

Time began: 6.00pm  
Time ended: 6.28pm

## **COUNCIL CABINET**

### **11 April 2018**

Present                      Councillor Rawson (Chair)  
                                    Councillors Afzal, Bolton, Russell and Shanker

In attendance              Councillors M Holmes and Skelton  
                                    Christine Durrant – Acting Chief Executive and Strategic  
                                    Director Communities and Place  
                                    Don McLure – Interim Strategic Director of Resources  
                                    Olu Idowu – Deputy Monitoring Officer  
                                    Gurmail Nizzer – Acting Director Commissioning and Head of  
                                    School Organisation  
                                    Greg Jennings – Acting Director Regeneration, Property and  
                                    Housing Projects  
                                    Phil Derbyshire – Head of Property Design and Maintenance  
                                    Stuart Grabham – Engineering and Surveying Group Leader  
                                    Pop Gill – Cohesion and Integration Manager  
                                    Glen O'Connell – Acting Monitoring Officer  
                                    Keith Cousins – Communications Officer  
                                    Tiny Simbani– Youth Mayor

This record of decisions was published on 13 April 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.

### **143/17     Apologies**

Apologies for absence were received from Councillors Banwait, Hussain, Raju and Repton.

### **144/17     Late Items**

There were no late items. The Chair introduced and welcomed Glenn O'Connell Acting Monitoring Officer. He also thanked Tiny Simbani Youth Mayor for her work as Youth Mayor and wished her well for the future.

### **145/17     Receipt of Petitions**

There were no petitions received.

### **146/17     Identification of Urgent Items to which Call In will not Apply**

There were no items.

## 147/17 Declarations of Interest

There were no declarations on interest.

## 148/17 Minutes of the Meeting Held on 14 March 2018

The minutes of the meeting held on 14 March 2018 were agreed as a correct record and signed by the Chair.

## Matters Referred

### 149/17 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

### 150/17 Schools Capital Programme

The Council Cabinet considered a report which stated that the Council had received notification from the Department for Education (DfE) of our confirmed School Condition maintenance allocations for 2018-19.

A proposed programme of priority works had been developed, and a full breakdown of the announced Schools capital programme funding for 2018/19 was set out within Appendix 2 of the report. Indicative allocations were included in the Council budget agreed by Council on 24 January 2018. The proposed Schools capital programme schemes for 2018/19, including proposed individual school condition maintenance projects, were outlined in Appendix 3 of the report.

The proposal was for funding to be prioritised to deal with essential school condition and maintenance issues across the schools estate. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues to ensure that school buildings remained safe and open.

The DfE had announced Basic Need capital allocations (for school place planning) for 2018/19-2019/20 in relation to the Council's statutory duty to ensure sufficient school places. The Council had a remaining 2018/19 allocation of £4,531,000, and

an indicative allocation of £12,768,087 for 2019/20. Proposed priority schemes to address the Council's statutory duty to provide sufficient school places were set out in appendix 4 of the report. Very careful consideration was being given to the allocation of the remaining funding, and priority projects would be developed in due course and reported to Council Cabinet.

The DfE had also confirmed an allocation of £211,999 in Healthy Pupils Capital Funding (HPCF) for 2018/19. This was funding to improve children's and young people's physical and mental health by improving and increasing availability to facilities for physical activity, healthy eating, mental health and wellbeing and medical conditions.

The DfE had previously announced new Special Provision funding for improvements to mainstream or special schools for pupils with Education, Health and Care (EHC) plans. Funding would be allocated in a three-year programme running from 2018/19 to 2020/21. Derby would be allocated a total of £825,487. This would be phased equally, with £275,162 in each of the three years running from 2018/19 to 2020/21.

Consultation on strategic city-wide SEND specialist provision proposals took place over a six week period between 6 November 2017 and 15 December 2017. The Council was very carefully considering all responses and the outcome of the consultation was likely to be reported to Council Cabinet in June 2018, when decisions would be taken on the proposals in light of responses received. The proposals for the specialist provision capital funding would be included in the report to Council Cabinet.

Derby had also been allocated an additional £208,109 for capital schemes in Voluntary Aided (VA) schools, as set out in Appendix 5 of the report. This funding was ring-fenced for VA schools and the Council was required to co-ordinate the allocation with both dioceses. There was also an additional allocation of £20,009 in HPCF for VA schools.

The report also provided an update on progress with the PSBP initiative which was managed by the Education Funding Agency, with support of the Council. There were two successful bids, for The Bemrose School and Cavendish Close Infant School, for additional capital funding through the PSBP2 initiative.

The report sought approval for the Schools Capital Programme 2018/19 as set out within Appendix 3, Appendix 4 and Appendix 5 of the report.

The Executive Scrutiny Board noted the report.

## **Options Considered**

The available capital funding had been prioritised in line with the School Asset Management Plan to deal with the most urgent condition and health and safety issues, and to ensure sufficient school places.

### **Decision**

1. To approve the Schools Capital Programme priority schemes for 2018/19 as outlined in Appendix 3, Appendix 4 and Appendix 5 of the report.
2. To approve scheme commencement and amendment to the approved 2018/19 - 2019/20 capital programme with proposed scheme allocations.

### **Reasons**

1. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues, across the schools estate, to ensure that school buildings remain safe and open. In order to complete as much work as possible during the school summer holiday period, early approval of schemes was necessary.
2. In accordance with Financial Procedure Rules, amendments to the Council's capital programme are required to be reported to Council Cabinet.

## **151/17 Property Improvement Capital Programme 2018/19**

The Council Cabinet considered a report which proposed further details to the Property capital programme approved at Council Cabinet on 17 January 2018, across a proposed number of projects to form the 2018/19 Property Improvement Capital Programme.

Proposed repair and improvement schemes had been prioritised against essential condition issues and health and safety requirements, including fire precaution works, upgrading of emergency lighting systems, renewing life expired boilers and heating systems, roof replacements, boundary wall improvements and improvements to the building fabric. In addition the programme includes the new swimming pool and the refurbishment works of the Market Hall.

The work programme was managed and monitored by the Property Management Programme Board in line with the governance arrangements of the Corporate Capital Programme Board.

The Property Improvement Work Programme was capitalised and funded corporately and was complemented by reactive revenue maintenance works that takes place throughout the year.

The Executive Scrutiny Board noted the report and requested in future that the Property Improvement Capital Programme was itemised in greater detail against specific projects.

### **Options Considered**

The development of the Property Improvement programme had involved consideration of various options for the inclusion of projects. The programme recommended was considered to be the best way to meet statutory obligations and ensure building compliance, whilst the outcomes of the property rationalisation project were awaited.

## **Decision**

1. To approve the Property Improvement capital programme of works for 2018/19 as detailed in appendix 2 of the report.
2. To continue to give delegated authority within the limits set out in the Terms of Reference (ToR) (Terms of Reference limits were consistent with those set out in the Financial Regulations) to the Strategic Directors of Communities and Place and People Services (as appropriate) following consultation with the relevant Cabinet Member, to enable them to respond to changing priorities throughout the year by introducing new schemes or bringing forward the implementation of some schemes at the expense of others.
3. To continue to give delegated approval to the Property Management Programme Board as per its Terms of Reference.
4. To continue to give delegated approval to the Property Management Programme Board to allow for budget changes to be made on projects that span more than 1 financial year as long as the total project budget had been approved and that the changes did not exceed this approved budget.
5. To accept the Executive Scrutiny Board's recommendation that future Property improvement Capital Works Programmes be itemised in greater detail against specific projects.

## **Reasons**

1. The property capital programme 2018/19 – 2019/20 was approved at Council Cabinet 17 January 2018. Following finalisation of feasibility reports, scheme designs and further investigation work, the report aimed to reallocate this budget over a number of schemes.
2. In the interests of the effective management of the programme, it was appropriate to maintain the delegated approvals as outlined in the Property Programme Management Board's Terms of Reference (ToR); to have the authority to review the programme and reallocate funding on the basis of the outcomes of investigations, feasibility studies and progress of other schemes and changing health and safety priorities.
3. It was essential that the Property Improvement Work Programme remained flexible to accommodate the outcomes of internal reorganisations, restructures, changing work patterns and operational commitments and was

able to accommodate the outcomes of decisions linked to the council's property rationalisation project.

## 152/17 Modern Slavery Victim Support Grant Award – Rebuild Project, Jacob's Well

The Council Cabinet considered a report which stated that through its Community Safety function, Derby City Council leads the 'Derby and Derbyshire Modern Slavery Partnership'.

The aim of the partnership was to bring together public, private and voluntary organisations to disrupt perpetrators and support victims of human trafficking and modern day slavery in our area and further afield. We strived for a community wherein awareness of all forms of human trafficking and modern day slavery was commonplace and that across all sectors people work collectively to eradicate its existence in our community.

The Council works in partnership with a wide range of agencies to prevent abuse and neglect, to detect and report occurrences and to support victims. This included the Derby Safeguarding Children and Adults Boards.

With this key aim in mind, Derby City Council, in partnership with Jacob's Well who were a Derby based charity working with victims of exploitation, bid for and had been successfully awarded £175,000 from the Controlling Migration Fund to test pathways of care for victims of modern slavery leaving centrally provided care and support.

The report asked for approval to award £100,000 of the fund to the Jacob's Well Charity to support the delivery of the above key objectives.

The Executive Scrutiny Board resolved

- 1) To request that the expected outcomes detailed in the grant agreement be provided to Council Cabinet prior to making a decision on the award of the funding.
- 2) To recommend to Council Cabinet that subject to approval of the award of the grant, a health-check was carried out on the financial and governance status of the named partner.
- 3) To request that Modern Slavery be added to the work programme of the Communities Scrutiny Review Board for the 2018/19 municipal year.

