

Time began: 6.06pm  
Time ended: 7.50pm

**COUNCIL CABINET**  
**9 November 2016**

Present	Councillor Banwait (Chair) Councillors Afzal, Bolton, Eldret, Hussain, Repton and Shanker
In attendance	Councillors Care, M Holmes, Smale and Whitby Philip Hutchinson – Youth Mayor Andy Smith – Strategic Director of People Christine Durrant – Strategic Director Communities and Place Janie Berry – Monitoring Officer Martyn Marples – Director of Finance Gordon Stirling – Director of Strategic Services and Organisational Development Greg Jennings – Acting Director of Regeneration, Property and Housing Projects

This record of decisions was published on 11 November 2016. 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.

**78/16 Apologies**

Apologies for absence were received from Councillors Graves, Rawson, Russell and Skelton.

**79/16 Late Items**

There were no late items.

**80/16 Receipt of Petitions**

There were no petitions received.

**81/16 Identification of Urgent Items to which Call In will not Apply**

There were no items.

**82/16 Declarations of Interest**

In respect of minute no 85/16 – Recruitment and Retention of Foster Carers Topic Review Councillor Whitby declared that he was a Derby City Foster Carer.

Councillor Care declared that she intended to speak on minute no 86/16 and wished it to be noted that she was a Member of the Planning Control Committee.

## 83/16 Minutes of the Meeting Held on 5 October 2016

The minutes of the meetings held on 5 October 2016 were agreed as a correct record and signed by the Chair.

## Matters Referred

### 84/16 Recommendations from Corporate Scrutiny and Governance Board

The Council Cabinet considered a report on Recommendations from Corporate Scrutiny and Governance Board. The Corporate Scrutiny and Governance 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.

The Corporate Scrutiny and Governance had considered a report on Homelessness Performance Update which outlined the challenges the City was facing due to an increased call on statutory homelessness services and an update on the current position with a particular emphasis on the following council scorecard indicators:

- YA&H PM03 (N1 156) (DH) Number of households living in Temporary Accommodation.
- YA&H PM06 (DH) Number of homelessness acceptances.

Members discussed the various reasons for the increase in the number of homelessness approached and acceptances and what was currently being done to prevent homelessness. It was accepted that the Council was currently working hard to achieve this under difficult circumstances, but that more needed to be done to ensure that this situation did not steadily worsen in the future. The Board made a number of suggestions to try and address this.

It was recommended to Council Cabinet that:

- 1) Further commitment is given to increasing the number of empty homes acquisitions to provide temporary homelessness accommodation;
- 2) Consideration is given to increase the number of properties available for temporary accommodation through the existing Derby Homes housing stock;
- 3) Further work is done to discharge some of the Council's commitment providing temporary accommodation to private sector lettings; and

- 4) A Cost Benefit Analysis exercise is completed to consider the benefits of taking a more proactive approach to prevent homelessness rather than a reactive approach to dealing with increased homelessness approaches and acceptances, including the reintroduction of floating support.

### **Decision**

1. To receive the report and consider the recommendations alongside the relevant report.
2. To accept the recommendations of the Corporate Scrutiny and Governance Board that
  - a. Further commitment is given to increasing the number of empty homes acquisitions to provide temporary homelessness accommodation;
  - b. Consideration is given to increase the number of properties available for temporary accommodation through the existing Derby Homes housing stock;
  - c. Further work is done to discharge some of the Council's commitment providing temporary accommodation to private sector lettings; and
  - d. A Cost Benefit Analysis exercise is completed to consider the benefits of taking a more proactive approach to prevent homelessness rather than a reactive approach to dealing with increased homelessness approaches and acceptances, including the reintroduction of floating support.

### **85/16      Recruitment and Retention of Foster Carers Topic Review**

The Council Cabinet considered a report which stated that on 4 August 2015, the Corporate Scrutiny and Governance Board referred the recruitment of in-house foster carers to the Inspiring Young People Overview and Scrutiny Board for a topic review. Councillor Whitby attended the meeting to present the report.

The Inspiring Young People Board had held a number of evidence gathering sessions as part of the review. As a result of this the Board had come up with a number of recommendations which aimed to increase the numbers of in-house foster carers and reduce budget pressures relating to the cost of agency placements.

At its meeting on 11 July 2016, the Board agreed the draft recommendations. The report and final recommendations could be found at Appendix 2 of the report.

