



EXECUTIVE SCRUTINY BOARD
11 December 2018

ITEM 8

Report sponsor: Don McLure, Strategic Director
of Corporate Resources
Report author: Alex Hough, Democratic
Services Manager

Council Cabinet Response to Scrutiny Recommendations

Purpose

- 1.1 This report outlines the recommendations made by the Executive Scrutiny Board to Council Cabinet and Council Cabinet's responses to these recommendations. The relevant responses have been extracted (and condensed where appropriate) from the Council Cabinet Minutes and included in Section 4 of this report.

Recommendations

- 2.1 To note the responses from Council Cabinet recorded in the Council Cabinet Minutes.

Reasons

- 3.1 To ensure that the Executive Scrutiny Board receives a response from Council Cabinet to the recommendations made.

Supporting information

Council Cabinet Meeting of 14 November 2018

Matters Referred

4.1 112/18 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.

Council Cabinet Decision

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

Key Decisions

4.2 115/18 DFE School Nursery Capital Fund (SNCF) – Pear Tree Infant School

The Executive Scrutiny Board resolved to note the report.

4.3 116/18 Property Disposals Programme – Update

The Executive Scrutiny Board resolved:

- To recommend to Council Cabinet that no piece of council land or property should be sold or leased without prior consultation with ward councillors
- To note that the University of Derby are seeking land within the city for use as a Park and Ride facility for students and to recommend that Council Cabinet actively engage with the University to identify an appropriate site for this purpose
- To request that a further report was provided to the Executive Scrutiny Board on the disposal of land with a value of less than £10,000 and the wider implications of the revised policy.

Council Cabinet Decision

1. To declare the properties set out in Appendix 3 of the report as surplus to general needs and to include them on the Property Disposals Programme.
2. To approve the transfer to the Housing Revenue Account, at market valuation those properties set out in paragraph 4.15 of the report for housing development purpose only.
3. To delegate authority to the Strategic Director of Corporate Resources following consultation with the Cabinet Member for Governance and Licencing and the Cabinet Member for Adults Health and Housing to the transfer of assets, at market valuation between the Council's General Fund Account and the Housing Revenue Account.
4. *To accept the recommendations from the Executive Scrutiny Board that no piece of council land or property should be offered for sale or lease without informing ward councillors.*
5. *To accept the recommendation from Executive Scrutiny Board requesting that Council Cabinet actively engage with the University to identify an appropriate site for this purpose.*
6. *To reject the recommendation from Executive Scrutiny Board requesting a further report be provided to the Executive Scrutiny Board on the disposal of land with a value of less than £10,000 and the wider implications of the revised policy because the policy was not being revised.*

4.4 117/18 The Relocation of the Library service Provision at Pear Tree Library

The Executive Scrutiny Board resolved to recommend that Council Cabinet defer the decision to relocate Pear Tree Library until such time as the following conditions were met:

- That a full consultation with ward councillors, the local community and service users had been carried out
- That an alternative community use for the Pear Tree Library building had been identified, in the same manner as the former Central Library building.

Council Cabinet Decision

1. To approve the relocation of the library service currently based at Pear Tree Library to St Augustine's Community Centre and to agree to the development of the St Augustine's Community Centre as a community hub.
2. To approve the relocation of services currently delivered at the Madeley Centre into St Augustine's Community Centre.
3. To include an item on the 2018/19 and 2019/20 Capital Programme relating to the conversion of St Augustine's Community Centre.
4. To delegate authority to the Strategic Director of Corporate Resources following consultation with the Strategic Director of Communities and Place to agree the final design of the works to St Augustine's Community Centre and to approve and enter into all relevant contracts associated with the conversion of St Augustine's Community Centre as a community hub.
5. To declare the buildings currently accommodating the Pear Tree Library and the Madeley Centre, surplus to requirements and approve their addition to the property disposals programme.
6. *To reject the recommendations from the Executive Scrutiny Board to defer the decision to relocate Pear Tree Library until such time as the following conditions were met:*
 - *That a full consultation with ward councillors, the local community and service users had been carried out.*
 - *That an alternative community use for the Pear Tree Library building had been identified, in the same manner as the former Central Library building.*

4.5 **118/18 D2N2 European Structural Investment Fund 2014-2020**

The Executive Scrutiny Board resolved to recommend that Council Cabinet amend the delegations detailed under recommendations 2.2 and 2.3 of the report, to ensure that no bid submitted in consultation with the relevant Cabinet Member could be subsequently withdrawn or amended without further consultation with the Cabinet Member.

Council Cabinet Decision

1. To agree for officers to continue to work with partners to develop collaborative robust bids for the ESIF calls and submit Expressions of Interests (Outline Application Forms) and Full Bids, where match funding required meets the criteria of point 1.4 of the report, in order to meet deadlines.
2. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Resources, Cabinet Member for Regeneration and Public Protection and Cabinet Member for Finance and Procurement for the agreement of and submission of final ESIF Expressions of Interests (Outline Applications) and Full Bids, in consultation with the Leader and Lead Member subject to the availability of match funding as outlined in paragraph 4.10 of the report. No bid submitted following consultation with the relevant Cabinet Member to be subsequently withdrawn or amended without further consultation with the Cabinet Member.
3. To delegate authority to the Strategic Director of Communities and Place, following consultation with the Strategic Director of Resources, Cabinet Member for Regeneration and Public Protection and Cabinet Member for Finance and Procurement to submit bids to the Midlands Engine, Strategic Priority Development Funding and where successful to negotiate and accept funding agreements as outlined in paragraph 4.10 of the report. No bid submitted following consultation with the relevant Cabinet Member to be subsequently withdrawn or amended without further consultation with the Cabinet Member.
4. *To accept the recommendation that Council Cabinet amend the delegations detailed under recommendations 2.2 and 2.3 of the report, to ensure that no bid submitted following consultation with the relevant Cabinet Member could be subsequently withdrawn or amended without further consultation with the Cabinet Member.*

4.6 **119/18 Market Rights Policy**

The Executive Scrutiny Board resolved to note the report.

4.7 **120/18 Garden (including Food) Waste Recycling Scheme**

The Executive Scrutiny Board resolved to welcome the proposal as the delivery of a manifesto commitment made by the Conservative, Liberal Democrat and UKIP groups at the 2018 local elections.

4.8 **121/18 Opportunity Areas: Decision Making for Opportunity Area Grants, Procurement and Contracts**

The Executive Scrutiny Board resolved to recommend to Council Cabinet that all members were kept informed of the destination and intended use of grants made under the scheme, and that this information was communicated to councillors in a timely manner.

Council Cabinet Decision

1. Where the Opportunity Areas Board and the DfE had recommended that a contract award process should be commenced in respect of a specified contract, to delegate authority to commence such tendering process to the Strategic Director for People Services following consultation with the Cabinet Member for Children and Young People.
2. To delegate authority to award contracts for all Opportunity Area work to the Strategic Director for People Services following consultation with the Cabinet Member for Children and Young People.
3. Where the Opportunity Areas Board and the DfE had recommended that a grant award process should be commenced, to delegate authority to commence such award process to the Strategic Director for People Services following consultation with the Cabinet Member for Children and Young People.
4. To delegate authority for awarding any Opportunity Area grants to the Strategic Director for People Services following consultation with the Cabinet Member for Children and Young People. .
5. To note that the Opportunity Areas programme would remain on Children and Young People's Scrutiny Board work programme to ensure continued scrutiny of the programme including the effectiveness of the contracts and grants awarded.
6. *To accept the recommendation from the Executive Scrutiny Board that all members were kept informed of the destination and intended use of grants made under the scheme, and that this information was communicated to councillors in a timely manner.*

4.9 122/18 Castleward Urban Village – Future Phases

The Executive Scrutiny Board resolved to recommend to Council Cabinet that support was offered to local businesses affected by the proposed scheme to relocate.

Council Cabinet Decision

1. To approve, in principle, the use of compulsory purchase powers in relation to the area identified in Appendix 2 of the report (“the Land”) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990, on the basis that the acquisition of the Land to develop phases 3-5 of Castleward would contribute to the achievement of the economic, social and environmental well-being of the area.
2. To delegate to the Strategic Director Communities and Place, authority to:
 - (a) carry out a land referencing exercise, including the procurement of any services required to complete this;
 - (b) issue notices requisitioning information from persons in relation to the Land pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976; and
 - (c) to enter on to the Land for the purposes of carrying out surveys pursuant to Section 172 of the Housing and Planning Act 2016 and such other actions as may be necessary to progress a CPO.
3. To note that a further report would follow in Summer 2019 that would detail the land proposed to be subject of a CPO, the final CPO strategy and process, and a statement of reasons justifying the use of the CPO powers.
4. To delegate to the Strategic Director of Corporate Resources following consultation with the Cabinet Member for Regeneration and Public Protection, the Cabinet Member for Adults, Health and Housing and Cabinet Member for Governance and Licensing, authority to acquire land on such terms as was considered appropriate in Castleward, for achieving the objectives of the City Centre Masterplan 2030 and Local Plan, subject to the HIF funding award.
5. To delegate authority to the Strategic Director for Communities and Place and the Strategic Director for Corporate Resources, following consultation with the Cabinet Member for Regeneration and Public Protection, the Cabinet Member for Adults, Health and Housing and the Cabinet Member for Governance and Licensing to negotiate terms and enter into development agreements with third parties for delivery of housing development at Castleward.
6. *To note the recommendation from the Executive Scrutiny Board that support be offered to local businesses affected by the proposed scheme to relocate because it was already included.*

Budget and Policy Framework

4.10 123/18 2018/19 – Quarter 2 Forecast of Outturn for General Fund, Housing Revenue Account, Capital Budgets, Dedicated Schools Grant and Collection Fund

The Executive Scrutiny Board resolved to note the report.

4.11 124/18 Treasury Management Mid-Year Report

The Executive Scrutiny Board resolved to note the report.

Performance

4.12 125/18 Performance Monitoring 2018/19 – Quarter Two Results and Mid Year Target Review

The Executive Scrutiny Board resolved to note the report.

Contract and Financial Procedure Matters

4.13 126/18 Compliance with Contract and Financial Procedure Rules

The Executive Scrutiny Board resolved to note the report.

Other

4.14 127/18 Inspection of Derby Youth Offending Service

The Executive Scrutiny Board resolved to note the report.

Public/stakeholder engagement

5.1 This item is included on the Executive Scrutiny agenda at the request of the Board.

Other options

6.1 None

Financial and value for money issues

7.1 Costs associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

Legal implications

- 8.1 Rule OS23 of the Council's Constitution relate are relevant to this report in its final submissions to Council Cabinet. Rule OS23 states that the Council or Council Cabinet shall consider the report of the overview and scrutiny board within one month of it being submitted to the proper officer.
- 8.2 Legal implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

Other significant implications

- 9.1 Personnel; IT; Property and Asset Management; and, Risk Management implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.
- 9.2 Effective scrutiny benefits all Derby people and the very nature of the Scrutiny Board's work means that equality issues are addressed.
- 9.3 The recommendations contribute to Corporate objectives and priorities for change by striving to ensure Derby and its people enjoy a thriving sustainable economy, good health and well-being and an active cultural life.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	N/A	
Finance	N/A	
Service Director(s)	N/A	
Report sponsor		
Other(s)	David Walsh, Head of Democracy	3/12/2018

Background papers:	Council Cabinet Minutes and Reports, 14 November 2018
List of appendices:	None