

Time began: 6:04pm  
Time ended: 8.06pm

## **COUNCIL CABINET 12 September 2018**

Present                      Councillor Poulter (Chair)  
                                    Councillors Barker, Grimadell, Roulstone, Webb and Williams

In attendance              Councillors Care, Cooper, Eldret, Graves, Rawson and Skelton  
                                    Don McLure – Strategic Director of Corporate Resources  
                                    Andy Smith – Strategic Director of People Services  
                                    Christine Durrant – Strategic Director of Communities and  
                                    Place  
                                    Glen O'Connell – Interim Monitoring Officer  
                                    Greg Jennings – Director of Development and Regrowth  
                                    Richard Antcliff – Director of Public Protection and  
                                    Dinesh Kotecha – Interim Director of Property  
                                    Heather Greenan – Head of Performance and Intelligence  
                                    Paul Paige Smith – Regeneration Manager  
                                    Dave Kinsey – Head of Highways and Grounds Maintenance,  
                                    Land Drainage and Flood Defence  
                                    Charlotte Ward-Webster – Communications Officer

This record of decisions was published on 14 September 2018. 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.

### **51/18      Apologies**

Apologies for absence were received from Councillors M Holmes and Smale.

### **52/18      Late Items**

There were none.

### **53/18      Receipt of Petitions**

There were no petitions received.

### **54/18      Identification of Urgent Items to which Call In will not                  apply**

The following items had to be implemented by 13 September 2018 and therefore been exempted from call-in on the grounds of urgency.

### **Item 9 and 22 – Social Impact Bond for Children in Care and on the Edge of Care**

The Chair of the Executive Scrutiny Board had agreed the matters could be treated as urgent items and therefore not subject to call-in.

## **55/18      Declarations of Interest**

Glen O'Connell – Interim Monitoring Officer declared an interest in items 12 and 24 – Becketwell Regeneration because he was the company secretary and director of the operating company for the National Ice Centre in Nottingham.

## **56/18      Minutes of the Meeting Held on 8 August 2018**

The minutes of the meeting held on 8 August 2018 were agreed as a correct record.

## **Matters Referred**

### **57/18      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 2, prior to commencement of the meeting.

#### **Decision**

To receive the report and consider the recommendations alongside the relevant report.

## **Key Decisions**

### **58/18      Derby Opportunity Area: Developing Emotionally Healthy Schools**

The Council Cabinet considered a report which stated that the Department for Education (DfE) announced the Opportunity Areas (OA) programme on 4 October 2016. Initially six areas were announced, namely: Derby, Scarborough, Blackpool, Norwich, West Somerset and Oldham. The areas had been highlighted due to their relatively low levels of social mobility as described in the Social Mobility Index published in January 2016. Within this index, Derby was placed 22<sup>nd</sup> from the bottom out of 324 areas nationally. In total, Derby will receive up to £6 million of funding over three years. In addition to this, the Department for Education (DfE) was now supporting this work in Opportunity Areas by developing an 'Essential Life Skills' programme over two years to enable children and young people aged 5 -18 years old to participate in regular extra-curricular activities. In Derby, this amounts to a two year grant of up to £800,000 in 2017-18 and up to £1.6 million in 2018-19.

The report was recommending the award a grant of up to £598,000 to Redwood Primary School to lead and co-ordinate a programme across the city to develop emotionally healthy schools. The funding for this would be provided from the Derby Opportunity Area grant.

The emotionally healthy schools programme will include:

- a) open procurement of a provider for leadership training for school senior leaders as Designated Leads for Mental Health (DLMH).
- b) For the development of the Schools Mental Health Portal (Local Offer).
- c) Funding for schools to develop and implement their own emotional healthy schools action plan.

The Executive Scrutiny Board welcomed the report and recommended that Council Cabinet agree the recommendations contained within the report, subject to confirmation that Derby City Council retain ultimate ownership of the proposed Schools Mental Health Portal.

### **Options Considered**

This could be commissioned by Derby City Council, however to do so would require additional commissioning capacity. Therefore, this had not been progressed. Similarly, the city council commissioning this project would not be in line with the national policy direction of developing school system leadership.

### **Decision**

1. To give in principle approval to award a grant of up to £598,000 to Redwood Primary School to lead and co-ordinate a city wide emotionally healthy schools strategy in line with the proposals to the Derby Opportunity Area Board.
2. To delegate authority to negotiate and agree the final terms of the grant agreement between Derby City Council and Redwood Primary School to the Strategic Director for People Services following consultation with the Cabinet Member for Children and Young People and the Strategic Director for Corporate Resources.
3. To accept the recommendation from the Executive Scrutiny Board that the recommendations be accepted subject to confirmation that Derby City Council retain ultimate ownership of the proposed Schools Mental Health Portal.

### **Reasons**

1. To comply with the Council's Contract and Financial Procedure rules.
2. To help build capacity within the school system whereby schools act as system leaders.

## 59/18 Social Impact Bond for Children in Care and On the Edge of Care

The Council Cabinet considered a report which stated that the Local Authority was working in partnership with Nottingham City and Nottinghamshire County Councils on an initiative to develop and establish the use of Social Impact Bonds to commission evidence-based services that support children on the edge of care and in care.

