 2019 – 2023, with Council Cabinet approving the supporting Council Delivery Plan (CDP) in the same month.

The report presented a consolidated performance framework, which pulled together priority performance measures, priority projects and strategic risks, in line with the themes of the 2019/20 CDP:

- A city with big ambitions.
- A city of health and happiness.
- A council focused on the things that matter.

The framework would be subject to regular review to make sure it remained focused on our priority areas for improvement and the prevailing strategic risks. Reporting would start in October 2019 with an update on the objectives and actions from the CDP at the end of quarters 2 (Q2) and Q4. This new integrated reporting approach was expected to evolve during the year.

The Executive Scrutiny Board noted the report.

### Decision

To approve the proposed monitoring framework and draft targets presented in Appendices 1 and 2 of the report.

## 67/19 Exclusion of the Press and Public

A resolution to exclude the press and public for Item 14 (Q1 Budget Monitoring - Business Rates and Sundry Debt Write Offs) was considered on the grounds that the report contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

**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 involve 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

### 68/19 Purchase of a Residential Development to Provide 14 New Affordable Homes

The Council Cabinet considered exempt information in relation to the purchase of a residential development to provide 14 new affordable homes.

The Executive Scrutiny Board noted the report.

## **69/19      Compulsory Acquisition of Empty Homes**

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

The Executive Scrutiny Board noted the report.

## **70/19      Disposal of Allestree Hall and Future Operation of Allestree Park**

The Council Cabinet considered exempt information in relation to the disposal of Allestree Hall and the future operation of Allestree Park.

The Executive Scrutiny Board noted the report.

## **71/19      Becketwell Regeneration**

The Council Cabinet considered a report which sought approval under Contract and Financial Procedure rules to amend the funding arrangements for Becketwell Regeneration.

The Executive Scrutiny Board noted the report.

### **Options considered**

These were set out in paragraphs 6.1 to 6.3 of the report.

### **Decision**

To approve the recommendations set out in paragraphs 2.1 and 2.2 of the report.

### **Reasons**

These were set out in paragraphs 3.1 and 3.2 of the report

**MINUTES END**