### **Options Considered**

None.

### **Decision**

1. To receive the Recruitment and Retention of Foster Carers topic review report and consider the recommendations contained within it.
2. To agree to report back to the Board with a response to the review recommendations and inform the Board of any actions the Council Cabinet proposes to take in relation to the Board's recommendations.

### **Reasons**

1. To inform Council Cabinet of the results of the Inspiring Young People Overview and Scrutiny Board Recruitment and Retention of Foster Carers Topic Review and to put forward the recommendations agreed by the Board as part of this review.
2. Rule OS24 of the Council Constitution states that once the scrutiny board has formed recommendations, it would prepare a formal report and submit it to the proper officer for consideration by the Council Cabinet or to the Council as appropriate.
3. The Inspiring Young People Overview and Scrutiny Board requests that Council Cabinet responds to its recommendations resulting from the completed topic review in accordance with Rules OS26 and OS27 of the Council Constitution.

## **Key Decisions**

### **86/16      Communities, Environment and Regulatory Services Revised Enforcement Policy**

The Council Cabinet considered a report which stated that The Communities, Environment and Regulatory Services Enforcement Policy was created in 2009 and required updating to reflect changes in relation to the introduction of the Regulators' Code and other enforcement powers that were now available.

### **Options Considered**

None.

### **Decision**

To approve the revised Communities, Environment and Regulatory Services Enforcement Policy set out in Appendix 2, and to adopt the policy forthwith.

### **Reasons**

1. The Council has a statutory duty to have regard to the Regulators' Code. The updated Enforcement Policy will reflect these changes and formal endorsement of the revised policy was required.
2. The Policy aimed to promote business growth and support by setting out a clear approach to how decisions relating to enforcement would be taken.

## 87/16 Review of School Crossing Patrol Budget Savings

The Council Cabinet considered a report which stated that the Council had to make substantial changes to its budget and consider where services were statutory and therefore must be provided by law or where there was local discretion. Current budget proposals included for the removal of funding used to support the School Crossing Patrol (SCP) service by the end of this financial year reflecting the fact that this service was discretionary. The original intention behind the removal of the budget was to seek alternative funding sources rather than end this valuable service.

Initial engagement with directly interested parties including schools had shown that there was little opportunity for these sources to secure alternative long term funding of the SCP service. The savings planned for this financial year would not be achieved. It was therefore necessary to look for other funding opportunities.

The report set out a proposal that sought to achieve savings by making changes to the Concessionary Fares scheme. If achieved these savings would replace those previously identified as arising from the SCP service and the service would be retained.

The Corporate Scrutiny and Governance Board were in support of the proposals to maintain school crossing patrols to ensure child safety and recommended to Council Cabinet that the possibility of further savings be looked at through the concessionary fares scheme.

### **Options Considered**

A number of options were set out in the report.

### **Decision**

1. To authorise officers to undertake consultation with the public about potential changes to the concessionary fares scheme. The consultation would make it clear that it was the intention that any savings agreed would be used to support the retention of the SCP service.
2. To note that, following the completion of the consultation set out above, a further report would be presented to Council Cabinet, setting out the implications of changes to the concessionary fares scheme and seeking a decision on any budget savings that were likely to arise.

3. To accept the recommendation from Corporate Scrutiny and Governance Board that the possibility of further savings be looked at through the concessionary fares scheme.

## Reasons

1. The Council had resolved to withdraw £47,000 from the School Crossing Patrol service budget in 2016/17 and the remaining £100,000 in 2017/18. However, the Council Administration had recently indicated their wish to retain the School Crossing Patrol service.
2. Following consultation regarding the proposed changes to concessionary fares, it would be possible for Council Cabinet to consider the savings that may be achieved and the implications of this proposed reduction in service. This would inform the Council Cabinet's decisions on budget savings, including the future of school crossing patrols. A Council Cabinet decision would also need to confirm changes to the concessionary fares scheme.

## 88/16      Infinity Park Derby – Future Development

The Council Cabinet considered a report which sought approval to enter into all contractual and other documentation necessary to deliver further initiatives and progress planning applications as a catalyst for accelerated development at Infinity Park Derby (IPD). These initiatives included:

- the construction of an extension to Infinity Park Way within Infinity Park Derby (“T12 Phase 2 works”) – Appendices 2 and 3 of the report.
- the installation of wayfinding signage within Infinity Park Derby by the developer.
- the enhancement and realignment of Cuttle Brook - Appendix 3 of the report.

The T12 Phase 2 works and the brook works would accelerate the unlocking of additional employment land (including the Innovation Centre Phase 2 site) and would deliver significant environmental improvements on IPD. The proposals also helped to deliver the proposed Southern Derby Integrated Transport Link Road (SDITLR), which was identified in the Derby City Local Plan, and would help bring forward the aspirations for the South Derby Growth Zone (para 4.1.1 of the report).

All of the T12 Phase 2 works, the onsite wayfinding signage and the brook works would be funded by Local Growth Fund (LGF) 1 money secured from the Local Economic Partnership (D2N2).

It was necessary to submit an outline planning application for the emerging IPD masterplan and a detailed planning application to progress the brook enhancement and alignment works. A hybrid application was proposed to be submitted in this connection; the application itself would crystallise following consultation with

Highways England and the Environment Agency. The IPD application would bolster market confidence and was key to the maintaining the site's Enterprise Zone status.

The Corporate Scrutiny and Governance Board commended the recommendations in the report.

## **Options Considered**

### **Do nothing**

These projects sat within a programme of IPD projects funded by LGF1, all of which contributed to the overall objectives and outputs of the LGF1 programme and the wider IPD development. The general rationale for the projects was that they would accelerate IPD development.

Without the subject projects, market interest may stall and it would be difficult to deliver the overall outputs of IPD.

### **Do minimum**

The projects proposed doing the minimum as restricted by the level of grant.

We could only afford to construct the T12 Phase 2 as far as the proposed access to the Innovation Centre Phase 2 site. We would like to continue the new road westward as far as the planned roundabout, in order to connect to the Southern Derby Integrated Transport Link (SDITL) in future. This would be pursued if additional grant was to be made available.

## **Decision**

1. To approve entering into all contractual and other legal documentation necessary to deliver the T12 Phase 2 works, the wayfinding signage and the brook works. To delegate authority to the Strategic Director Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to finalise the details of the contract documentation.
2. To approve the preparation and submission of a hybrid planning application being an outline planning application for the proposed development at Infinity Park Derby combined with a detailed application for the brook enhancement and realignment works. To delegate authority to the Strategic Director Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to finalise the details of the application(s) documentation.

## **Reasons**

1. Council Cabinet approval was necessary to enter into the proposed contractual and other legal documentation required and to meet requirements of D2N2 for the release of their grant funding.
2. The mix of uses required to deliver the proposed Infinity Park Derby development required the submission of a planning application. This had

been the subject of involved discussion with the private sector development partner and landowner partners (Rolls-Royce and Harpur Crewe Estate) over many months and was presently the subject of detailed discussions with Highways England, whose representations would be a major consideration in determining the nature of the development.

3. A detailed planning approval would be required to progress the brook enhancement and realignment works.

## 89/16      Housing Related Support – Consultation on Savings

The Council Cabinet considered a report which set out proposals in relation to achieving further savings from the housing related support expenditure as part of the wider consultation process for setting the Council's budget for 2017/18. This service area had already been subject to significant cuts since 2013, due to the reducing budget the Council now had to fund services, as a result of grant reductions from Central Government.

The report recommended that specific consultation takes place to assess the impact of withdrawing Council funding for two housing related support services, and to assess the impact of changing the way the remaining four services were funded into the future.

### **Options Considered**

Retaining ongoing Council funding for all existing housing related support services had not been put forward as an option, given the position the Council faces in trying to set a balanced budget for 2017/18. The proposals being consulted upon represent the best scenario whereby four of the seven services were able to be funded via an alternative mechanism.

### **Decision**

1. To approve an 8 week public consultation exercise commencing with immediate effect as set out in section 4.2 and 4.3 of the report.
2. To agree to receive a report on the consultation outcomes and analysis following an Equalities Impact assessment, so that Council Cabinet can consider these before making a final decision.

### **Reasons**

1. Cuts to the housing related support budget (formerly the Supporting People Grant) were originally proposed in the budget setting exercise during Autumn 2011 and again in 2013. The cuts were proposed as measures to enable the Council to deliver a balanced budget and were built into the Council's financial plans from 2012/13 – 2015/16.

- Given the pressures on Council resources, further savings from the housing related support expenditure were proposed in the Medium Term Financial Planning from 2017/18.

## Budget and Policy Framework

### 90/16      Quarter 2 Revenue Budget Monitoring

The Council Cabinet considered a report which set out details of the latest financial position and forecast outturn for the 2016/17 Revenue Budget as at 2 October 2016. This was in line with the agreed strategy of reporting revenue budget monitoring figures on a monthly basis to Chief Officer Group and on a quarterly basis to Council Cabinet for approval and action as necessary.

The Council was currently forecasting an overspend of £1.023m, 0.47% against the budget requirement of £219,224,736.

Savings targets of £19.009m were included within the 2016/17 budget figures and the forecast achievement of these savings was included within the overall budget forecast.

As at period 6 the Council was forecasting to achieve permanent savings as planned of £17.993m (94.66%), with the balance and any part year one off costs being met from within overall Directorate budgets.

#### Decision

- To note the financial monitoring position and the current progress of savings delivery as at 2 October 2016.
- To note the approved use of reserves by delegated authority, in line with financial procedure rules within section 5 of the report.
- To approve the transfers between budgets in Organisation and Governance as detailed within section 4 of the report.

### 91/16      Quarter 2 Capital Budget Monitoring 2016/17 - 2018/19

The Council Cabinet considered a report which set out details of the revised financial position for the 2016/17 Capital Budget for Quarter 2. This was in line with the agreed strategy of reporting capital monitoring figures on a monthly basis to Chief Officer Group and on a quarterly basis to Council Cabinet for approval and action as necessary.

The report highlighted a Capital programme of £65,877,000 for 2016/2017, after reflecting revisions to the Capital programme of (£26,649,000). The changes required were shown in table 1 of section 4 and detailed in Appendix 2 of the report.

Significant changes over £200,000 were also detailed by strategy area and scheme in section 4.5 - 4.13 of the report.

The report also highlighted programme area risks on deliverability of the programme together with mitigation and a RAG rating detailed in paragraph 4.14 of the report.

A revised indicative programme for 2017/18 – 2018/19 detailed in table 3 of paragraph 4.15 of the report.

A revised funding position was shown in Table 4, section 5 of the report.

The Corporate Scrutiny and Governance Board noted the current position of the Capital Programme to date.

### **Decision**

1. To approve the changes and additions required to the 2016/17 capital programme as detailed in Appendix 2 of the report.
2. To note the revised programme for 2016/17 in table 1 and the revised indicative programme for 2017/18-2018/19 as shown in table 3 of the report.
3. To note the changes to 2016/17 capital funding as detailed in Table 4 Section 5 of the report.

## **92/16 Treasury Management Mid Year Report 2016/17**

The Council Cabinet considered a report which outlined the treasury management activity for the period 1 April 2016 to 30 September 2016, which the Council was required to report under the Chartered Institute of Public Finance and Accountancy - CIPFA - Code of Practice of Treasury Management Activity, comprising:

- Summary of the Financial Markets to date in 2016/17
- Forecast Outturn 2016/17
- Borrowing Activity
- Deposits
- Prudential Indicators.

The forecast outturn for the Treasury Management activity 2016/17 was expected to be around £15m. This was a further £700,000 forecast saving in addition to the £2m reported to Council Cabinet on the 5 October 2016 as part of the Period 4 Revenue Budget Monitoring 2016/17. The forecast savings were the result of efficiencies generated from changes to the MRP policy and additional service financing budgets to be transferred.

Treasury Management advice to the Council up to 30 September 2016 had been provided by Arlingclose. Following a tender process, TradeRisks had been appointed as our new Treasury Management Advisors from 1 October 2016. The service provided by Treasury Management Advisors included economic and interest rate forecasting, advice on strategy, portfolio structure, debt restructuring, investment policy and credit ratings and technical assistance on other treasury matters as and when required.

### **Decision**

To note the progress report on Treasury Management Activity and compliance with the Prudential Indicators for the period 1 April 2016 to 30 September 2016.

### **93/16      Medium Term Financial Strategy 2017/18 to 2019/20**

The Council Cabinet considered a report which outlined the Medium Term Financial Strategy - MTFS - for the revenue and capital budget over the three year period 2017/18 to 2019/20. The MTFS sets out the Council's strategic approach to the management of its finances. It detailed the resource projections for the forthcoming three years, the financial challenges that the Council faces and the approach planned to meet the priorities identified by the Council. It also commented on the risks facing the Council in the forthcoming years and explained what the Council was doing to mitigate these risks.