Quality and type of care provision had a significant impact on a child/young person's life, and care provision was an area of high cost for the Local Authority, with growing complexity of need and national shortages of provision.

Initial approval was given at Council Cabinet in February 2018 (as outlined in paragraph 4.9 of the report) to proceed with a joint procurement for a provider to deliver an appropriate range of specialist and evidence-informed interventions to support young people with challenging behaviours and complex needs.

The identified funding model for this was via a Social Impact Bond (SIB). These were a form of social investment, increasingly used to fund service improvements, involving Local Authorities, investors and providers. Payments were made based on outcomes being met, rather than traditional methods of service funding. They also brought additional investment in interventions which would not normally be affordable in a local area.

The SIB was part of our strategy to find placement interventions which would improve outcomes and that were better value for money, in line with the Council's Medium Term Financial Plan (MTFP).

Whilst it was recognised there were benefits with the SIB model (as outlined in section 3 and paragraph 4.8 of the report), as this was a relatively new and innovative approach to funding service delivery, a further report was agreed to be provided to Council Cabinet prior to appointment of the successful bidder, when a clearer understanding of the implications for Derby were known.

Following a successful joint procurement process across three Local Authorities, the report requested approval to enter into final negotiations with the preferred bidder, and award the SIB contract to support children in care and on the edge of care.

Some information relating to the report was confidential and would be considered later in the meeting at minute no.

The Executive Scrutiny Board recommended that Council Cabinet request an update on progress against intended outcomes at an appropriate time during the lifetime of the contract.

### **Options Considered**

Remove Derby from the joint initiative. This was not recommended as the opportunity for specialist and evidence-informed interventions to support young people with challenging behaviours and complex needs would be significantly

reduced and positive outcomes would not be achieved. This would also impact on the other partnership Local Authorities.

## **Decision**

1. To approve completion of the procurement of a Social Impact Bond provider, with Nottingham City and Nottinghamshire County Councils, for the services for children outlined in paragraph 4.4 of the report.
2. To delegate authority to the Strategic Director for People Services, 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 as stated in 1 above.
3. To note the contractual arrangements as per paragraph 2.2 of the report would be subject to final confirmation of contributory funding from the Life Chances Fund.
4. To take into account the detail within this report in consideration of the separate recommendation to appoint a preferred bidder detailed within the supplementary exempt report.
5. To accept the recommendation from the Executive Scrutiny Board to request an update on progress against intended outcomes at an appropriate time during the lifetime of the contract.

## **Reasons**

1. The initiative supported improved outcomes for children on the edge of care, or in care, which were some of our most vulnerable and challenging young people.
2. This joint commissioning approach had enabled access to evidence-based interventions which Derby would be unable to afford as a sole commissioner, and shared the risk across three Local Authorities.
3. The initiative used outcome-based commissioning which incentivised better value for money by focussing on positive outcomes, rather than purely service delivery, and enables providers to think creatively about how to meet the needs of young people.
4. Best value and reducing costs for children in care was a priority for the Local Authority, with external care costs for children exceeding a forecasted spend of £18m per annum. Where there was good engagement from key staff, this type of approach had been shown to improve outcomes for children and young people.
5. Local Authority costs should be reduced by:

- payments only being made when outcomes were met, which were focussed on care which was at a lower cost but continued to provide a positive outcome;
- a reduction in the numbers of young people needing high cost services;
- a contribution of 25% of the outcome payment being secured from the Life Chances Fund.

## 60/18      Derbyshire Business Support Grants Scheme

The Council Cabinet considered a report which described the programme that had been devised to invest up to £1.6m (Strand 1) of pooled business rates into a Small Business Support Grants Scheme – see appendix 2 of the report for background information.

The report sought agreement to the Council taking responsibility for the delivery of the Derbyshire Business Support Grants Scheme as detailed in reports to the D2 Joint Committee for Economic Prosperity Report and D2 Chief Executives Meeting. The Small Business Support Grants Scheme would be managed within the Council's Derby Enterprise Growth Fund (DEGF) team and would utilise the processes which were delivered by the Council's Economic Growth Service to provide grant and or loan funding to businesses.

The Executive Scrutiny Board recommended

- that Council Cabinet amend the proposed scheme to reflect that all those 'liable' for business rates were entitled to access funding, rather than only those that 'pay' business rates, allowing businesses to apply to the scheme who currently receive 100 per cent relief.
- to Council Cabinet that publicity for the scheme reflects that voluntary sector organisations would also be entitled to apply for support.

### **Options Considered**

The proposal had been subject to development and scrutiny by senior officers and leaders across D2 and forms one of three funding streams to help support business retention and business growth. The attributes of other agreed grant funding schemes such as Global Derbyshire were considered in the development of the DEGF proposals to ensure good practice had been embedded. This opportunity had been given by the Government to enhance economic development and regeneration and this option had been decided upon in conjunction with Strand 2 and 3.

### **Decision**

1. To approve the acceptance by the Council of [up to £1.6million] of pooled business rates funds for allocation to the Derbyshire Business Support Grants Scheme ("DBSGS") to be administered by the Council's Economic Growth Service.

