

Time Commenced – 18:00

Time Finished – 20:57

## **Corporate Scrutiny and Governance Overview and Scrutiny Board**

**06 December 2016**

Present: Councillor Stanton (Chair)  
Councillors Bayliss, Carr, Graves, Hezelgrave, Jackson, J  
Khan, Pegg, Poulter, Webb and Whitby

In Attendance: Martyn Marples, Perveez Sadiq, David Gartside, Greg Jennings, Gurmail Nizzer, John Tomlinson, Bernard Fenton, Ian Fullagar, Clare Mehrbani, Kas Sahota, Clare Harrison (minutes).

### **41/16 Apologies for Absence**

Apologies for absence were received from Councillors Hassall and Williams.

### **42/16 Late Items**

There were no late items.

### **43/16 Declarations of Interest**

Councillors Bayliss and Webb declared an interest in housing related items due to being Council-appointed Members of the Derby Homes Board. This did not preclude Members from participated in discussions or taking part in any potential vote-taking.

### **44/16 Minutes of the meetings held on 08 November 2016**

Minutes of the meeting held 08 November 2016 were agreed as a correct record.

### **45/16 Forward Plan**

The Board considered the contents of the Forward Plan published on 08 November 2016. No new items were added to the Board's Work Programme.

**The Board resolved to note the Forward Plans.**

### **46/16 Performance Items and Performance Forward Plan**

The Board considered a report of the Chief Executive updating Members on performance information covering two of the Council's service areas.

Members received performance updates from officers reported progress against the following indicators:

- LPI 52h Proportion of complaints responded to within timescale (all services) – this is published in the Council scorecard.
- LPI 52i Proportion of complaints with learning outcomes recorded on Lagan (upheld or partially upheld complaints).
- EaRS PM 29 Percentage of the annual Food Safety intervention prevention programme achieved for premises rated A-C (high risk rated food premises).

Members discussed the various reasons for the increases in the number of complaints and the various systems being used to record complaints. The Board felt that the use of a range of different systems undermined the complaints process and that in order for the Council to feel confident that all complaints are being recorded and dealt with consistently there should only be one corporate complaints system in across the entirety of the Council.

It was reported to members that the main reasons for underperformance in relation to food safety inspections were a lack of resources within the team. It was further reported that due to efficiency savings, there was no staff relieve left within the team and that unplanned staff absences have a significant impact on the ability to deliver services and carry out inspections. Members queried the use of non-certified staff to free up staff to do regulatory duties but were informed that this was not an option. Members also queried the use of Agency/temporary staff to fill gaps in resources.

**It was recommended to Council Cabinet that:**

- 1) A single complaints system should be implemented across the whole Council (and other systems should not be used to record and manage complaints).**
- 2) Agency/temporary staff be employed to fill gaps in resource to deliver high risk food safety inspections and manage the Council's risk of being audited for non-compliance in this area.**

## **47/16 Council Cabinet Response to Scrutiny Recommendations**

The Board considered a report of the Chief Executive which allowed the scrutiny board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 09 November 2016.

**The Board resolved to note the report.**

## 48/16 Council Cabinet Agenda

The Board considered a report from the Chief Executive on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 07 December 2016 and made a number of comments and recommendations to Council Cabinet.

### **Item 8 - Service Delivery Model for the Council's Care Homes and Day Centres**

Members considered a Council Cabinet report of the Cabinet Member for Integrated Health and Care and Strategic Director for People to delegate authority to the Strategic Director of Place following consultation with the Strategic Director of People, to sell five of the Council's care homes.

It was reported that a consultation exercise had been carried out between March and May 2016 and that a soft-market testing exercise had been carried out in October 2016 to establish whether there was interest from credible organisations who may want to take over the facilities and provide the service in an alternative way.

Members were informed that the resulting recommendations from the consultation and soft-market testing exercises were that Merrill, Coleridge, Raynesway View, Bramblebrook and Arboretum House (including Morleston Day centre) should be disposed of subject to provision being made to ensure that the existing residents are provided with a quality care service for the remainder of their lifetime, at no additional cost to them; and that further due diligence work be undertaken to establish the future strategy in respect of Inspire and Aspect Day Centres.

Members discussed the use of capital receipts from the sale of these care homes for use in other projects and felt that, where capital funds are needed to deliver projects related to social care, these receipts should be directed towards these projects.

Members also felt that following the success of the delivery of 'day care services' following the closure of Wetherby Day Centre, the friends and family involved in this should be approached to be potential ambassadors for the new model of delivery for day care services.

**It was resolved to recommend to Council Cabinet that:**

- 1) The requirement for capital funds to deliver social care/extra care schemes should be considered when allocating capital receipts resulting from the sale of care homes and these should be directed towards delivering these schemes where possible.**
- 2) Following the closure of Wetherby Day Centre and positive feedback in relation to the alternative provision of day care services, the friends and family involved this should be approached to be potential ambassadors for the new model of delivery for day care services.**

## **Item 9 - Publication of Draft Flood Risk Management Strategy and Baseline Strategic Environmental Scoping Report for Public Consultation**

Members considered a Council Cabinet report of the Cabinet Member for Communities and City Centre Regeneration and Strategic Director Communities and Place to agree the draft Local Flood Risk Management Strategy for public consultation.

Members discussed the potential lack sufficient funds to deliver all phases of the scheme and felt that the diversion of funds allocated fro Derby to other areas suffering from flooded put this at risk. Members therefore agreed that the Council should write a letter of cross party support to the MP with responsibility for flooding and waterways to make representations to government to request additional funds for Derby for the delivery of the OCOR project.

**It was resolved to recommend that a letter of cross party support should be sent to the Parliamentary Under Secretary of State for the Environment and Rural Life Opportunities to make representations to government to request additional funds for Derby for the delivery of the OCOR project.**

## **Item 10 - Revised Statement of Community Involvement**

Members considered a Council Cabinet report of the Cabinet Member for Communities and City Centre Regeneration and Director of Communities and Place to note the consultation methods contained in the revised Statement of Community Involvement and to approve consultation seeking people's views on the amended document.

The report also sought authorisation for the Strategic Director for Communities and Place, in consultation with the Cabinet Member for Communities and City Centre Regeneration, to consider any comments received during consultation and make amendments to the document and to formally adopt the Statement of Community Involvement.

**It was resolved to request a report back to a future meeting of the Corporate Scrutiny and Governance Board outlining any amendments made to the statement following the consultation.**

## **Item 11 - Cycle Hire Scheme**

Members considered a Council Cabinet report of the Cabinet Member for Communities and City Centre Regeneration and Director of Communities and Place to approve a public cycle hire scheme and the preferred delivery model for a public cycle hire scheme for Derby.

It was reported that the Council has secured £480,000 capital grant from the Local Enterprise Partnership to support the development of a cycle hire

scheme. Members were informed that the LEP funding forms part of the £4.35m Infinity Park Derby (IPD) Sustainable Transport Programme and that the University of Derby (UoD) has indicated they will provide financial support towards the revenue and operational costs of a cycle hire scheme.

The Board was informed that the contract would likely run to March 2021 and that it was likely that other partners provide the revenue for marketing and communications and would therefore be promoted through the livery of the scheme. It was reported that the ultimate aim would be to create a self-sustaining cycle hire scheme.

**It was resolved to support the provision of a cycle hire scheme and the recommendations outlined in the report.**

### **Item 12 - City Energy Saving Programme (CESP) – Warm Zone Funding**

Members considered a Council Cabinet report of the Cabinet Member for Urban Renewal and Strategic Director for Communities and Place to authorise a 1 year pilot project which reconfigures the funding model for the CESP programme to include Warm Zone funding with homeowner contributions, allowing participants to repay the initial costs to the Council over a period of 4 years free of interest, secured as a Local Land Charge.

It was reported that the project would assist homeowners with the costs of installation of solid wall insulation using the new funding model and to determine the likely take-up by homeowners.

**It was resolved to support the scheme and the recommendations outlined in the report.**

### **Item 13 - Proposals to increase pupil places at The Bemrose School**

Members considered a Council Cabinet report for Education and Skills and Strategic Director for People to approve the proposals to permanently expand the premises of The Bemrose School in order to provide additional primary and secondary school places. It was reported that the primary provision expansions would be complete by September 2017 and the secondary expansion by September 2018.

Members queried whether or not the expansions would still take place if the school were to become 'academised' during this period. Members were reassured that the existing governing board were in full support of the expansion scheme and that if the school became an academy they would be expected to continue with the delivery and funding of these expansions.

**It was resolved to note the report.**

## **Item 14 - Derby City Council Tenancy Strategy**

Members considered a Council Cabinet report of the Cabinet Member for Urban Renewal Strategic Director for Communities and Place to extend the current Tenancy strategy until the end of 2017, with a new strategy set to commence in 2018.

It was reported that the current strategy expires at the end of 2016 and that it is likely that a further strategy revision will be necessary after regulations are bringing the Housing and Planning Act 2016 into force are developed released.

**It was resolved to note the report.**

## **Items 15 & 25 - A52 Wyvern Transport Improvement Scheme – confirmation of funding, approval to purchase land and commence scheme construction**

Members considered a report of the Cabinet Member for Communities and City Centre Regeneration and Strategic Director for Communities and Place to approve an increase to the 2016/17 to 2018/19 Capital Programme by £4,315,182, from £10,008,000 to £14,323,182, funded from a combination of grants and external contributions.

Members queried the risks associated with the scheme and were reassured that these have been considered and would be managed appropriately.

**It was resolved to note the report.**

## **Items 16 & 23 - Compulsory acquisition of empty homes**

Members considered a report of the Cabinet Member for Urban Renewal and Strategic Director for Communities and Place to authorise the Strategic Director of Communities and Place (following consultation with the Cabinet Member for Urban Renewal, the Director of Governance and the Head of Strategic Asset Management and Estates) to take the necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders and acquire the legal interests in the properties.

**It was resolved to note the report.**

## **Item 17 - Private Rented Sector – Final Offer Policy**

Members considered a report of the Cabinet Member for Urban Renewal and Strategic Director for Communities and Place to approve the Private Rented Sector – Final Offer Policy.

It was reported this policy will enable the Council to discharge the homelessness duty with a good quality, suitable private rented sector offer, without the consent of the applicant.

Members queried the identification of landlords and were informed that work has already been done to engage with landlords in the development of bonds for tenants which enable tenants with limited funds to move into a property which would normally require a deposit and rent in advance.

**It was resolved to note the report.**

### **Item 18 - Strategy and policies for the Collection of Debts**

Members considered a report of the Report of the Cabinet Member for Strategy and Policy and Report of the Chief Executive to approve a number of policies in relation to the collection and recovery of debts.

Members discussed the collection of debts and felt strongly that those responsible for building debts and not paying rates should be made a public example of, however appreciated that there may be data protection issues and other risks associated with this.

It was suggested that public notices relating to individuals receiving courts summons for non-payment and recovery of council debts could be published on the Council's dedicated news site. It was also suggested that a note should be placed on the credit reference files of those who choose not to pay their debts.

**It was resolved to recommend to Council Cabinet that:**

- 1) Options to publish the details of individuals who choose not to pay debts accrued should be explored.**
- 2) The possibility of reporting the non-payment of debts/rates to Credit Reference Agencies should be explored.**

### **Item 19 - Historic Debt**

Members considered a report of the Cabinet Member Cabinet Member for Strategy and Policy and Report of the Chief Executive to approve the writing off of council tax debt of £3,534,291.84, business rates debt of £158,988.10 and sundry debt of £1,592,585.65, subject to checks and safeguards outlined in the report.

The report also sought delegation approvals for minor changes to the amounts set out and to agree the principle that council tax, business rates and sundry debt accounts should be maintained and actively pursued for the current financial year and the previous four financial years. It was reported that older debts would be periodically written off, subject to the safeguards set out in the report.

**It was resolved to note the report.**

## **Item 20 - Hardship Relief Policy**

Members considered a report of the Cabinet Member Cabinet Member for Strategy and Policy and Report of the Director of Finance to approve the introduction and application of the Hardship Relief Policy.

It was reported that the policy would ensure that the Council has a proper framework in place for considering applications for HR and would help to minimise the possibility of any claims made against the Council for maladministration or judicial review being successful, therefore protecting the Council's reputation and financial position.

**It was resolved to note the report.**

## **Item 21 - Contract and Financial Procedure Matters Report and Addendum**

Members considered a Council Cabinet report of the Leader of the Council and Chief Executive on items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

It was reported that items included:

- Business Rates Write Offs;
- Award of a grant to Derby City Mission;
- Delegated approval to award grant in relation to trafficking and modern day slavery and safeguarding;
- Delegated approval to award grant to the Normanton and Sinfin Neighbourhood Boards;
- Delegated Approval to Bid for external funding from the Controlling Migration Fund;
- Update on the Capital Programme 2016/17;
- Award of Contract to coat the glazing at the Market Hall;
- Award of Contract and Use of Reserves – Property Rationalisation;
- Award of Contract for a dedicated team to reduce sickness absence cover;
- Approval of an increase in the budget for the Victory Road project from £7,350,000 to £8,482,350.

The Board queried the value for money in relation to the use of the existing EMPAll competitive framework to direct award a contract for the design and project management of the Council House ground floor reconfiguration and use of the Midlands Property Alliance (EMPA) Framework to appoint contractors to carry out works to the Market Hall roof.

Members were also concerned about the write off of significant amounts of money from historic non-payment of Business Rates and suggested that alternative options for the recovery of funds from these losses be explored.

**It was resolved to:**

- 1) Recommended to Council Cabinet that options are explored in relation to the alternatives for debt recovery, such as the compulsory purchase of empty/deserted business premises.**
- 2) Request that future Contract and Financial Procedure Matters Reports should include further contextual detail where figures may appear inexplicably high without the inclusion of this detail.**

## **49/16 Council Cabinet Agenda - Exclusion of the Press and Public**

A resolution was considered and approved 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".

### **Item 24 - Purchase of Residential Scheme to provide affordable housing funded through the HRA**

Members considered a report to Council Cabinet on exempt information in relation to the purchase of a residential scheme to provide affordable housing funded through the HRA.

**It was resolved to note the report.**

### **Item 26 - Review of Early Years Nursery Provision Contract**

Members considered a report to Council Cabinet on exempt information in relation to a review of the Early Years nursery provision contract.

**It was resolved to note the report.**

### **Item 27 - Further Delegation of Housing Options Service to Derby Homes**

Members considered a report to Council Cabinet on exempt information in relation to the further delegation of the Housing Options Service to Derby Homes.

**It was resolved to note the report.**

MINUTES END