



Report sponsor: Alison Parkin, Director of
Financial Services
Report author: Toni Nash, Head of Finance

Compliance with Contract and Financial Procedure Rules

Purpose

- 1.1 To seek approval by Council Cabinet under Contract and Financial Procedure rules for the following:
- Addition to Capital Programme - approval to add to the capital programme works at Imari Park Traveller Site funded from identified revenue budget in the financial year 2021/22 and 2022/23 to the value of £0.070m (£0.044m and £0.026m respectively)
 - Public Health Substance Misuse - acceptance of new investment of up to £5m for three years to rebuild local authority commissioned substance misuse treatment services as outlined in the new drug strategy 'From Harm to Hope'
 - Public Health Substance Misuse - to delegate authority to enter into all necessary contracts and agreements associated with the substance misuse ring-fenced funding
 - Domestic Abuse Safe Accommodation - acceptance of grant of £0.603m and approval of a procurement exercise up to a maximum of £2m equating to £0.500m a year, for a maximum of four years, subject to funding, to contract providers for survivors of domestic abuse and their families in refuge and other safe accommodation
 - The FTZ programme (Future Transport Zone – formerly Future Mobility Zones) - addition to the capital programme with confirmed profiling
 - Carry Forward request of £0.050m of revenue to support the development of a devolution business case
 - Use of Dedicated Schools Grant (DSG) reserve funds up to a maximum of £0.930m to complete the High Needs Transformation Programme
 - Award a further contract to Inpower for up to £0.290m from the balance of the previously agreed fund of £0.930m from DSG reserves
 - Household Support Fund - acceptance of funding of £2.224m (subject to final confirmation) and allocation as appropriate.

Recommendations

2.1 To Approve:

- a) the addition of the Imari Park capital scheme at the value of £0.070m to the 2022/23 Capital Programme, as outlined in section 4.1.
- b) the use of £0.044m and £0.026m Housing General Fund revenue funding from 2021/22 and 2022/23 respectively for the Imari Park scheme. The 2021/22 element of the funding is a carry forward of funding, as outlined in section 4.1.
- c) acceptance of additional ring-fenced Public Health substance misuse funding for Derby City of up to an estimated £5m in the next 3 financial years, as outlined in section 4.2.
- d) the delegated authority to the Strategic Director of Peoples Services in consultation with the Strategic Director of Corporate Resources and the Cabinet member for Adults, Health & Housing to enter into all necessary contracts and agreements associated with Public Health (PH) ring-fenced substance misuse funding, as outlined in section 4.2.
- e) acceptance of £0.603m grant for 2022/23 to commission support to survivors of domestic abuse and their children in safe accommodation and to meet the administrative new burdens cost of delivering the functions under the duty, as outlined in section 4.3.
- f) procurement of services up to a maximum of £2m equating to £0.500m a year, for a maximum of four years, subject to funding, to contract providers for survivors of domestic abuse and their children in safe accommodation, as outlined in section 4.3.
- g) delegated authority to the Strategic Director of Peoples Services in consultation with the Cabinet Member for Adults, Health & Housing, The Cabinet member for Children, Young People & Skills and the Strategic Director of Corporate Resources to authorise entering into a contract for the provision of services to survivors of domestic abuse and their children in safe accommodation, as outlined in section 4.3.
- h) acceptance of Derby City Council's share of the FTZ funding as per the below table and approval for Derby City Council to enter into the associated grant agreement with NCC, as outlined in section 4.4.
- i) the carry forward of £0.050m of revenue budget into 2022/23 to support the development of a devolution business case, as outlined in section 4.5.
- j) the award of a further contract to Inpower for up to £0.290m (to be funded from DSG reserves previously approved by cabinet on 10th Nov 2021) as part of the necessary engagement of external specialists to support the delivery of High Needs Transformation Programme, as outlined in section 4.6.