2. To approve the delegation of decision-making responsibilities for DBSGS projects to the Cabinet Member appointed to the DEGF Investment Panel, including approval of the detailed business case for each project.
3. To approve the revised Terms of Reference for the Investment Panel as detailed in Appendix 3 of the report.
4. To approve the decision making for urgent action be delegated to the Strategic Director of Communities and Place following consultation with the S151 Officer, Cabinet lead member responsible for DEGF, and Monitoring Officer (or their designated deputies in their absence).
5. To approve the allocation of retained business rates into the Council's approved Revenue Budget (and then Capitalise as appropriate) on the basis that there were no restrictions in regard to allocating the fund to capital or revenue spend.
6. To approve the cash flow of the fund from accumulation of Business Rates from Derby City Council in the first instance, and then Derbyshire County Council and the Counties remaining districts once agreement had been signed off by all the members.
7. To recommend Council to approve the delegation of decisions about any necessary amendments to the criteria and terms of reference of the Scheme to the D2 Chief Executives group on behalf of the D2 Joint Committee in agreement with the designated Section 151 Officer.
8. To recommend Council to delegate decisions about the management of the 25% of funds retained to the S151 Officer in consultation with the D2 Chief Exec's Group.
9. To note the background to the establishment of the D2 Joint Committee for Economic Prosperity detailed in paragraphs 4.17 and 4.18 of the report, and to endorse the delegation for it to make decisions about the delivery of economic growth in accordance with its agreed terms of reference as per the decision of Council Cabinet in February 2014.
10. That subject to consultation with Derbyshire County Council as the accountable body to accept the recommendation from the Executive Scrutiny Board that the proposed scheme be amended to reflect that all those 'liable' for business rates were entitled to access funding, rather than only those that 'pay' business rates, allowing businesses to apply to the scheme who currently receive 100 per cent relief.
11. That subject to resolution 10 above to accept the recommendation from Executive Scrutiny that publicity for the scheme reflects that voluntary sector organisations would also be entitled to apply for support.

## **Reasons**

1. To comply with the Council's Financial Procedure rules.
2. To enable the proposed programme for this Business Rate Pilot funding to commence under the existing processes and management arrangements for the DEGF.

## 61/18 Improvements to the iHub and Support for an Advanced Manufacturing Research Centre Pilot

The Council Cabinet considered a report which sought approval to undertake improvements to the iHub in order to support the establishment of a research and development pilot by the Advanced Manufacturing Research Centre (AMRC).

AMRC were part of the University of Sheffield and the Catapult network of centres and was therefore of national significance. AMRC was seeking to open a new research and development facility in the Midlands region to complement their existing site in Rotherham, South Yorkshire. In April 2018 the Council entered into a Memorandum of Understanding with AMRC and the Local Enterprise Partnership for Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2 LEP). The agreement outlined the commitment to work together to identify funding to create a new 4,500 square metre facility (Phase 2) and provide accommodation at the iHub to establish a pilot (Phase 1) while the new facility was being developed.

The establishment of AMRC at the iHub would enable the plans for Phase 2 to be developed while also growing the advanced manufacturing sector in the city and supporting the vision for Infinity Park Derby (IPD) as a location for advanced manufacturing businesses.

The Executive Scrutiny Board welcomed the report.

### **Options Considered**

1. Not to undertake the improvements to the iHub would limit the appeal of the workshop in the future.
2. Not supporting AMRC was not an option as it would prevent their entry into the Derby locality and put at risk the Memorandum of Understanding.

### **Decision**

1. To approve spend of £160,000 on improvements to the iHub as outlined within section 4.4 of the report and to add this scheme to the Regeneration Capital Programme.
2. To provide support of £171,000 to AMRC subject to the approval of funding from the Regeneration Fund Board.

## Reasons

1. To improve the usability of workshop 14 for use by AMRC and future tenants.
2. To enable the delivery of the pilot which, in turn, would enable the project to progress to the development of a standalone facility at IPD.
3. To meet the aspirations of the Memorandum of Understanding between the Council, AMRC and D2N2 LEP.
4. To support job creation, supply chain development and business growth through access to research and development facilities with the potential to increase productivity in the high technology manufacturing sector in line with government policy.
5. To raise the profile of IPD as the pre-eminent choice for advanced manufacturing and to act as a catalyst for further investment within the location.

At this point Glen O'Connell left the meeting

## 62/18 Becketwell Regeneration

The Council Cabinet considered a report which sought authority to acquire various assets to support the regenerating of the Becketwell area of the city centre.

After decades of market failure, the Becketwell area of the city centre had experienced a progressive decline, and regeneration here was a key priority in Derby's City Centre Masterplan 2030. In March 2017, Council Cabinet approved an interventionist strategy to the regeneration of Becketwell involving: land assembly/ site de-risking/ leverage of private and public investment and the redevelopment of the area by the private sector. Good progress had been made against this strategy and a brief update was provided in the report.

The opportunity had now arisen to acquire two assets within the Becketwell regeneration area. This was an excellent opportunity to consolidate land ownership in the area to address the blight that these properties create. It was intended that the Council would seek to redevelop both sites, in conjunction with the private sector, as part of the wider Becketwell Regeneration scheme.

It was intended that the acquisitions included in this report would be externally funded through the Local Growth Fund (D2N2 Local Economic Partnership) and was therefore subject to D2N2 approval (anticipated on the 13 September 2018). The confidential report submitted to the meeting report sets out the costs, risks and timeline for these acquisitions and sought authority to negotiate the acquisitions, enter into contracts and amend the Council's Capital Plan accordingly.

The Executive Scrutiny Board made recommendations under the exempt item later in the agenda for the meeting.

It was agreed to consider the following recommendation from Executive Scrutiny Board at this stage in the meeting because it related to a decision to be made in the public part of the meeting.

- To recommend that Council Cabinet reject the recommendation to terminate procurement of an operator for a commercial ice rink and instead pause the process until such time as definitive proposals are available for the regeneration of Becketwell.

### **Options Considered**

The Council could decide not to pursue the acquisition of these properties. This could mean that the city centre may not be regenerated to provide the best overall city centre offer for Derby.

### **Decision**

1. To approve the terms of the strategic property transactions the details of which were set out in the confidential report submitted to this meeting of Council Cabinet.
2. To approve the termination of the procurement exercise to secure an ice rink operator (as referred to in paragraph 4.6 of the report).
3. To reject the recommendation from Executive Scrutiny Board.

### **Reasons**

To support the delivery of the objectives of the City Centre Masterplan 2030.

At this point Glen O'Connell returned to the meeting.

## **63/18 Highway Infrastructure Asset Management**

The Council Cabinet considered a report which sought to adopt the new Highway Infrastructure Asset Management Framework, Policy and Strategy. These would replace the 2014/15 Policy and Strategy and had been developed in line with current guidance.

In October 2016, the UK Roads Liaison Group launched the new Well Managed Highway Infrastructure Code of Practice: October 2016. Commissioned by the Department for Transport, the Code promoted the adoption of an integrated asset management approach, providing appropriate levels of service and considering the needs of all road users. Local authorities had two years to implement the code, with the revised Policy and Strategy and a new Highway Infrastructure Asset Management Framework being pivotal to our approach.

Further documents which form part of the Highway Infrastructure Asset Management Framework and requiring Council Cabinet approval would be presented at a later date.

The Executive Scrutiny Board noted the report.

### **Options Considered**

1. Not having the appropriate documents and practices in place would potentially cost the authority £186k per annum which was 10.4% of our highway maintenance block needs element from Department for Transport, as we would lose our Band 3 status, which was the optimum position to secure our full funding allocation for maintenance improvements. This in turn would place pressure on other council budgets to provide funding to address critically deteriorating highway assets. It would also reduce our chances of successful bids for funding if we could not demonstrate an asset management approach which had been adopted at a corporate level.
2. Not having an adopted asset management approach meant highway asset owners would potentially work in isolation, over or under maintain their assets (not completing the right treatment in the right place at the right time) and deliver costly improvements without due consideration of risk, available resources and the long term requirements of the overall network.
3. A 'Do Nothing' option would also have a detrimental effect on the level of service provided to Derby residents, resulting in poorly maintained highway assets and have an adverse economic impact on the city.

### **Decision**

1. To approve the content and implementation of the new Highway Infrastructure Asset Management Framework, Policy and Strategy.
2. To continue applying good asset management principles in accordance with implementing the new Well Managed Highway Infrastructure Code of Practice. This continued adoption of asset management would be the backbone to maintaining all highway infrastructure assets.
3. To delegate authority to the Strategic Director Communities and Place following consultation with the Cabinet Member for Neighbourhoods and Streetpride to monitor and update the documents on an annual basis.

### **Reasons**

1. The Department for Transport Incentive Fund requires authorities to have an up to date and approved asset management policy and strategy. This should link with the Council's vision and objectives and provides all highway asset owners a clear 'line of sight' for implementing maintenance and improvements to the highway network and associated infrastructure.

2. The documents also enabled the authority to maintain the optimum Band 3 status on the Incentive Fund self-assessment process, which secured our funding allocation for maintenance improvements and demonstrated a maturity and continual improvement in asset management processes. Having an adopted approach puts the authority in a good position for bidding for future available funds.
3. The Well Managed Highway Infrastructure Code of Practice 2016 also recommended the documents are developed and published, taking into consideration new guidance and clearly demonstrating the contribution asset management makes towards achieving the Council's vision.
4. The Highway Infrastructure Asset Management Framework currently had a suite of 26 documents that set out the plans and policies for management and delivery of highway infrastructure maintenance and improvements. Some of these documents required senior endorsement, including the new Highway Safety Inspection Manual and Highway Infrastructure Risk Management Policy which were still in development. Others were more operational processes and complete the framework of activities, but did not require Council Cabinet approval. Further documents would be brought to Council Cabinet at a future date.
5. Officers, in their role as 'Highway Asset Owners' had completed a considerable amount of work in preparation for the implementation of the Well Managed Highway Infrastructure Code of Practice. Changes would need to be implemented to the way the carriageway and footway assets were inspected, repaired and managed, meaning that we had a better understanding of the maintenance need, how the defect was treated and prioritised. Other highway assets were also being reviewed with processes being formally documented.

## 64/18 Variation to Waste Disposal Contract

The Council Cabinet considered a report which stated that dry recyclables collected from residential property across the city were disposed through a specialist waste disposal company. The report set out pressures on the recyclable market, created in part by the fall in the demand for such material from China.

The report recommended changes to the contract in the form of increased costs that would ensure that the contract remained in place and continued to provide the Council both would access to disposal facilities and at a cost which represented value for money.

The Executive Scrutiny Board noted the report.

### **Options Considered**

1. Not accepting the request to vary the current contract could result in the current contractor walking away which would leave us with no outlet for dry recyclable material. If this happened we would have to procure a new contract

and, considering the rates currently paid by other authorities, it was envisaged this could cost the authority considerably more than the additional cost that had been negotiated.

2. A further option which was being considered, but which was not a quick solution, was to change the way we collect our dry recyclables and to reduce the need for additional sorting materials which would help us have a more sustainable and lower cost position. This work was being progressed in partnership with other Derbyshire authorities who were also reviewing their waste collection arrangements. The results of this work would be reported in due course and may offer alternative solutions for the future and beyond March 2020.

### **Decision**

1. To approve the variation to the current disposal contract which was in place until 31 March 2020.
2. To backdate the variation of this contact to 1 February 2018.
3. To approve the use of Budget Risk reserve to support the uplift in costs in 2018/19 with future year pressures to be considered in the Medium Term Financial Plan 2019/20 – 2022/23 process.

### **Reasons**

The amendment to the current contract was considered to offer best value to the Council.

## **65/18 Compulsory Acquisition of Empty Homes**

The Council Cabinet considered a report which sought approval to initiate compulsory purchase proceedings in relation to 4 long-term vacant houses where the owners had not sufficiently demonstrated that the properties would be brought into occupation 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 welcomed the report.

## Options Considered

1. Do nothing. This was not considered appropriate. The properties would remain a waste of potentially good housing and increasingly blight their respective neighbourhoods.
2. Enforced sale. There were currently no relevant financial charges that facilitate this option.
3. 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 in the public interest.
4. Other enforcement powers. The local authority has powers to deal with structural danger, nuisance or other environmental problems. These alone were piecemeal and reactive in nature and did not provide a long-term strategic solution.

## Decision

1. That the Council makes 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. That the Strategic Director of Communities and Place be authorised, 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 the 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 would be satisfactorily renovated and re-occupied voluntarily;
  - take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings: and
  - take all other necessary action to give effect to these recommendations.

## Reasons

1. The properties identified in Appendix 2 of the report which appeared 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.

## 66/18 Building Safer and Stronger Communities

The Council Cabinet considered a report which stated that Derby City Council was renewing and refreshing its partnership arrangements surrounding two key priorities; the Safer and Stronger Agendas. This refresh was part of a wider initiative to strengthen and improve the Councils partnership arrangements and build stronger relationships with partners across the city.

A number of service areas fall within the scope of delivering Safer and Stronger communities, including, but not exclusively, Community Safety, Prevent, Counter Extremism, Community Leadership, Engagement and Development, developing Social Capital, and working closer with the Community and Voluntary Sector.

To ensure an authentic collaborative approach it was critical that an equal and strategic partnership was created with our partners and especially the Community and Voluntary Sector. It was therefore necessary to create a new framework that would enable this to happen effectively.

A more robust and collaborative framework would also ensure future resilience and the ability to respond to future operational service demands resultant of emerging issues and potential future risks in relation to Community Safety, Cohesion and Integration; areas that directly related to building both Safer and Stronger communities.

The report outlined a proposal to extend the current Leadership Outcome Boards to create a 'Safer and Stronger Strategic Outcomes Board'. It was also proposed that two new Partnership Boards would be created under this Strategic Board; a 'Safer Communities' and a 'Stronger Communities Board, which would allow greater focus at a tactical and operational level.

The Executive Scrutiny Board recommended to Council Cabinet that the Safer and Stronger Outcomes Board should include a representative from the community and voluntary sector, either as the Chair of the Stronger Communities Board or as an additional representative on the Strategic Outcomes Board.

## Options Considered

None.

## **Decision**

1. To establish a 'Safer and Stronger Strategic Outcomes Board' to align the strategic outcomes of both the 'Safer Communities' and 'Stronger Communities' Boards.
2. To authorise Officers to work with our Community and Voluntary Sector partners to establish a Stronger Communities Board, as part of the Leadership Board Governance.
3. To note the role of the new Safer Communities Board, that would identify and analyse future risk and threat.
4. To accept the recommendation from the Executive Scrutiny Board that the Safer and Stronger Outcomes Board should include a representative from the community and voluntary sector, either as the Chair of the Stronger Communities Board or as an additional representative on the Strategic Outcomes Board.

## **Reasons**

1. This proposal would contribute to both the Safer and Stronger agendas in;
  - Safe – 'a place where people are safe and the vulnerable are put first and supported' and;
  - Strong – 'a place where people work together can enjoy good health and wellbeing throughout their life and feel that they belong to a thriving community'.
2. The proposal would;
  - Connect ideas, people and resources across boundaries of all kinds, supporting communities to harness and build on their strengths.
  - Focus on working in partnership, creating trust and synergy between the institutions, businesses and citizens in Derby.
  - Continue to provide a consistent level of basic services, but would target limited resources as appropriate to meet community needs and strive to maximise the impact of all our services by collaborating with others.
  - Maintain strong accountability and governance, and engage communities.
  - Celebrate diversity and promote equality of opportunity to support everyone to achieve their potential.
  - Use robust data and intelligence to make informed and evidence based decisions.
  - Promote creativity and foster innovation amongst partners and communities.

67/18      Corporate Asset Management Plan 2018 - 2023

The Council Cabinet considered a report which stated that the Council's property portfolio was a key resource which had a substantial financial value of circa £500m (capital value). However, holding and using property requires funding and failure to plan or poor management could make the portfolio a financial burden as well as risk disruption to services.

The Council had adopted a corporate approach to the planning and management of the property portfolio to support the delivery of our service needs and achieve corporate objectives. This was led by the Property Team located within the Corporate Resources directorate.

The Property Team had been working with service areas to prepare a new medium term Corporate Asset Management Plan (AMP).

The AMP (Appendix 2 of the report) was a Corporate Plan. It emphasised that property was owned corporately and not the services who occupied them. This concept formed the basis of a "Corporate Landlord" approach to the management of its portfolio. The Corporate AMP would seek to develop further the Council's Corporate Landlord model.

The AMP set out the core principles and approach to asset management planning. It also set out the governance and decision making process to ensure that the use and management of the property portfolio was aligned to support service requirements and facilitate achievement of corporate objectives.

The Executive Scrutiny Board noted the report

### **Options Considered**

Maintaining the status quo was ruled out due to the risk of failure and inability to support Council's priorities.

### **Decision**

To approve the Corporate Asset Management Plan (2018-2023).

### **Reasons**

To obtain Council Cabinet approval for the adoption and implementation of the Corporate Asset Management Plan (2018-2023) as a basis for implementing the programme of property improvements.

## **68/18      A52 Wyvern Transport Improvements Scheme - Update**

The Council Cabinet considered a report which provided an update on the work that had been carried out since the A52 Wyvern Transport Improvement scheme was

reported to Council Cabinet on 13 June 2018 and sought approval for further recommendations to enable works to progress as efficiently and effectively as possible at optimum cost.

The A52 Wyvern Transport Improvements scheme was designed to provide significant highway benefits on a congested part of Derby's principal road network. The scheme would improve road safety and reduce congestion and delays to transport accessing and egressing Wyvern/ Pride Park from and to the A52, and to traffic using the A52 into Derby. The design also provided for new and improved access for sustainable transport modes and supported wider economic growth in Derby.

We had significantly strengthened our Governance arrangements, increased our project management and engineering design resources, and were supported by independent technical experts to provide assurance on the future delivery of the scheme.

In recent weeks, works had progressed to enable the construction of the A52 westbound third lane, and works had also been instructed to progress the completion of the works for the eastbound third lane.

At the time of the June Council Cabinet report it was envisaged that the detailed design and pricing works would have reached a stage where a final scheme cost estimate could be presented to Council Cabinet by September. This would have enabled consideration of the completion of a number of elements of the scheme and of the full future financial implications.

Unfortunately, due to the significant complexities of the scheme, it had not been possible to meet this reporting timetable for the final scheme cost estimate. The reason for this was that as the design engineers had reviewed and analysed the original designs and had worked with an updated site survey it had become clear that the project was much more complex than was envisaged in June. There were issues with the original designs and these needed to be updated to integrate with the works that had already been constructed. A number of factors, particularly relating to ground conditions and construction had also emerged through this review process, and some of these required further analysis. In addition, this detailed design review process had also led to the development of other potential options to change elements of the scheme design in order to mitigate scheme cost increases.

The June Council Cabinet report suggested that the final scheme cost could be c £30m. With the increased complexity of the final scheme designs and the emerging factors that were currently being fully assessed, indications suggest that the final scheme cost could increase. Work was continuing as quickly as practically possible to develop a final scheme cost estimate for Council Cabinet consideration. It was now currently estimated that this work would be finished in late autumn, with a report presented to Council Cabinet as soon as possible thereafter.

The report set out a number of recommendations to enable the scheme to continue to progress on site, whilst the design and cost estimation work continued at pace.

To enable the scheme to continue to be delivered in the most cost effective manner and timely decisions to be made with executive oversight, particularly with the consideration of any scheme design changes; it was proposed to delegate these decisions to the Strategic Director of Communities and Place, in consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources, within the revised capital budget proposed below.

Also, to enable construction works to continue, it was necessary to increase the current operational budget figure. It was proposed to increase the current interim approved budget figure from £24.713m to £33m to provide the headroom in the budget to ensure that the ongoing appropriate work could be instructed to the contractor. Appendix 2, which was part of the private and confidential section of the agenda, contained details to support the proposal for a budget figure of £33m.

It was recommended that, initially, the funding required to support this increase in budget was secured from the Budget Risk Reserve with a full financial analysis on how best to fund the final scheme cost be included in the Council Cabinet report following conclusion of the essential activity to complete this assessment.

The investigation into the letting of the contract and subsequent performance continued to be progressed by the Council's independent internal audit service. It was reviewing how the scheme was progressed prior to May 2018, and would identify what issues had contributed to the project failings. The results of this investigation would be reported to Council Cabinet as soon as it was complete.

The Executive Scrutiny Board recommended

- that Council Cabinet reject recommendations 2.2 and 2.3 and pause the project until such time as a full and frank assessment of the total cost and timescale for delivery has been completed.
- that Council Cabinet approach other partners in the project, including Highways England, to identify additional resources for completion of the A52 improvements.
- Council Cabinet that all councillors are provided with information in relation to any delegated decisions taken as part of the project, to ensure appropriate democratic oversight.

### **Options Considered**

1. Ending the current contract and aborting the scheme was not an option for the following reasons:
  - It would mean the outputs, required by our funding partners would not be achieved, and there would be an additional risk of claw back on the £6.72m Local Growth Fund and £2.6m 'Growth and Housing Fund' grants from Government;
  - Without the full scheme in place, the Derby Triangle development could not

be built out in full and the estimated 3,000 jobs generated by the development would not be secured.

- The £8,973,400 spent on the scheme to 31 March 2018 would be abortive costs.
  - Unfinished construction would become a liability for the Council.
  - See further Legal Implications section in Appendix 1 of the report.
2. We were continuing to look at all ways to reduce costs and to consider options to reduce the scope of the remaining elements of the project as we progress detailed designs.
  3. We continue to discuss the situation with our external funding partners to establish whether there was scope to increase contributions. However, the current indication was that there was no further funding likely to be made available.

## **Decision**

1. To note the positive progress and the continuing challenges that the completion of the A52 Wyvern Transport Improvement Scheme was presenting.
2. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources to make necessary executive decisions to ensure that the project could continue to progress as effectively and efficiently as possible, at optimum cost, within the revised capital budget referred to in recommendation 2.3.
3. To approve an increase in the operational capital budget for the A52 Wyvern Transport Improvement Scheme from the current budget of £24.713m to a budget of £33m.
4. To approve the use of the Council's budget risk reserve to initially fund the additional £8.287m, with a full financial analysis to be carried out to identify a best value for money funding solution option that would minimise the impact on the Council's medium term financial plan.
5. To accept the recommendations from the Executive Scrutiny Board to approach other parties in the project including Highways England, to identify resources for completion of the A52 improvements.
6. To reject the recommendation from the Executive Scrutiny Board in relation to reject recommendations 2.2 and 2.3 and pause the project until such time as a full and frank assessment of the total cost and timescale for delivery has been completed.

7. To reject the recommendation from the Executive Scrutiny Board that all councillors are provided with information in relation to any delegated decisions taken as part of the project, to ensure appropriate democratic oversight.

## Reasons

1. To update Council Cabinet on the progress and ongoing challenging issues around the completion of the project.
2. Delegated decision making, within the proposed revised capital budget, was proposed to ensure that works could be completed as efficiently and effectively as possible and at optimum cost.
3. A figure of £33m was considered to be an appropriate operational budget to allow the scheme to progress, whilst detailed design and costings were calculated to provide a final scheme cost estimate.
4. It was necessary for the Council to approve a funding source for the additional operational budget that was being requested.

## Performance

### 69/18 Performance Monitoring 2018/19 – Quarter One Results

The Council Cabinet considered a report which included highlights from key performance measures in the Council Plan 2016-19 and departmental business plans. These priority measures formed the Council Scorecard for 2018/19 and ensure that Corporate Leadership Team CLT and councillors were aware of key performance issues and outcomes.

At the end of quarter one (30 June 2018), 69% of performance measures in the Council Scorecard were forecast to meet or exceed their year-end target; with 46% achieving their quarter one target. Results were RAG rated, according to their performance against improvement targets. The Council Scorecard Performance Dashboard was shown in Appendix 2 of the report.

Key achievements noted at quarter one included:

- There had been a reduction in the number of children and young people in the city with a child protection plan; with families supported to positive outcomes where possible.
- Delayed transfers of care from hospital continued to perform strongly, exceeding many of our peers.
- Projects in City Development and Growth had supported 96 businesses in Derby between April and June 2018.
- Levels of sickness absence remained high but a gradual fall continued, reflecting the impact of the new Health and Wellbeing Strategy.

Accountable officers had provided commentary to put performance into context and identify actions that they were taking to improve performance (see Appendix 3 of the report).

The Executive Scrutiny Board noted the report.

### **Decision**

1. To note the 2018/19 quarter one performance results, recognising the achievements set out in paragraphs 4.12 to 4.17 of the report.
2. To note and follow-up to the indicators highlighted in the Improvement Report at Appendix 3 of the report.
3. To note that the Executive Scrutiny Board reviews performance on a regular basis, with the programme for 2018/19 set out in paragraph 4.27 of the report, and the Board may also select indicators for Performance Surgery on the basis of this report.

