

Time began: 6:00pm
Time ended: 6.30pm

COUNCIL CABINET 15 January 2020

Present	Councillor Poulter (Chair) Councillors Barker, M Holmes, Roulstone, Smale, Webb, Williams and Wood
In attendance	Councillors Anderson, A W Graves, Shanker and Skelton Carole Mills – Chief Executive Paul Simpson – Strategic Director of Corporate Resources Rachel North – Strategic Director Communities and Place Andy Smith – Strategic Director of People Emily Feenan – Director of Legal, Procurement and Democratic Services Karl Suschitzky – Senior Environmental Health Officer Mike Kay – Head of Environmental Protection, Housing Standards and Emergency Planning Steve Caplan – Director of Property Keith Cousins – Communications Officer

This record of decisions was published on 17 January 2020. 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.

118/19 Apologies

There were no apologies.

119/19 Late Items

There were no late items

120/19 Receipt of Petitions

There were no petitions

121/19 Identification of Urgent Items to which Call In will not apply

The following item had to be implemented by 31 January 2020 and therefore been exempted from call-in on the grounds of urgency.

Item 8 – Council Tax Base for 2020/21 (Minute no 125/19)

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.

122/19 Declarations of Interest

There were no declarations of interest.

123/19 Minutes of the Meeting Held on 18 December 2019

The minutes of the meeting held on 18 December 2020 were agreed as a correct record.

Matters Referred

124/19 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.

Key Decisions

125/19 Council Tax Base for 2020/21

The Council Cabinet considered a report which stated that the Council has a legal requirement to calculate a Council Tax base for each financial year and to notify its Council Tax base to both The Police and Crime Commissioner for Derbyshire and Derbyshire Fire & Rescue Authority. The Council Tax base must be calculated between 1 December and 31 January in the preceding financial year and notified to The Police and Crime Commissioner for Derbyshire and Derbyshire Fire & Rescue Authority by 31 January of the preceding financial year.

The Council Tax base was 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 was used to determine a headline charge for band D properties in the city. Charges for other bands were calculated as defined fractions of the headline charge.

The proposed Council Tax base for 2020/21 was 69,592.06 band D equivalent properties compared with the 2019/20 Council Tax base of 68,679.00.

The increase in the tax base would result in more Council Tax being collectable for the 2020/21 financial year.

The Executive Scrutiny Board noted the report.

Options considered

1. The Council has a statutory duty to set a Council Tax base.
2. The Council could opt not to levy the additional empty property premium. However, this option had not been proposed, for the reasons set out in section 4.6 of the report.

Decision

1. To approve the Council Tax base for the year 2020/21 as 69,592.06 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 of the report, to recommend Council to approve this calculation, at the Council meeting on 22 January 2020.
3. To approve the following empty property premium charges and total Council Tax charges from 1 April 2020;
 - For properties that have been empty and unoccupied for five years or more, an empty property premium of 200%, giving a total Council Tax charge of 300%
 - For properties that have been empty and unoccupied for two years or more, an empty property premium of 100%, giving a total Council Tax charge of 200%.

Reasons

Agreeing the Council Tax base was the first step in the process of setting the Council Tax to be collected in 2020/21 and was an essential part of establishing the 2020/21 budget.

126/19 Approval of the Single Discretionary Award Policy for 2020/21

This item was withdrawn.

127/19 Draft Air Quality Action Plan

The Council Cabinet considered a report which stated that a draft Air Quality Action Plan (dAQAP) had been produced in accordance with Derby City Council's statutory requirements under the Environment Act 1995 and the associated Local Air Quality Management (LAQM) assessment and reporting regime.

The dAQAP provided a list of proposed measures designed to address the main sources of air pollution within Derby City Council's designated Air Quality Management Areas (AQMAS).

It was important to note that the dAQAP measures were distinct from, but complementary to, the measures already proposed under the *Local Plan for Roadside NO₂*, which focusses solely on Stafford Street. The measures in the dAQAP covered a much wider area.

Internal and external stakeholder engagement as well as cross-party political involvement had taken place as part of the AQAP development process.

The dAQAP now needed to go out to public consultation and then, once agreed and finalised, would be submitted to DEFRA for approval.

Once finalised, Departmental ownership of each measure would be required in order to progress delivery of the AQAP, however many of the measures were already contained within relevant work programmes.

The Executive Scrutiny Board recommended to Council Cabinet:

- **That the draft plan be amended to take into account the possible implications of the A38 works on air quality.**
- **That the consultation be delayed until the report has been amended to take full account of the Taxi Licensing situation, the A38 works and the bus fleet status.**
- **That the plan includes an additional section/paragraph covering reduction in travel as another way of reducing pollution.**
- **That it prioritises the actions, wherever possible, to achieve Council targets in other areas as well as air quality. For example, modal shift will reduce congestion and improve exercise levels, whereas electric cars will not.**

Options considered

1. The production of an AQAP was a statutory requirement under the Environment Act 1995.
2. The measures outlined in the AQAP were not, however, the only options available for reducing air pollutant emissions within Derby. In theory, there were an almost infinite number of options available for addressing air quality.
3. The measures outlined in the plan had been long-listed based initially on source apportionment modelling, which was a requirement under the LAQM

methodology (TG(16)) assigned to the process for development of AQAPs. They had then been subjected to internal and external stakeholder engagement. Finally, the measures had been short-listed based primarily on their potential contribution to lowering emissions, but also in terms of their practicality and feasibility for delivery.

4. The list of measures proposed within the AQAP were by no means rigid. They would be subject to possible amendment, removal or addition, during or following, the public consultation exercise. All amendments, removals or additions would however have to be justified in accordance with LAQM guidance, with the primary consideration being the measures' potential to reduce the primary sources of air pollutant emissions within Derby City Council's AQMAs.

Decision

1. To approve the draft Air Quality Action Plan to be sent out for public consultation and determine an appropriate consultation period.
- 2. To note the recommendations from Executive Scrutiny Board**
 - **That the draft plan be amended to take into account the possible implications of the A38 works on air quality.**
 - **That it prioritises the actions, wherever possible, to achieve Council targets in other areas as well as air quality. For example, modal shift will reduce congestion and improve exercise levels, whereas electric cars will not.**
- 3. To reject the recommendations from Executive Scrutiny Board**
 - **That the consultation be delayed until the report has been amended to take full account of the Taxi Licensing situation, the A38 works and the bus fleet status.**
 - **That the plan includes an additional section/paragraph covering reduction in travel as another way of reducing pollution.**

Reasons

1. Production of an AQAP was a statutory requirement under the Environment Act 1995 in all cases where one or more AQMAs had been declared within the Local Authority's area.
2. In order to protect the health of the public of Derby from the effects of air pollution and under the Council's commitments to reduce fine particulate matter (PM_{2.5}) under the Public Health Outcomes Framework.
3. The Plan already included a number of measures aimed at reducing vehicle trips and encouraging modal shift to more sustainable forms of transport.

128/19 Derby Enterprise Growth Fund Loan

The Council Cabinet considered a report which stated that the Derby Enterprise Growth Fund (DEGF) Investment Panel on 29 November 2019 recommended the advance of a £313,000 loan to a company, subject to the completion of satisfactory due diligence.

Revised Terms of Reference for the Derby Enterprise Growth Fund (DEGF) Investment Panel were approved by Council Cabinet on 12 September 2018 (Council Minutes ref 60/18). As a result of this revision, DEGF Panel recommendations with a value above £250k require formal ratification by Council Cabinet. Financial Procedure Rules require all loans to external bodies to be approved by Council Cabinet.

The Executive Scrutiny Board noted the report.

Options Considered

None

Decision

1. To approve in principle that a loan of £313,000 is advanced to the company from the DEGF capital fund, subject to the confirmation of a satisfactory due diligence outcome, security protection and state aid position.
2. To delegate authority to negotiate and agree suitable terms to make the loan advance to the company to the Strategic Director of Corporate Resources following consultation with Strategic Director of Communities and Place and Cabinet Member for Regeneration, Planning and Transportation.

Reasons

1. To comply with Financial Procedure Rules.
2. To comply with the DEGF Panel Terms of Reference.
3. To support projects recommended by the Investment Panel.

Contract and Financial Procedure Matters

129/19 Compliance with Contract and Financial Procedure Rules

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

- Acceptance of a grant from Public Health England to deliver the Preventing Violent Behaviour programme in Newton's Walk Pupil Referral Unit
- Addition of £0.920m to the capital programme for the DE-Carbonise scheme

The Executive Scrutiny Board recommended to Council Cabinet that the additional DE-Carbonise funding be used as a way of giving further publicity to this scheme.

Decision

1. To approve the acceptance of a grant from Public Health England, to deliver the Preventing Violent Behaviour programme in Newton's Walk Pupil Referral Unit, as outlined in section 4.1 of the report.
2. To approve the addition of £0.920m to the capital programme for the DE-Carbonise scheme to be funded from ERDF grant, as outlined in section 4.2 of the report.
3. **To note the recommendation from the Executive Scrutiny Board.**

130/19 Exclusion of the Press and Public

Resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it 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 Decision

131/19 Derby Enterprise Growth Fund Loan

The Council Cabinet considered exempt information in relation to the Derby Enterprise Growth Fund Loan.

MINUTES END