- k) the acceptance of the 2022/23 award for the Household Support Fund of circa £2.224m and delegated authority of the final details of the scheme to the Strategic Director of People Services and the Cabinet Member for Children, Young People and Skills, as outlined in section 4.7.

Reason

- 3.1 To comply with Financial Procedure Rules.

Supporting information

4.1 Imari Park Traveller Site Addition to the Capital Programme 2022/23

Imari Park is the City's permanent Traveller site on Cotton Lane which is managed and maintained by Derby Homes on behalf of the City Council. The site has 17 pitches (a mix of single and doubles) and each pitch is bounded by, predominantly, 3ft high timber demarcation and gates. In the time since the build was completed this demarcation has deteriorated and is beyond its economic life. The pales, gates and posts have been damaged by the residents taking their caravans on and off the pitch during the travelling season and then manoeuvring them back into position. The condition of the site is now a health and safety concern, and the proposal is to replace it with more robust metal materials and wider gates that is also the demarcation of the pitches.

- 4.1.2 Many of the families have dogs that live outside of the caravans and there is a concern that they will leave the pitch curtilage through the poor condition enclosure posing a risk to non-residents. As the new demarcation would be a significant enhancement rather than a repair or replacement of like for like the view is that the spend is capital but would need to be funded through revenue as this is available. A recent review by Derby Homes has highlight a need for these works and has been classified as urgent due to the health and safety concerns.
- 4.1.3 The proposal is to add the work to the Capital Programme for 2022/23 however the funding available is currently in 2021/22 and 2022/23. The cost is estimated to be £0.070m funded £0.044m from a carry forward in 2021/22 and £0.026m from 2022/23 revenue budgets - a proposed revenue contribution for the capital spend.
- 4.1.4 It is recommended to approve the addition of the Capital scheme at Imari Park at the value of £0.070m to the 2022/23 Capital Programme.
- 4.1.5 It is recommended to approve the use of £0.044m and £0.026m Housing General Fund revenue funding from 2021/22 and 2022/23 respectively.

4.2 Public Health – substance misuse funding

PH will receive a Section 31 Universal Drug Treatment Grant of up to £5m for the next three financial years. This is part of the government's intention to reduce crime and death associated with drug misuse.

- 4.2.1 The new Drug strategy 'From Harm to Hope' states this funding will be extended by a minimum of three years (to March 2025). The Office for Health Improvement and Disparities (OHID) have advised Derby City Council of the indicative allocations for each year.
- 4.2.2 These indicative allocations have not been confirmed or published for the next three years and will be reported as appropriate. The purpose of this paper is to gain approval to accept this funding when it is confirmed to meet Financial Procedure rules in a timely manner and obtain delegate approvals for contracts in order for them to be executed in a timely manner.
- 4.2.3 The new investment is to rebuild local authority commissioned substance misuse treatment services. This additional ring-fenced substance misuse funding for Derby City is on top of the existing PH grant, there is a requirement to maintain or increase existing commitments to substance misuse spending from the current annual PH grant.
- 4.2.4 The grant will be allocated to existing contracted providers via contract variation where necessary. Discussions with providers have already taken place with regard to increasing capacity across the drug treatment spectrum. PH commissioners will oversee necessary contract variations; project manage the capacity increases and new interventions (under existing performance management arrangements) and will monitor the spend of the allocations as per the grant agreement.
- 4.2.5 It is recommended to approve acceptance of additional ring-fenced Public Health substance misuse funding for Derby City of up to an estimated £5m for the next three years.
- 4.2.6 It is recommended to approve the delegated authority to the Strategic Director of People Services in consultation with the Strategic Director of Corporate Resources and the Cabinet member for Adults, Health & Housing to enter into all necessary contracts and agreements associated with this additional PH ring-fenced substance misuse funding.
- 4.3 Domestic Abuse – Safe Accommodation**
The Domestic Abuse Act 2021 placed new duties on local authorities across England to ensure that survivors of domestic abuse and their children can access the right support in safe accommodation when they need it. £125 million new burden funding is being allocated to local authorities for delivery of their duties in 2022 to 2023.
- 4.3.1 The Department for Levelling Up, Housing and Communities – DLUHC - has confirmed a Grant determination to the Council for 2022/23 of £0.603m.
- 4.3.2 The following two elements have been assessed by DLUHC to determine the Grant funding:
1. Support in safe accommodation: cost of the commissioned services, based on an estimate of support unit costs and the level of unmet need for safe accommodation.
 2. Administrative new burdens: cost of delivering the new functions under the duty.