## **Contract and Financial Procedure Matters**

### **70/18 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 the addition of London Road Rail Bridge scheme to the Highways and Transport capital programme.
- To approve the addition of City Centre CCTV Replacement Project to the Vehicles, Plant & Equipment capital programme.
- To approve a grant award to Ripplez from the Public Health Reserve.
- To approve a bid to Government for the 2019/2020 Derbyshire County Wide Business Rates Pilot.
- To approve delegation to the Strategic Director of Communities and Place following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Regeneration and Public Protection to submit bids to the D2 Business Rates Pilot 2018/19 Pooled Fund.

The Executive Scrutiny Board recommended

- that Council Cabinet utilise £3.2 million anticipated from the 2019/20 Business Rates Retention Pilot to support the 'closing the gap' agenda.
- that Council Cabinet circulate details of bids submitted to strands 2 and 3 of the D2 Business Rates Pilot 2018/19 Pooled Fund to members under the exempt section of the Cabinet agenda.

## Decision

1. To approve the addition of the London Road Bridge scheme and associated funding to the Highways and Transport capital programme in 2018/2019 as outlined in paragraph 4.1 of the report.
2. To approve the addition of the City Centre CCTV replacement (Phase 1) scheme and associated funding to the Vehicles Plant and Equipment capital programme in 2018/2019 as outlined in paragraph 4.4 of the report.
3. To approve the Revenue Contribution to capital of £80,000 for the City Centre CCTV replacement (Phase 1) scheme in 2018/2019 as outlined in paragraph 4.4 of the report.
4. To approve the use of £281,000 from the Public Health Reserve as part of a grant award to Ripplez to fund the Pause Programme in the People Directorate for a further 18 months up to 31 March 2020, as outlined in paragraph 4.7 of the report.
5. To approve a grant award to Ripplez of £440,000, £281,000 of this, would be funded from the Council as outlined in paragraph 4.7 of the report.
6. To approve the submission of a bid to Government for the 2019/2020 Derbyshire County Wide Business Rate Pilot as outlined in paragraph 4.14 of the report.
7. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Corporate Resources and Cabinet Member for Regeneration and Public Protection to submit bids to the D2 Business Rates Pilot 2018/19 Pooled Fund and where successful to negotiate and accept funding agreements as outlined in paragraph 4.20 of the report.
8. To reject the recommendations for the Executive Scrutiny Board.

## 71/18 Exclusion of Press and Public

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## Key Decisions

### 72/18 Social Impact Bond for Children in Care and on the Edge of Care

The Council Cabinet considered exempt information in relation to the Social Impact Bond for Children in Care and on the Edge of Care.

### **Options Considered**

None in relation to this report.

### **Decision**

1. To note and take into consideration the information provided in the associated public report.
2. To approve the appointment of Bidder 'A', as detailed in paragraphs 4.2 of the report.

### **Reasons**

To allow the Council to progress its involvement in the social impact bond for Children in Care and on the Edge of Care.

## **73/18      Improvements to the iHub and Support for an Advanced Manufacturing Research Centre Pilot**

The Council Cabinet considered exempt information in relation to the Improvements to the iHub and Support for an Advanced Manufacturing Research Centre Pilot.

At this point Glen O'Connell left the meeting.

## **74/18      Becketwell Regeneration**

The Council Cabinet considered exempt information in relation to Becketwell Regeneration.

The Executive Scrutiny Board recommended

- that Council Cabinet consider information in relation to the re-allocation of LGF3 funding in public session, as detailed at recommendation 2.2 of the report.
- that Council Cabinet reject the recommendation to terminate procurement of an operator for a commercial ice rink and instead pause the process until such time as definitive proposals are available for the regeneration of Becketwell. This recommendation was considered in the public part of the meeting and rejected.

### **Options Considered**

These were set out in paragraphs 5.1 to 5.3 of the report.

## **Decision**

1. To delegate authority to the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Regeneration and the Strategic Director for Communities and Place, to seek to negotiate the acquisition of properties in the Becketwell area.
2. To approve the funding of the above as set out in paragraph 2.2 of the report.
3. To approve the use of budget risk reserves as set out in paragraph 2.3 of the report.
4. To approve the termination of the procurement exercise to secure an ice rink operator (as referred to in paragraph 4.6 of the report)
5. To reject the recommendations from the Executive Scrutiny Board.

## **Reasons**

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

At this point Glen O'Connell returned to the meeting.

### **75/18 Variation to Waste Disposal Contract**

The Council Cabinet considered exempt information in relation to the Variation to Waste Disposal Contract.

### **76/18 Compulsory Acquisition of Empty Homes**

The Council Cabinet considered exempt information in relation to the Compulsory Acquisition of Empty Homes

### **77/18 A52 Wyvern Transport Scheme - Update**

The Council Cabinet considered exempt information in relation to the A52 Wyvern Transport Improvement Scheme – Update.

**MINUTES END**