

Time began: 6:00pm
Time ended: 6:57pm

COUNCIL CABINET
9 October 2019

Present Councillor Poulter (Chair)
Councillors Barker, M Holmes, Roulstone, Smale, Webb and Wood

In attendance

Councillors Anderson, Eldret and A W Graves
Carole Mills – Chief Executive
Paul Simpson – Strategic Director of Corporate Resources
Andy Smith – Strategic Director of People
Rachel North – Strategic Director Communities and Place
Emily Feenan – Director of Legal, Procurement and Democratic Services
Catherine Williams – Head of Regeneration and Major Projects
Ian Fullagar – Head of Strategic Housing
Keith Cousins – Communications Officer
Abdul Siddiqi– Youth Mayor
Gagandeep Kaur – Deputy Youth Mayor

This record of decisions was published on 11 October 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.

72/19 Apologies

Apologies for absence were received from Councillors Skelton and Williams.

73/19 Late Items

There were no late items.

74/19 Receipt of Petitions

There were no petitions

75/19 Identification of Urgent Items to which Call In will not apply

There were no items.

76/19 Declarations of Interest

There were no declarations of interest.

77/19 Minutes of the Meeting Held on 11 September 2019

The minutes of the meeting held on 11 September 2019 were agreed as a correct record.

Matters Referred

78/19 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.

Key Decisions

79/19 Adult Social Care 'Your Life Your Choice' Strategy Refresh for 2019 and Beyond

The Council Cabinet considered a report which sought permission to engage in consultation on an update to the Adult Social Care "Your Life Your Choice" Strategy – as a refresh for 2019 and beyond. The previous strategy was approved by Council Cabinet, following a period of consultation and engagement, in April 2015.

The revised strategy would describe the key areas of focus for the Adult Social Care service in Derby over the coming years and set out to care providers, families, individuals and partners about how the Council would support them.

The Executive Scrutiny Board recommended to Council Cabinet that consideration be given to ensure linkages are made between adult social care and transport strategies for the city. Of particular interest may be bus services and information, safe walking routes and transport aids such as mobility scooters.

Options considered

None had been considered. Whilst there was no statutory requirement to have a strategy, it was considered good practice to set out the key ambitions for Adult Social Care, being clear about the priorities for the coming years and explaining clearly how individuals could expect to be supported. A strategy provided a vehicle for engagement with local people and partners and operating within a more up to date

strategic context improves transparency, accountability and communication with local people, partners and stakeholders.

Decision

1. To approve that consultation takes place to update the Adult Social Care Strategy so it could be refreshed for 2019 and beyond, and to receive a further report back with the proposed Strategy in February 2020.
2. To accept the recommendation from Executive Scrutiny Board that consideration be given to ensure linkages are made between adult social care and transport strategies for the city. Of particular interest may be bus services and information, safe walking routes and transport aids such as mobility scooters.

Reasons

In April 2015, Council Cabinet approved the first “Your Life Your Choice” strategy for adult social care. Although the strategy at that point did not have a formal life cycle or timeframe, it was considered good practice to refresh and update the strategy so that recent developments, opportunities and service pressures could be adequately captured and communicated widely.

80/19 RAM Energy Fuel Poverty Fund

The Council Cabinet considered a report which stated that Derby City Council’s (DCC) energy provider RAM Energy had been successfully operating for two years. During this time RAM Energy had sustained the level of sign ups required to fund the project without additional funding from the council, beyond the original allocation from the Delivering Differently fund. It was projected that RAM Energy would generate a small surplus in 2019/20 of between £2,000 to £3,000.

One of the original key aims of RAM Energy was to help reduce fuel poverty; by creating a RAM Energy Fuel Poverty Fund that could directly help those who were in fuel poverty.

Ring-fencing the funds so that any operational surplus at the end of the financial year was transferred to a reserve to support the Fuel Poverty Fund for grant payments during the winter months; this would assist people in fuel poverty at a time when they needed it most.

The Executive Scrutiny Board recommended to Council Cabinet that if the council was not already offering 'affordable warmth' advice to customers, especially those struggling to pay, then this fund should be used for this purpose as a priority over financial aid as this would help reduce future energy bills and customers fuel usage.

Options considered

1. Do nothing. This option had been discounted as it would not help address fuel poverty or contribute towards the aim of RAM Energy.

2. Set up the RAM Energy Fuel Poverty Fund without setting up a reserve. This was not advisable as the payments needed to be made in the same year that they would be earned, thereby creating a risk that the budget may overspend or equally underspend leaving potential recipients without assistance when they may possibly have benefited. The establishment of the size of the fund in the previous year would enable proper planning in relation to the available funding and therefore the volume of awards that could be afforded.

Decision

1. To approve the creation of the RAM Energy Fuel Poverty Fund and the awarding of energy bill contributions to those in fuel poverty.
2. To create a ring-fenced reserve from any surplus income arising at the end of each financial year to support the establishment of a Fuel Poverty Fund.
3. To accept the recommendation from the Executive Scrutiny Board that if the council was not already offering 'affordable warmth' advice to customers, especially those struggling to pay, then this fund should be used for this purpose as a priority over financial aid as this would help reduce future energy bills and customers fuel usage on the basis that this advice was already being comprehensively offered.