4.3.3 A Memorandum of Understanding (MOU) will be issued in lieu of a grant agreement. While this document is not a legal or binding agreement, all parties enter into the MOU committed to honouring all their obligations within it. The grant funding for 2023/23 is to be paid on the understanding that:

- a) The grant only covers revenue expenditure relating to the functions set out in the new statutory duty (within the Domestic Abuse Act) on Tier 1 Local Authorities relating to the provision of support to survivors of domestic abuse and their children residing within safe accommodation.
- b) The Act puts in place a statutory framework for the delivery of support to survivors of domestic abuse and their children residing within safe accommodation.

The Council have an assurance that this statutory duty will continue to be funded in future years.

4.3.4 Safe accommodation is defined as that which is:

“...solely dedicated to providing a safe place to stay for survivors of domestic abuse, including expert support...”

Safe accommodation includes Refuge accommodation; Specialist safe accommodation; Dispersed accommodation; Sanctuary Schemes; Second stage, step-down or move-on accommodation; Other forms of domestic abuse emergency accommodation.

4.3.5 Domestic abuse support is defined as meaning support, in relation to domestic abuse, for survivors and their children who live in “relevant accommodation”.

Such support may include:

- Overall management of services within safe accommodation
- Support with the day-to-day running of the service
- Advocacy support
- Domestic abuse-prevention advice
- Specialist support for survivors with protected characteristics and / or complex needs
- Children's support
- Housing-related support
- Counselling and therapy for both adults and children.

4.3.6 The current provision of accommodation-based support is provided by Refuge. The development of a service specification to meet the requirements will be developed in consultation with Procurement Service advice and legal support to agree terms, if appropriate.

4.3.7 It is recommended to approve acceptance of £0.603m grant for 2022/23 to commission support to survivors of domestic abuse and their children in safe accommodation and to meet the administrative new burdens cost of delivering the functions.

- 4.3.8 It is recommended to approve procurement of services up to a maximum of £2m equating to £0.500m a year, for a maximum of four years, subject to funding, to contract providers for survivors of domestic abuse and their children in safe accommodation. This will be in consultation with Procurement Service advice and legal support to agree terms as appropriate and with our Lead on Equality and Diversity.
- 4.3.9 It is recommended to approve delegated authority to the Strategic Director of Peoples Services in consultation with the Cabinet Member for Adults, Health & Housing and the Cabinet Member for Children, Young People & Skills and the Strategic Director of Corporate Resources to authorise entering a contract for the provision of services to survivors of domestic abuse and their children in safe accommodation.
- 4.4 The FTZ programme addition to the capital programme**
The FTZ programme is a £90 million funded scheme from the Department for Transport that will trial new transport innovation in three new ‘future transport zones’: Portsmouth and Southampton, the West of England Combined Authority, and Derby and Nottingham.
- 4.4.1 Derby City and Nottingham City Council (NCC) were jointly granted £16.7m of the overall pot of funding for trialling new innovations in transportation which lasts up to the end of June 2024. The funding is split into four work packages that comprise:
- Open Access MaaS (Mobility as a Service)
 - Data Platform
 - Electric Mobility Hubs
 - Programme Coordination and Evaluation
- 4.4.2 As a result of a report presented to the Nottingham City Council Capital Board (NCC are the programme accountable body) in January 2022 it was approved to pass Derby City Council the agreed sum of £4.290m for funding the designated FTZ projects associated with Electric Mobility Hubs. Approval is now sought to accept the future funding from NCC as outlined below 2021/22 has been approved previously and is shown for completeness:

Scheme	2021/22 £m	2022/23 £m	2023/24 £m	TOTAL £m
Derby MaaS Restricted Trial	0.635	-	-	0.635
Campus E-Mobility Hub	-	1.000	0.700	1.700
Neighbourhood E-Mobility Hub (including green floor/zero carbon floor)	-	1.020	0.280	1.300
Car Club development	-	0.340	0.060	0.400
Programme Management (all staffing, fees, contingency)	-	0.205	0.050	0.255
TOTAL	0.635	2.565	1.090	4.290

- 4.4.3 Transforming Cities on the capital programme was detailed in Council Cabinet on the 10 June 2020. This report outlined that the FTZ was to be added at a future date when amounts and profiling were confirmed. This report outlines the amounts and associated profiling.
- 4.4.4 The FTZ funding was awarded to establish 'Live Labs', testing schemes which offer innovation but may not satisfy the usual Government requirements for a full business case. Only four urban areas have been selected to participate in the FTZ programme. The intention is to test projects and interventions and capture learning through their implementation and outcomes. The funding was part of a joint bid with Nottingham City Council and forms part of Derby's Mobility Programme alongside the Transforming Cities Fund.
- 4.4.5 It is recommended to approve acceptance of Derby City Councils share of the FTZ funding as per the table outlined in section 4.4.2 and approval for the Council to enter into the associated grant agreement with NCC.

4.5 Carry Forward Request £0.050m

The Council set has a budget for Local Government reform which has not been utilised in 2021/22. Cabinet are asked to consider a carry forward request of this budget into the new year to help fund the development of the devolution business case outlined to cabinet in March 2022.

- 4.5.1 It is recommended to approve the carry forward of £0.050m of revenue budget into 2022/2023 to support the development of a devolution business case.

4.6 High Needs Transformation Programme

Nationally, delivery of the SEND reforms has proved to be a significant challenge with many Council's experiencing significant DSG deficits, national demands for assessment of Education and Health Care Plans (EHCPs) which have increased by 70% in the last 12 months alone. Despite the financial position in Derby being more favourable with DSG reserves intact at the end of the 2020/2021 financial year it was fully recognized that an improvement journey was necessary to ensure that good quality outcomes for children and their families were met and that the sector was financially sustainable within the funding envelope provided through the ringfenced Dedicated Support grant.

- 4.6.1 At their meeting of the 12th of February 2020 Council Cabinet, with full approval of Schools Forum, approved a 0.5% top slice of the Schools Block of £947,000 and to embark on a transformation programme for the High Needs Block; as part of this programme Inpower, a specialist consultancy agency, were appointed to support the development and delivery of the changes necessary to transform system wide changes necessary within the SEND system in Derby. Inpower have a track record of delivery in a number of Councils in the area of SEND and High Needs.
- 4.6.2 At Council Cabinet on 10th November 2021, with further approval from Schools Forum on 12th October 2021, Council Cabinet agreed to use a maximum of £0.930m of DSG reserves to complete the High Needs Transformation Programme, including approval to award a contract of up to £0.640m to Inpower and the balance of £0.290m to provide much needed additional capacity internally and from the wider sector to ensure a successful delivery of the transformation programme.
- 4.6.3 Derby City Council has been unable to recruit to the programme posts, which will require a review of the internal and external capacity to deliver the Transformation Programme.
- 4.6.4 It is recommended to approve the award of a further contract to Inpower for up to £0.290m (to be funded from DSG reserves previously approved by cabinet on 10th Nov 2021) as part of the necessary engagement of external specialists to support the delivery of High Needs Transformation Programme.

4.7 Household Support Fund

In the Spring Budget announced on the 23 March 2022 the Chancellor of the Exchequer confirmed that a Household Support Fund would be made available from April 2022. This builds on the scheme that has been in existence for the winter of 2021/22 which comes to an end on 31 March 2022.