### **Options Considered**

None.

### **Decision**

1. To approve the award of a grant of £100,000 from the Controlling Migration Fund, subject to acceptable grant terms and conditions to Jacob's Well Charity as detailed in section 4 of the report.
2. In respect of the recommendations from the Executive Scrutiny Board
  - a) To note the expected outcomes detailed in the grant agreement provided to Council Cabinet prior to making a decision on the award of the funding.
  - b) To note that subject to approval of the award of the grant, a health-check would be carried out on the financial and governance status of the named partner.
  - c) To note that Modern Slavery would be added to the work programme of the Communities Scrutiny Review Board for the 2018/19 municipal year.

## **Reasons**

1. To comply with the Council's Contract and Financial Procedure rules.
2. Derby City Council led the development of the Derby and Derbyshire Modern Slavery Partnership, who's vision was 'Working together to fight slavery and support victims of slavery in Derby and Derbyshire'. This funding and grant award to Jacob's Well will help the partnership deliver this priority.

## **Contract and Financial Procedure Matters**

### **153/17 Compliance with Contract and Financial Procedure Rules**

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

- Use of Budget Risk Reserve – Pay Award for 2018/19 likely to be agreed at 2% rather than the 1% we had budgeted for;
- Additional funding for Social Care pressures – Social Care Grant of £717,856 received as a 'one off' as part of the Final Local Government Finance Settlement in February 2018;
- Use capital receipts flexibility;
- Derbyshire Countywide Business Rates Pilot – update and impact on the Council;
- Use of Reserves – Dedicated Schools Grant;
- Use of Reserves – Public Health Reserve;
- Opportunity Areas – Life Skills Grant;

- Use of Reserves/additions to Capital Programme – Regeneration Reserve – I Hub Phase 2;
- Procurement Process – The provision of a Direct Payment Support Service for Adults aged 18+yrs;
- Use of Budget Risk Reserve – Apprentice Levy, resource requirements;
- To approve the submission of a pre-compliance funding request to D2N2 for £3.4m of the Local Growth Fund (LGF) allocation for the Performance Venue project ;
- To approve the inclusion of the Local Growth Fund (LGF) grant for the Silk Mill project on the Regeneration Capital Programme.

The Executive Scrutiny Board noted the report.

## **Decision**

1. To approve the use of the budget risk reserve to provide funding to mitigate the impact of any agreed pay award above the one per cent assumption in the current Medium Term Financial Plan, and delegate authority to the Section 151 officer to determine its allocation throughout 2018/19 as detailed in section 4.0 of the report.
2. To approve the addition of £717,856 for 'one off' funding to support our Social Care pressures, allocated in the final Local Government Finance settlement on 6 February 2018 and to approve the delegated authority for allocating the use of the £717,856 Social Care funding to the Strategic Director of People Services following consultation with the Section 151 Officer and the relevant Cabinet Member as detailed in section 4.3 of the report.
3. To recommend to Council that the Council applies to Government to adopt the discretion to use a proportion of capital receipts to fund 'one off' revenue costs aligned to transformational change projects as detailed in section 4.5 of the report.
4. To note the inclusion of Derby City Council in the 'Business Rates Pilot in Derbyshire' in 2018/19 with potential additional 'one off' income of circa £6 million in 2018/19, and agree that the options for making best use of this funding would be subject to a further report that would be brought back to Council Cabinet as detailed in section 4.8 of the report.
5. To approve the use of £862,000 of Dedicated Schools Grant Reserve as detailed in section 4.14 of the report.
6. To approve the use of £300,000 from the Public Health Reserve to support the continuation of the Livewell Project as detailed in section 4.16 of the report.
7. To approve the allocation of £999,985 of devolved funding and grants to Derby schools based on a formula allocation as approved by the Department for Education funded from the Opportunity Areas Life Skills Grant as detailed in section 4.18 of the report.

8. To approve the use of £300,000 from the Regeneration Reserve to support the development of Infinity Park to make it more 'development ready' and to add this to the Capital Programme as detailed in section 4.21 of the report.
9. To approve entering into a procurement process for the provision of a Direct Payment Support Service for Adults aged 18+yrs including third party account management, payroll, Personal Assistant recruitment and employment and third party brokerage as detailed in section 4.24 of the report.
10. To approve the use of the budget risk reserve to provide funding of £89,000 for resources required to maximise the benefits of the Apprentice Levy as detailed in section 4.28 of the report.
11. To approve the addition of £3.7m to the Regeneration Capital Programme for the Local Growth Fund grant to the Silk Mill project as detailed in section 4.30 of the report.
12. To approve the submission of a pre-compliance funding request to D2N2 for £3.4m of the Local Growth Fund allocation for the Performance Venue project as detailed in section 4.33 of the report.

**MINUTES END**