Reasons

1. The creation of the RAM Energy Fuel Poverty Fund would directly help people in fuel poverty, one of the key aims of RAM Energy.
2. The creation of a ring-fenced reserve would allow surplus operational income to be carried over between financial years ensuring that income generated by RAM Energy could be collated and utilised by the Fuel Poverty Fund during the winter months. RAM Energy's five year financial prediction indicated less than £10,000 surplus was expected in each financial year, with less than £5,000 surplus anticipated to be carried over in each of the next three financial years.

81/19 Purchase of Land at Infinity Park Derby to Enable the Delivery of the Science Park

The Council Cabinet considered a report which sought approval to purchase land at Infinity Park Derby (IPD). The purchase would be funded from Local Growth Funding from D2N2 the Local Economic Partnership.

The Council had negotiated the opportunity to purchase 6.1 acres of employment land at Infinity Park Derby.

The strategic purchase of this land would form the second phase of the Science Park at Infinity Park Derby.

The Executive Scrutiny Board noted the report.

Options considered

There was the option not to proceed with the purchase of the land. However this had been discounted as it would put at risk the delivery of the Science Park and the added value that this would bring to IPD. Control of the land would enable the option to lever future public investment and directly influence the outcome. If the Council were not to invest it would be reliant upon the market to deliver development at this site.

Decision

1. To delegate authority to the Strategic Director for Communities and Place following consultation with the Strategic Director of Corporate Resources to negotiate terms for the acquisition of and enter into contracts for the land at Infinity Park Derby as outlined in paragraphs 4.4 and 4.5 of the confidential report subject to the completion of satisfactory due diligence.
2. To note that the above recommendation was subject to the approval of the reallocation of the Local Growth Fund by the D2N2 Local Economic Partnership.

Reasons

The purchase of this land would enable the Council to secure the delivery of the Science Park vision for Infinity Park Derby.

Contract and Financial Procedure Matters

82/19 Compliance with Contract and Financial Procedure Rules

The Council Cabinet considered a report and an addendum which dealt with the following items which required reporting to and approval by Council Cabinet under the Contract and Financial Procedure Rules.

- To approve the change of use of reserves to fund £0.056m to support consultancy costs for the dry recyclables contract procurement;
- To approve entering into a Partnership arrangement and delegate authority to the Strategic Director for Peoples Service and to approve the Council entering into such contractual arrangements for the Emotional Health and Wellbeing Service;
- To approve Derbyshire County Council to lead on the procurement of the Emotional Health and Wellbeing Service contract on behalf of Derby City Council and to approve a contract period of up to 5 years.
- To approve a block contract with Agincare for the provision of adult residential care beds.

The Executive Scrutiny Board recommended to Council Cabinet

- that if not already being done, to include in the remit to the consultant on dry recyclables how to maximise the value of collected recyclables and how the public can help minimise the waste collection and disposal costs, ie to look more broadly at waste rather than simply a like for like procurement process to the current standards.
- That the Executive Scrutiny Board was concerned about the lack of background provided on the block contract for Agincare for the provision of adult residential beds, especially regarding the change of administration since the initial decision was taken in 2016. They recommended that to Council Cabinet that the item be withdrawn and a fuller paper provided at the next meeting.

Decision

1. To approve the change of use of reserves in order to use £0.056m from Communities and Place Trading Services reserve to support consultancy costs for the dry recyclables contract procurement processes, as detailed in section 4.1 of the report.
2. To approve entering into a Partnership arrangement with Derbyshire County Council and Derby and Derbyshire Clinical Commissioning Group, and delegate authority to the Strategic Director for Peoples Service, following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Children and Young People, to approve the Council entering into such contractual arrangements as are necessary to give effect to the award for the Emotional Health and Wellbeing Service, as detailed in section 4.5 of the report.
3. To approve Derbyshire County Council to lead on the procurement of the contract on behalf of Derby City Council, under one specification but with Derby City Council managing its own contract and to approve a contract period of up to 5 years, noting the new contract was not envisaged to commence prior to January 2020, as detailed in section 4.5 of the report.
4. Subject to agreement and exchange of contracts in relation to the sale of Coleridge House, Merrill House and Raynesway View to Agincare, to approve the award of a contract to Agincare for the provision of adult residential care up to a total value of £615,000.
5. To approve a waiver of Contract Procedure Rules paragraph 7.2 (*Competition Requirements*)) to permit the direct award of the contract for the provision of adult residential care to Agincare, in accordance with paragraph 56 (*Waivers*) of Contract Procedure Rules.
6. To accept the recommendation from the Executive Scrutiny Board that if not already being done, to include in the remit to the consultant on dry recyclables

how to maximise the value of collected recyclables and how the public can help minimise the waste collection and disposal costs, ie to look more broadly at waste rather than simply a like for like procurement process to the current standards.

7. To reject the recommendation from Executive Scrutiny Board to withdraw the item on a block contract for Agincare for the provision of adult residential beds and a fuller paper be provided at the next meeting.

83/19 Exclusion of the Press and Public

Resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Key Decisions

84/19 Purchase of Land at Infinity Park Derby to Enable the Delivery of the Science Park

The Council Cabinet considered exempt information in relation to the purchase of land at Infinity Park Derby to enable the delivery of the Science Park.

The Executive Scrutiny Board noted the report.

MINUTES END