- 4.7.1 Individual local authority allocations are yet to be confirmed but with the national funding allocations replicating the previous scheme we are expecting that our allocation will be in the region of £2.224m. The Household Support Fund is made available to all County Council's and Unitary Authorities to support those in most need with food, energy, and water bills. It can also be used to support households with essential costs related to those items and wider essential costs.

- 4.7.2 The guidance for the new grant explains that awards must be based on the following framework of at least one third of the total funding will be ring-fenced to support households with children, at least one third of the total funding will be ring fenced to support pensioners with up to one third of the total funding to other households genuinely in need of support. This would mean:
- £0.741m allocated to food vouchers to all schools in Derby on the numbers of pupils eligible for Housing Benefit related Free School Meals for seven weeks to include May half term break and the summer holiday break.
 - £0.741m allocated to provide financial assistance to eligible citizens, and
 - £0.741m allocated to support residents of pensionable age
- The criteria for the exact allocations will be delegated to the Strategic Director of People Services and the Cabinet Member for Children, Young People and Skills following confirmation of the exact funding allocations.
- 4.7.3 It is recommended to approve the acceptance of the 2022/23 award for the Household Support Fund of circa £2.224m and to approve delegation of the final details of the scheme to the Strategic Director of People Services and the Cabinet Member for Children, Young People and Skills.

Public/stakeholder engagement

- 5.1 **Public Health (substance misuse)** – Are engaging with key stakeholders as the Drug Strategy emphasises the need for multi-agency leadership to define local priorities. Local delivery partners will be held to account through a local outcomes framework with local senior accountable owners.
- 5.2 **Public Health (substance misuse)** – are currently contract managing the grants and contract variations issued against the OHID Section 31 Universal Drug Grant 2021-22.
- 5.3 **Domestic Abuse – Safe accommodation** - Derby City Council and Derbyshire County Council has worked in partnership on the local need's assessments and collaboratively with the wider domestic abuse partnership. Statistical analysis of available and relevant local data was undertaken at the city and county level. Supported with three consultations covering Domestic Abuse service providers and public agencies, the public and the faith and voluntary sector.
- 5.4 **The FTZ programme addition to the capital programme** – Public engagement and formal consultation will take place as and when required by the various proposed schemes.

Other options

- 6.1 **Public Health** – not to accept funding, not a viable option.
- 6.2 **The FTZ programme addition to the capital programme**– The alternative option is not to continue with the delivery of the Derby FTZ projects and reject the funding.

Financial and value for money issues

- 7.1 **Imari Park** - The capital scheme will be added to the 2022/23 capital programme funded from Housing General Fund revenue of £0.044m in 2021/22 and £0.026m in 2022/23. The Spend has been considered and approved at the appropriate Spending Panel.
- 7.2 **Domestic Abuse – Safe accommodation** -There is no net cost to the Council of providing this support. The cost the Council incurs in providing support is funded by the DLUHC Grant determination.

Government has committed £125 million to local authorities to make sure safe accommodation spaces, such as refuges and shelters, can provide survivors with vital support services. DLUHC has confirmed a Grant determination to the Council for 2022/23 of £0.603m with an assurance that this statutory duty will continue to be funded in future years.

The funding will be issued as an un-ringfenced grant to local councils who will then be responsible for making decisions on how the funding is spent to benefit those in need.

In determining the value of procurement, indicative costs can be assumed from existing Domestic Abuse provision and administrative costs. The authority currently commissions Refuge to provide provision of 25 bed spaces for survivors of Domestic Abuse, appropriate support and outreach work. The annual cost for this service is circa £0.200m.