### **Decision**

1. To endorse the Council's Medium Term Financial Strategy for 2017/18 to 2019/20 and recommend Council to approve this Strategy.
2. To note the estimated financial position and funding gaps for 2017/18 to 2019/20, and the assumptions included within these forecasts, as set out in section 10 of the report.
3. To note the budget risks associated with the MTFS, as set out in section 12 of the report.
4. To approve the outline timetable including consultation periods set out in section 13 of the report.

### **Performance**

### **94/16      Performance Monitoring 2016/17 – Quarter Two Results and Mid Year Target**

The Council Cabinet considered a report which set out key performance measures included in the departmental business plans and which reflected the refreshed 2016-19 Council Plan. These priority measures formed the Council Scorecard for 2016/17

and reflected key performance / budget risks that Chief Officers and Members needed to be reviewing outcomes against on a regular basis.

At the end of quarter two (up to 30 September 2016), 70% of performance measures were forecast to meet or exceed their year end target. Results were assessed using traffic light criteria, according to their performance against improvement targets. A dashboard which summarised performance for the Council Scorecard was shown in Appendix 2 of the report.

Achievements noted at quarter two included:

- Nine businesses were supported through the Derby Enterprise Growth Fund.
- 96% of social worker registrations with the HMPC (Health and Care Professions Council) were completed.
- The volume of transactions for services currently using online self-service channels continued to be ahead of target.

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

In addition to presenting Council Cabinet with an updated position on results for Council Scorecard measures the report also presented members with proposed changes to the scorecard, as a result of a mid-year review, that was agreed in July 2016 (Appendix 4 of the report).

## **Decision**

1. To note the 2016/17 quarter two performance results.
2. To give particular attention to the indicators highlighted in the Improvement Report at Appendix 3 of the report.
3. To note the performance measures recommended for Corporate Scrutiny and Governance Board at paragraph 4.23 of the report. To also note that Corporate Scrutiny and Governance Board review performance on a regular basis and may select indicators for Performance Surgery on the basis of this report.
4. To approve the proposed changes to targets set out in Appendix 4 of the report.
5. To approve the proposed addition to the scorecard at paragraph 4.13 of the report.

## **Contract and Financial Procedure Matters**

## 95/16 Contract and Financial Procedure Matters

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- Change of use of reserves.
- Allocation of additional external funding.

The Corporate Scrutiny and Governance Board recommended that

- a) Further consideration should be given to the transfer and use of reserves to employ consultants given the current financial position of the Council; and
- b) That the decision to employ consultants to deliver work for the Council should be backed up by clear and transparent information on:
  - current levels of budget and staffing to deliver the existing service;
  - the outlining of issues and clear reasons for requiring a consultant to deliver services;
  - clear outcomes and key deliverables;
  - clear and defined timescales for delivery; and
  - details of how the outcomes and performance will be scrutinised and monitored.

### **Decision**

1. To approve the change of use for the Multi Use Arena reserve to support wider Leisure Strategy activities, as detailed in section 4 of the report.
2. To approve the change of use of £60,000 held in reserves from Category Management to Communications Consultancy, as detailed in section 5 of the report.
3. To approve the change of use of £400,000 funding held in the Adult Social Care Reserve to spend on Special Education Needs and Disability reforms, as detailed in section 6 of the report.
4. To allocate £93,000 external income and £95,000 from the VAT reserve to the Economic Partnership reserve, as detailed in section 7 of the report, and approve the allocation of £165,000 from this reserve to support Marketing Derby in 2017/18.
5. To accept the recommendation of the Corporate Scrutiny and Governance Board that

- a. Further consideration should be given to the transfer and use of reserves to employ consultants given the current financial position of the Council; and
- b. That the decision to employ consultants to deliver work for the Council should be backed up by clear and transparent information on:
  - current levels of budget and staffing to deliver the existing service;
  - the outlining of issues and clear reasons for requiring a consultant to deliver services;
  - clear outcomes and key deliverables
  - clear and defined timescales for delivery; and
  - details of how the outcomes and performance will be scrutinised and monitored.

**MINUTES END**