

Time began: 6:00pm  
Time ended: 6.50pm

## **COUNCIL CABINET 16 January 2019**

Present                      Councillor Poulter (Chair)  
                                    Councillors Barker, M Holmes, Roulstone, Smale, and Williams

In attendance              Councillors Care, Russell and Skelton  
                                    Carole Mills – Chief Executive  
                                    Don McLure – Strategic Director of Corporate Resources  
                                    Christine Durrant – Strategic Director of Communities and  
                                    Place  
                                    Andy Smith – Strategic Director of People  
                                    Glen O'Connell – Interim Monitoring Officer  
                                    Emily Feenan – Interim Director of Legal, Procurement and  
                                    Democratic Services  
                                    Ian Fullagar – Head of Strategic Housing  
                                    Duncan Cowie – Parks Development Manager  
                                    Owen Swift – Participation Pathway Manager  
                                    Alan Smith – Head of Economic Regeneration  
                                    Charlotte Ward-Webster – Communications Officer  
                                    Frederico Almeida – Youth Mayor

This record of decisions was published on 18 January 2019. 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.

### **150/18     Apologies**

Apologies for absence were received from Councillors Eldret, Graves, Grimadell and Webb.

### **151/18     Late Items**

There were no late items.

### **152/18     Receipt of Petitions**

There were no petitions

### **153/18     Identification of Urgent Items to which Call In will not                  apply**

The following item had to be implemented by 31 January 2019 and therefore been exempted from call-in on the grounds of urgency.

### **Item 9 – Council Tax Base for 2019/20 (Minute no 158/18)**

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

## 154/18    Declarations of Interest

There were no declarations of interest.

## 155/18    Minutes of the Meeting Held on 12 December 2018

The minutes of the meetings held on 12 December 2018 were agreed as a correct record.

## Matters Referred

### 156/18    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 1, prior to commencement of the meeting.

#### **Decision**

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

### 157/18    Minute Extract from Children and Young People Board

The Council Cabinet considered a minute extract from the Children and Young People Board on Off-Rolling in Derby Schools recommending Council Cabinet to commission an urgent review of off-rolling in Derby schools and that the findings of the review be presented to the Children and Young People Board for further consideration. It was noted that a review was already in progress.

#### **Decision**

To accept the recommendations from the Children and Young People Board to commission an urgent review of off-rolling in Derby schools and that the findings of the review be presented to the Children and Young People Board for further consideration.

## Key Decisions

## 158/18 Council Tax Base for 2019/20

The Council Cabinet considered a report which stated that the Council has to calculate its Council Tax base for 2019/20 as a means of raising Council Tax income for the 2019/20 financial year from Derby Council Tax payers.

The tax base is an estimated figure of the number of domestic properties expressed in terms of 'band D' equivalents in the Council's area during the financial year concerned. It is used to determine a headline charge for band D properties in the city. Charges for other bands are calculated as defined fractions of the headline charge.

The proposed Council Tax base for 2019/20 was 68,679.00 band D equivalent properties compared with the 2018/19 Council Tax base of 67,610.42. This reflected an increase in the number of domestic dwellings within the city, reduced losses to the tax base as a result of Council Tax Support awards, a reduced number of single person discounts awarded and an estimate of the number of newly built homes between 1 December 2018 and 31 March 2020.

The increase in the tax base would result in more Council Tax being collectable for the 2019/20 financial year.

The Executive Scrutiny Board noted the report.

### **Options considered**

The Council has a statutory duty to set a Council Tax base.

### **Decision**

1. To approve the Council Tax base for the year 2019/20 as 68,679.00 band D equivalent properties in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012/2914).
2. That in accordance with the methodology and estimates shown at Appendix 1, to recommend Council to approve this calculation at the Council meeting on 23 January 2019.

### **Reasons**

Agreeing the Council Tax base was the first step in the process of setting the Council Tax to be collected in 2019/20 and was an essential part of establishing the 2019/20 budget.

## 159/18 Proposed Expansion of Brackensdale Primary School

The Council Cabinet considered a report which stated that the Council is legally required to ensure that there are sufficient school places available for those pupils residing in its administrative boundary. There was a large housing development underway at Kingsway which fell into Brackensdale Primary School's normal area.

A proposal had been developed to provide additional primary pupil places at Brackensdale Primary School to accommodate children moving into the new homes at Kingsway. The proposal was to increase the school's admission number from 60 up to 75 from September 2019, with an additional 105 places available across the school on a phased basis, starting from the Reception year group.

In terms of capital funding, the developers of the housing development at Kingsway had entered into a Section 106 agreement with the Council to provide £1.9 million of funding to increase accommodation at Brackensdale Primary School. The Headteacher and Governing Body supported the proposal.

Initial consultation proposals took place over a four week period with consultation papers circulated to all key stakeholders and interested parties. A summary of consultation responses was shown in Appendix 2 of the report and a copy of the Consultation Document was attached as Appendix 3 of the report.

Due to the outcome of the initial consultation period, the report recommended that Council Cabinet considered giving approval to move to the next stage of the consultation process, which involved the publication of a statutory notice and a further four week representation period.

The Executive Scrutiny Board recommended that Council Cabinet request officers to consider additional parking provision and the impact on the surrounding community of increased traffic in the preparation of detailed proposals for the further expansion of Brackensdale Primary School.

### **Options considered**

Very careful consideration had been given to options for accommodating pupil growth. In developing proposals, a range of factors had been considered, including whether school sites could accommodate expansion.

### **Decision**

1. To approve the publication of a statutory notice on the proposal to expand Brackensdale Primary School from September 2019.
2. To delegate authority to determine the proposal to the Strategic Director of People Services if no objections are received and, if objections are received, to bring a further report to Council Cabinet for a decision.
3. To accept the recommendation from Executive Scrutiny Board to request officers to consider additional parking provision and the impact on the surrounding community of increased traffic in the preparation of detailed proposals for the further expansion of Brackensdale Primary School.

## Reasons

1. The Council has a legal duty to ensure sufficient school places for those pupils residing within its administrative boundary. Pupil numbers and projections are closely monitored and proposals are carefully developed to ensure sufficient school places.
2. Without the proposed expansion, there was a significant risk that the Council would not be able to deliver its statutory duty to provide sufficient primary school places.

## 160/18 Derby City Playing Pitches Strategy

The Council Cabinet considered a report which sought approval to the vision and strategy for Derby's playing pitches. The Playing Pitch Strategy (PPS) formed part of the Council's evidence base for physical activity and sport.

The PPS framed the priorities for future investment and the continued development of the playing pitch and associated facility infrastructure across Derby. The evidence base created would be utilised when considering planning applications in consultation with Sport England as a statutory consultee, who in turn would consult with National Governing Bodies of Sport as appropriate.

Whilst the analysis within the PPS would assist in determining the priorities for investment, any playing pitch or associated infrastructure improvement and / or new development would be subject to sources of funding (primarily from external sources) being made available. Any development or disposal would also be subject to the development of a clear business case, impact assessment and where appropriate a funding application.

In addition to the Derby City PPS a specific report had been developed, in conjunction with South Derbyshire District Council, which focused on the shared area of growth between the City of Derby and South Derbyshire, termed the Derby Growth Zone, which would see significant housing growth to 2028.

The Executive Scrutiny Board resolved:

- To recommend to Council Cabinet that a ward-by-ward breakdown of playing pitch space was provided to local councillors, to ensure surplus capacity was utilised to its full extent.
- To recommend to Council Cabinet that officers consider the impact on surrounding communities and the need for additional supporting infrastructure and the relationship with other local policies and strategies, particularly in regards to parking, when assessing the expansion or provision of additional playing pitches.

## Options considered

Not adopting the Playing Pitch Strategy. This would leave Derby (already short of quality and capacity) and its Playing Pitches and Open Spaces vulnerable to development. Further this would leave services without a clear rationale for allocation of budget/resources and a plan against which external agencies such as NGBs can be engaged.

## **Decision**

1. To approve the Derby Playing Pitch Strategy, and Derby Growth Zone Report, as appended to the report at Appendix 1 and 2, covering the period 2018 – 2028 in line with the Local Plan.
2. To note that the Playing Pitch Strategy would be used to inform the development and review of local development documents.
3. To accept the recommendation from Executive Scrutiny Board
  - That a ward-by-ward breakdown of playing pitch space be provided to local councillors, to ensure surplus capacity was utilised to its full extent.
  - To request officers to consider the impact on surrounding communities and the need for additional supporting infrastructure and the relationship with other local policies and strategies, particularly in regards to parking, when assessing the expansion or provision of additional playing pitches.

## **Reasons**

1. To guide future provision and management of sports pitches in the area in the context of national planning guidelines and local sports development criteria.
2. To protect facilities against development pressure, informing planning decision for sites where there are applications for change of use pending.
3. To inform future policies on the Council's role as a provider and enabler of pitch provision, identifying an appropriate facility mix addressing demand pressures, providing a steer on the leasing of sites to established sports clubs and providing a framework for investment and prioritisation of funding applications.
4. Successful adoption of the strategy would allow for Sport England contribution funding to be drawn down for the costs associated with developing the strategy.

## **161/18 Derby Economic Growth Strategy – Delivery Plan**

The Council Cabinet considered a report which presented the delivery plan to address the Derby Economic Growth Strategy, 2018 – 2022 and sought approval to both the Strategy and Delivery Plan.

The Executive Scrutiny Board noted the report.

### **Options considered**

The process of creating this Strategy and Delivery Plan involved the investigation and consideration of multiple options.

### **Decision**

1. To note the consultation process involved in the creation of the strategy and accompanying delivery plan and related outcomes.
2. To note the linkages between this strategy and various other partner's strategies.
3. To approve the Strategy and accompanying Delivery Plan and request Council to adopt it.

### **Reasons**

1. This was a Strategy created through careful research and consultation with all key stakeholders, including members of the Derby Renaissance Board.
2. The strategy must complement and add value to the corresponding documents of the Derby: Nottingham Metro Growth Board (Metro Economic Plan), D2N2 Local Enterprise Partnership (Strategic Economic Plan) and UK Government (Local Industrial Strategy).
3. It was important that the Strategy received all party support from within the Council.

## **162/18 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 noted 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. To approve the making of 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. To authorise the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Adults, Health and Housing, the Monitoring Officer and the Strategic Director of Corporate Resources to:
  - i. take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders;
  - ii. 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;
  - iii. 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;
3. To take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending related proceedings.

4. To take all other necessary action to give effect to these recommendations.

### **Reasons**

1. The properties identified in Appendix 2 (this exempt appendix 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 had 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.

## **163/18 Purchase of a Residential Development to Provide 14 New Affordable Homes**

The Council Cabinet considered a report which sought approval to purchase a housing scheme to be funded from the Housing Revenue Account (HRA) capital programme and Right to Buy receipts (RtB).

The Council had been offered the opportunity to purchase 14 new build properties on a self-contained development close to the City centre.

These dwellings would form part of the Council's affordable housing stock and would be managed by Derby Homes (DH), the Council's Arm's Length Management Organisation.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. An option would be not to proceed with the purchases. However not doing so would compromise the Council's ability to meet its affordable development targets, absorb its Right to Buy receipts and provide much needed affordable housing.
2. An option would be to not proceed with the purchases and let the open market bring the site forward. Due to the size of the site there was no planning obligation to provide any affordable homes on the development so there would be no additionality of affordable homes to rent within the city.

### **Decision**

1. To agree the principle of acquiring the development as detailed in the report funded through the HRA capital programme and Right to Buy receipts at the price not exceeding the formal (RICS approved) valuation.

2. To delegate authority to the Strategic Director for Communities and Place following consultation with the Head of Legal Services to enter into all necessary agreements required to secure the acquisition of the properties.
3. To agree to the development being incorporated within the Councils housing stock and being managed by Derby Homes.

### **Reasons**

1. The acquisitions would provide new affordable homes which would meet the needs of households on the waiting list.
2. To ensure the purchase of the development was undertaken in accordance with Council procedures ensuring due diligence throughout.
3. To ensure that the properties were correctly managed and maintained.

## **164/18 Allocation of Grant to the War Memorial Village Trust**

The Council Cabinet considered a report which proposed the allocation of Right to Buy (RtB) receipts as grant funding to the War Memorial Village Trust (WMVT) to replace unsuitable properties and provide new homes.

The Executive Scrutiny Board noted the report.

### **Options considered**

1. To not allocate Right to Buy receipts as grant funding to WMVT. This would not bring forward new suitable homes that were fit for purpose and meet the current design requirements for wheelchair users.
2. To not allocate Right to Buy receipts as grant funding to WMVT. By allocating surplus receipts to WMVT the Council would ensure the allocation of receipts within the city and help avoid a financial penalty.

### **Decision**

1. To approve the allocation of Right to Buy receipts as grant funding to WMVT to replace unsuitable properties and provide new homes that were fit for purpose.
2. To delegate authority to the Strategic Director of Communities and Place and the Head of Legal Services to enter into all negotiations and approval of the grant conditions to WMVT.

### **Reasons**

1. To provide new suitable homes that were fit for purpose and meet the current design requirements for wheelchair users enabling specialist housing that would otherwise not be financially viable.
2. To ensure the allocation of the grant for the redevelopment was undertaken in accordance with Council procedures ensuring due diligence throughout.

## 165/18 Corporate Safeguarding Policy

The Council Cabinet considered a report which stated that Derby City Council was committed to safeguarding vulnerable children and young people and adults at risk. In 2015 Council Cabinet approved the Corporate Safeguarding Policy which set out our commitments and roles in the delivery of our safeguarding responsibilities.

The Corporate Safeguarding Board, chaired by the Member Champion for Safeguarding, had recently updated the policy document to reflect structural changes and emphasise the LADO (Local Authority Designated Officer) responsibilities. The updated policy also introduced a safeguarding impact assessment to evaluate safeguarding implications. The report sought approval for these changes.

All councillors and colleagues were expected to understand their responsibilities for safeguarding and the policy represented one of the mandatory policies on the Council's e-learning suite.

The Executive Scrutiny Board noted the report.

### **Options considered**

None considered.

### **Decision**

To approve the updated Corporate Safeguarding Policy, as set out in Appendix 1 of the report.

### **Reasons**

Robust leadership was key to embedding safeguarding across the Council, from both officers and councillors. The latter also had a critical scrutiny role, and need to be robust in their challenge to officers to demonstrate children and vulnerable adults were safe in Derby. These key safeguarding roles and responsibilities were clearly defined in the report attached at Appendix 1.

## Contract and Financial Procedure Matters

### 166/18 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.

- i. To approve the additional funding we had received for Adult Services Winter pressures – Adult Social Care Grant of £1,148,569. This was a ‘one off’ payment and was announced in the Chancellor’s Autumn Budget announcement on 29 October 2018.

The Executive Scrutiny Board noted the report.

### **Decision**

To approve the addition of £1,148,569 for ‘one off’ grant funding to support Winter pressures in Adult Services, allocated in the Autumn Budget on 29 October 2018 and to approve the delegated authority for allocating the use of the £1,148,569 Adult 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 4.1 of the report.

### **167/18 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**

### **168/18 Compulsory Acquisition of Empty Homes**

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

The Executive Scrutiny Board noted the report.

### **169/18 Purchase of a Residential Development to Provide 14 New Affordable Homes**

The Council Cabinet considered exempt information in relation to the Purchase of a Residential Development to Provide 14 New Affordable Homes.

The Executive Scrutiny Board noted the report.

**MINUTES END**