The Domestic Abuse Needs Assessment completed in November 2021 has identified additional provisions which will need to be procured:

- refuge spaces for male survivors
- children's workers based in the refuges
- support for survivors with complex needs, including mental health and substance misuse issues.
- short-term accommodation to provide a temporary place of safety, with immediate DA support
- a local DA Helpline
- support for survivors with relevant protected characteristics and complex needs
- support for survivors provided with sanctuary schemes and target hardening measures

A procurement value of £0.500m will allow these additional provisions to be tendered. The administrative costs are projected to be £0.090m per annum and are included within the allocation of the £0.603m.

- 7.3 **The FTZ programme addition to the capital programme** – The FTZ programme is a successful joint bid for funding to the Department of Transport with Nottingham City Council. FTZ grant funding was accepted at Council Cabinet on 10 June 2020. Once the FTZ grant agreement has been signed Derby City Council will continue its programme of FTZ innovations. The funding is subject to evaluation.

Legal implications

- 8.1 **Public Health (substance misuse)** – Legal Service’s input will be sought to review any terms and conditions.
- 8.2 **Domestic Abuse – Safe Accommodation** - Part 4 of the Domestic Abuse Act 2021 places a statutory duty on Tier One authorities such as Derby City Council for the delivery of support to survivors of domestic abuse and their children in safe accommodation, who need it and provides clarity over governance and accountability. Requirements are to:
- Assess need and demand for accommodation-based support to meet the needs of survivors and their children, including how to incorporate the voices and needs of survivors.
 - Develop and publish a strategy for the provision of support to cover the local area, with regard to the needs assessment

Deliver this strategy (through funding and commissioning decisions), monitor and evaluate local delivery and report back to central Government.

- 8.3 **Domestic Abuse – Safe Accommodation** - This is not a requirement to provide domestic abuse survivors with accommodation – and does not replace existing housing and homelessness duties.
- 8.4 **Domestic Abuse – Safe Accommodation** - This duty is separate to local authority housing duties under the Housing Act 1996 and Homelessness Reduction Act 2017 and does not place a requirement on authorities to provide domestic abuse survivors with accommodation. However, local authorities must still comply with their duties under homelessness law in line with the Chapter 8 of the Homelessness Code of Guidance for local authorities.

Climate implications

- 9.1 All- Climate Change implications will be reviewed as appropriate in each circumstance.

Other significant implications

- 10.1 **Domestic Abuse – Safe Accommodation** - The need for an Equality Impact Assessment – EIA - has been considered in the drafting of the strategy but a decision has been taken not to complete one at this stage, but one will be completed with support from our Lead on Equality and Diversity and our Equality Hubs and Forums. In developing the accommodation-based strategy, both the Derby Domestic Abuse Needs Assessment (2021) and the Derbyshire Domestic Abuse Needs Assessment (2021) are

key to understanding the scale of the wider domestic abuse issues that exist locally and enable any gaps in domestic abuse services / provision to be identified. These will inform the development of an overarching strategy in response domestic abuse, sexual violence and violence against women and girls.

The Needs Assessment identified that:

- There is no provision in the City Council area for refuge spaces for male survivors.
- There is a need to encourage survivors aged 35 and older and survivors from the LGBT+ communities to engage with the services.
- There is less engagement, reporting and recording of incidents for those who are from Black and Minority Ethnic Communities.

We know that disabled women are twice as likely to experience domestic abuse than non-disabled women and that women who are carers of disabled children over the age of refuge policies face particular barriers. We know that many helplines still do not provide access for Deaf women. Our EIA will facture all issues affecting people with protected characteristics.

An EIA will also be provided at the point of commissioning and procuring accommodation-based support services.

10.2 Equalities - All Equality Impact Assessments if required will be completed as required and advice will be taken as required. Many of these initiatives positively affect people with protected characteristics under the Equality Act.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu – Head of Legal Services	25/03/2022
Finance	Toni Nash – Head of Corporate Finance	24/03/2022
Service Director(s)	Alison Parkin – Director of Financial Services	25/03/2022
Report sponsor		
Other(s)	Ann Webster – Equalities	30/03/2022
	Liz Moore – HR	

Background papers:

List of appendices: