

**MINUTES** of a meeting of **CABINET** held on 10 January 2012 at County Hall, Matlock.

## **PRESENT**

Councillor A I Lewer (in the Chair)

Councillors J A Allsop, Mrs C A Hart, J P Harrison, C W Jones, B Lewis, M V Longden, K L Parkinson and S A Spencer.

Councillors S Flitter and Ms A Western also attended.

### **Declarations of Interest**

Councillor S A Spencer declared a personal and prejudicial interest in Agenda Item 10(g) on the Supply and Delivery of Groceries and Provisions as a minor supplier to the Authority and took no part in the proceedings relating to this item (Minute no. 24/12 refers).

## **01/12      ISSUES RAISED BY THE MINORITY GROUPS**

Councillor Ms A Western indicated that she would not be asking questions at this, or future meetings of Cabinet.

Councillor S Flitter raised the following:-

Agenda item 6 (c) – Employee Survey 2011 – (1) There are some significant areas of concern highlighted such as change is poorly managed, information is not cascaded down, questions over senior managers' clarity of vision. These findings are similar to 2008 with only 1% difference in returns – does this not indicate that it could be that the same employees feel no better now than in 2008? (2) Noting paragraphs 2 and 3 on page 3 with regard to the “My Plan” proposals, how will the Controlling Group aim to address these continuing problems?

Agenda item 6(d) – Infrastructure Planning and Developer Contributions — With the assumed average rate of £62.50 sq metre, some developers may opt for smaller projects and claim lack of viability, leading to smaller profits and questioning the need for changes to the infrastructure. How does Community Infrastructure Levy deal with piece-meal developments?

Agenda item 6(f) – Derbyshire Trusted Trader Scheme – The Scheme is welcomed although there are a number of complaints against traders which is of concern. Although a high percentage of traders considered the branding important and it gave them an advantage, only just above half thought it

brought extra trade or generated more income. What controls and initiatives would benefit the Scheme and would this be a priority for the new officer?

Agenda item 6(i) – LMS Formula – Responses to Consultation – (1) As a Governor dealing with financial control, three issues were always prominent – inflation, deprivation and staff costs. How will schools manage inflation noting 72% of respondents reluctantly agreed to this process? (2) Free School Meals may be an easy option for arriving at a deprivation figure, but the stigma attached to benefits reduces the funding to schools – will the schools inform parents of this problem individually or will this Council publicise it through Derbyshire First and the website? (3) Although the report states that no school should lose more than 1.5% of its budget, the tables indicate a different tale. If this is so, will this have an effect on staffing issues and the delivery of young people's education?

Agenda item 6(j) – Policy for Transport for Children and Young People – It is agreed that a single policy gives clarity but clarification is required on two matters. (1) Regarding the extension of the two mile walking distance, what is the present position, what monitoring/enforcement has taken place and how many children are affected? (2) In respect of the proposal to introduce charges of £317.00 for non-entitled children on spare seats, how will that be managed to ensure fairness?

**02/12**      **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 13 December 2011 be confirmed as a correct record and signed by the Chairman.

**03/12**      **CABINET MEMBER MEETINGS RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- |                            |                                    |
|----------------------------|------------------------------------|
| (a) Education              | - 28 November and 19 December 2011 |
| (b) Finance and Management | - 5 December 2011                  |
| (c) Leadership and Culture | - 12 December 2011                 |
| (d) Regeneration           | - 12 December 2011                 |
| (e) Highways and Transport | - 13 December 2011                 |
| (f) Young People           | - 14 December 2011                 |
| (g) Adult Care             | - 20 December 2011                 |

**04/12**      **DEDICATION OF THE CAVENDISH ROAD PLAYING FIELDS, MATLOCK** The Director of Property sought approval for the Dedication of the Cavendish Road, Playing Fields, Matlock, to the Fields in Trust Charity. The Trustees of the Cavendish Field Sports Association had made a request to the County Council for an application to be made to Queen Elizabeth II Challenge for the Cavendish Road Playing Fields to be nominated. The Challenge initiative aimed to safeguard outdoor recreation spaces in perpetuity for future

generations in celebration of the Diamond Jubilee and as a permanent tribute to Queen Elizabeth II.

The objective was to protect the sites through a Deed of Dedication which would require the County Council to hold the Fields for recreational purposes in perpetuity unless alternative replacement fields of equivalent size and/or quality were provided.

**RESOLVED** that the application to the Queen Elizabeth II Challenge, requested by the Trustees of the Cavendish Road Fields Sports Association, be approved along with the Deed of Dedication to the Fields in Trust Charity.

**05/12      BUDGET MONITORING 2011/12** The Director of Finance provided Cabinet with an update of the latest budget monitoring position which showed an overall underspend of £6.215m. The report summarised the controllable budget position by Department and it was noted that reports would also be considered at the Audit Committee and at full Council. The monitoring reflected the position as at 31 October 2011, however additional updates had been provided to take the position up to the period ending 30 November 2011.

**RESOLVED** that the 2011/12 Budget Monitoring position as at 31 October 2011 be noted.

**06/12      EMPLOYEE SURVEY 2011** The Director of Human Resources informed Cabinet of the results of the Employee Survey 2011, which had been conducted between 5 September and 3 October. The response rate was 33% which compared to 32% in 2008. The report detailed areas of strength and areas for improvement and a detailed analysis of the results were contained in the Appendices to the report.

**RESOLVED** that (1) the results of the Employee Survey 2011 be noted; and

(2) further reports be received on the proposed responses to the Survey following detailed consultation within interested parties.

**07/12      INFRASTRUCTURE      PLANNING      AND      DEVELOPER CONTRIBUTIONS** The Strategic Director – Environmental Services sought Cabinet approval to the Infrastructure Plan and the Developer Contributions Protocol for consultation in 2012, which would enable developer contributions to be secured in the future for the provision of Countywide infrastructure.

The draft Developer Contributions Protocol was a process document relating specifically to conditions attached to planning permissions and Section 106 Agreements. It was intended to provide guidance to County Council Departments, district and borough councils, the Peak Park National

Park Authority and the development industry on the County Council's role in securing developer contributions. The Protocol set out the County Council's expectations for communication between the different parties involved in the process.

The draft Derbyshire Infrastructure Plan had been prepared in consultation with County Council Departments, Local Planning Authorities, and infrastructure providers, such as transport operators, energy and utility providers, environmental organisations, health service providers, educational institutions and emergency and justice services.

The purpose of the Plan was to inform the preparation of local plans and to encourage decisions on the scale and location of development that made best use of infrastructure capacity.

**RESOLVED** that Cabinet approve the Developer Contributions Protocol and the Derbyshire Infrastructure Plan for consultation in early 2012.

**08/12      DIGITAL DERBYSHIRE – BROADBAND UPDATE** The Strategic Director – Policy and Community Safety updated Cabinet on progress towards the roll out of superfast broadband across Derbyshire in relation to the Government's BDUK programme and other complementary activities. Derbyshire County Council (including Derby City Council) had been allocated an indicative sum of £7.39m to deliver the Government's objectives in identified 'white areas' across Derbyshire where there was limited or no broadband provision delivered by the market. In order to access the BDUK allocation, the Council was currently in the process of preparing the Local Broadband Delivery Plan, working closely with appointed consultants. Timescales had recently been amended with draft plans required by BDUK by the end of February 2012. Details were presented of the procurement framework model of approved suppliers to deliver roll out across the UK.

A cross-departmental group had been established to manage the Local Broadband Delivery Plan and to ensure that activity was co-ordinated across the complex area of policy development. The Broadband Champions Campaign would be launched in January 2012 with the aim of stimulating further demand in target communities and developing local capacity to enable local solutions to broadband access and also to build upon the wider publicity campaign. The Derbyshire Economic Partnership was currently facilitating a submission across the Peak District to establish a Rural Growth Network pilot following the recent Government Rural Growth Review. The Council had also commenced discussions with Derby City Council to ensure BDUK delivery linked up with the emerging infrastructure spearheaded by Lightspeed Derby and further improvements were planned as a result of the recent Regional Growth Fund 2 award to support the Derby Employment Taskforce.

**RESOLVED** that (1) the progress made in regard to the Digital Derbyshire BDUK programme be noted; and

(2) a further report be submitted to Cabinet following completion of the Local Broadband Delivery Plan.

**09/12      DERBYSHIRE TRUSTED TRADER SCHEME** Cabinet considered a joint report of the Strategic Director – Cultural Community Services and the Strategic Director – Adult Care, which sought approval to vire £71,000 from the Adult Care Department revenue budget to the Cultural and Community Services Trading Standards revenue budget to provide funding towards the Trusted Trader Scheme. It was also noted that a Memorandum of Understanding had been agreed between Adult Care and Cultural and Community Services, which set out the clear aims and objectives to support the Council Plan commitment to extend the Trusted Trader Scheme. The Memorandum, a copy of which was attached at Appendix 1 to the report, would be reviewed annually.

It was proposed to establish a Grade 11 post of Trading Standards Officer/Trusted Trader Officer in line with the proposed new officer designations, as recommended by the Human Resources Division. The post would provide the service with a degree of flexibility should the need arise, to move operational staff within teams. As well as a designated officer to support the Trusted Trader Scheme, the virement would also contribute to administration and other costs associated with sustaining the Scheme.

**RESOLVED** (1) that the virement of £71,000 funding from the Adult Care Department revenue budget to the Cultural and Community Services Department Trading Standards revenue budget to provide funding towards the Trusted Trader Scheme be approved;

(2) to note the Memorandum of Understanding between Adult Care and Cultural and Community Services, which set out the aims and objectives for the Scheme which would be reviewed annually; and

(3) to note the proposed establishment of the post of Trading Standards Officer/Trusted Traded Officer (Grade 11) which was consistent with a separate report on the proposed organisational review of Trading Standards.

**10/12      HOUSING RELATED SUPPORT CONTRACT FOR THE OAKLAND VILLAGE, SWADLINCOTE EXTRA CARE SCHEME** The Strategic Director - Adult Care sought approval to fund housing related support in the Oakland Village, Swadlincote Extra Care Scheme and to invite tenders for the Scheme.

Housing related support was a non-statutory support activity provided in Derbyshire to vulnerable groups including older people funded through Adult

Care and managed by the Accommodation and Support Team (Supporting People). The support helped people to maintain their tenancy and covered but was not limited to, support with benefits maximisation, help with arranging housing repairs and maintenance, advice on wellbeing issues, budgeting, sign posting onto other services and information and advice about other services available in the area.

Work was on-going as part of the revised plans for the accommodation, care and support strategy for older people in Derbyshire, to develop a complementary model of personal care and support and housing related support. This would be subject to a further report to Cabinet in February 2012 which would define the precise model.

In the meantime, it was essential that a service for housing related support for the 88 extra care apartments within the Swadlincote Scheme be secured in advance of the Scheme opening in September 2012. The procurement of the service would be through an open tender process through Derbyshire's 'In-Tend' system and published on Source Derbyshire. The procurement would commence in January 2012 in order that an award of service could be made no later than August in readiness of service delivery.

The contract at present would have an indicative value of £42,350 with a final value being confirmed in the Cabinet report in February.

**RESOLVED** that (1) the funding of housing related support within the Oakland Village Scheme be approved;

(2) the invitation of tenders for a contract to provide housing related support for 88 extra care apartments for the Oakland Village for up to 4 years be approved; and

(3) a further report be presented on the outcome of the award in due course.

**11/12      SHIRLAND PRIMARY SCHOOL (CHESTERFIELD ROAD SITE)**  
**– SITE DISPOSAL** Cabinet considered a joint report of the Strategic Director - Children and Younger and Adults and the Director of Property which sought approval to the disposal of the former Chesterfield Road site of Shirland Primary School under the terms of the General Consents under Section 77 of the School Standards and Framework Act 1998 and Schedule 35A of the Education Act 1996.

The Primary School relocated to its new site and building in August 2011 and a report was presented to Cabinet in November 2010, declaring the Chesterfield Road site surplus to requirements and transferring responsibility for the site to the Director of Property Services for disposal, upon the school moving to its new site. Prior to disposal, the Authority must inform the

Department for Education if it was decided that a 'General Consent' applied. The Director of Legal Services had advised that a General Consent applied to the proposed disposal of the land because the school site was substantially less than 8,000 sqm and the Authority did not have any interest in adjoining land.

**RESOLVED** that the disposal of the former Chesterfield Road site of the Shirland Primary School under the terms of the General Consents for the disposal covered by Section 77 of the School Standards and Framework Act 1998 and Schedule 35A to the Education Act 1996, be approved.

**12/12      LMS FORMULA - RESPONSES TO CONSULTATION** The Strategic Director – Children and Younger Adults informed Cabinet of the responses received from schools to the recent LMS consultation proposals and sought approval to changes to the LMS formulae.

On September 11, Cabinet agreed a consultation document which set out a range of potential changes to Derbyshire's LMS formulae. As a result of the consultation, decisions had to be taken on the LMS formulae for 2012/13, although it should be noted that the impact of the formula changes during this year would be limited by the Government's Minimum Funding Guarantee Regulations. For 2011/12, the Guarantee was minus 1.5% which meant, in broad terms that no school would experience a reduction in its budget of more than 1.5% assuming constant pupil numbers. The Department for Education had confirmed that the Guarantee would be also minus 1.5% for 2012/13. The report detailed the main issues covered by the consultation and set out recommendations for approval. The main points highlighted were in respect of;

- Inflation;
- Deprivation;
- Extended Services (Sustainability)
- Extended Services (Subsidy)
- Secondary Schools Catering Free School Meals funding;
- SENTA Hours
- Primary and Secondary School Action School Allocation (SEN);
- Primary School Action Allocation (Socio Economic);
- Secondary School Action Allocation (Cognitive Ability Tests);
- Learning Support Units;
- Advanced Schools Teachers (Salary Funding);
- Advanced Skills Teachers (Outreach)
- Specialist Schools Funding including further issues on the views of schools on the approach that should be adopted if the Government's new formula rules precluded the use of historic allocations;
- High Performing Specialist Schools Funding;

- Alternative Formula Approach; and
- Further Delegation.

**RESOLVED** that (1) the LMS formula multipliers should not be uprated for inflation for 2012/13;

(2)(a) the funding streams in Table 1 be delegated on the basis of the number of pupils entitled to a free school meal as recorded on the January census for 2012/13,

(2)(b) the delegation of deprivation funding be reviewed for 2013/14 in the light of the Government's Pupil Premium announcement;

(2)(c) the Authority identify strategies to raise attainment and to consider appropriate changes to schools' funding arrangements to support such strategies;

(3)(a) Extended Services (Sustainability) funding be delegated on the basis of the number of pre-16 pupils (mainstream) and places (special schools);

(3)(b) Extended Services (Subsidy) funding be delegated on the basis of the number of pupils known to be eligible for free school meals;

(3)(c) Extended Services funding be excluded from schools' MFG baselines for 2012-13 and 2013-14; and

(3)(d) the change in the delegation of Extended Services funding be phased over two years 2012/13 and 2013/14;

(4) secondary schools' catering FSM funding be delegated on the basis of the number of pre-16 pupils eligible for free school meals recorded on the January census;

(5) the views of schools on the funding of SENTA hours be noted;

(6) the School Action Allocation (SEN) funding be delegated on the basis of a 5 year average of the number of pupils recorded as being at School Action Plus with one of the 6 specific profiles on the January census;

(7) the primary School Action Allocation (Socio Economic) funding be delegated on the basis of the number of pupils entitled to a Free School Meal as recorded on the January census; (8)(a) that funding for secondary school pupils at School Action Allocation continue to be delegated based on results of the Cognitive ability tests;



8(a) funding for secondary school pupils at School Action Allocation to be continue to be delegated based on results of the Cognitive Ability Tests;

8(b) the delegation in (8)(a) be targeted at those pupils whose test scores were 88 or below;

(9) the Learner Support Unit indicator be deleted for 2012/13;

(10)(a) the current historic AST salary allocations be retained until April 2015;

(10)(b) the future years' allocations referred to in (10)(a) be reduced where a funded AST had left the school and the school's relevant MFG baselines be adjusted accordingly;

(11) AST outreach funding be delegated on the basis of pre-16 pupil numbers from April 2012;

(12) the funding of non-specialist secondary and special schools be brought in line with the additional funding received by Specialist Schools over a 3 year period as described in the report;

(13) the HPSS funding within the formula be delegated on the basis of secondary pre-16 pupil numbers from April 2012 as set out in the consultation document;

(14) the responses from schools on the alternative model be noted; and

(15) the responses from schools on the issue of further delegation be noted.

**13/12      POLICY FOR TRANSPORT FOR CHILDREN AND YOUNGER PEOPLE** Cabinet agreed to consider this report as a late item. The Strategic Director – Children and Younger Adults reported to Cabinet on the outcome of the public consultation on the proposed new Policy for Transport for Children and Young People including transport for home to school journeys, for vulnerable children and young people and for post 16 travel. The report also detailed the Post 16 Transport Policy Statement. The report set out the background and context to the changes, the consultation process and outcomes and the recommended changes to the policy. Copies of the revised Policy and the Post 16 Transport Policy Statement were attached at Appendices A and B to the report.

**RESOLVED** that the Transport Policy for Children and Young People, and the Post 16 Policy Statement incorporating the amendments detailed in the report be approved.

**14/12      CONFERENCES AND SEMINARS**      The Director of Legal Services sought approval for the attendance of Councillors at conferences and seminars as detailed below with appropriate allowances under the Members' allowance Regulations being paid in all cases:-

Councillor K L Parkinson (or nominee) to attend the 2012 Year Ahead Conference on Enterprise Growth and Regulation on 2/3 February 2012 in Stratford-Upon-Avon, at a cost of £390 plus VAT.

Councillor M V Longden (or nominee) to attend the School Admissions, Examining the New Code, Department for Education Conference on 21 February 2012 in London, at a cost of £223 plus VAT.

The Director of Legal Services, owing to the timescales involved had authorised the attendance at the following conference with appropriate allowances under the Member Allowances regulations being paid;

Councillors S A Spencer and Mrs S M Allsop at the ADEPT Conference 2011 in Sutton Coldfield on 2/3 November 2011 at a cost of £195 plus VAT per delegate.

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING**

- (1) Confirmation of the exempt minutes of the meeting at Cabinet held on 13 December 2011.
- (2) Receipt of the exempt minutes of Cabinet Member Meetings as follows:
  - (a) Education - 28 November and 19 December 2011
  - (b) Finance and Management - 5 December 2011
  - (c) Highways and Transport - 13 December 2011
  - (d) Young People - 14 December 2011
- (3) Consideration of the report of the Strategic Director – Cultural and Community Services on the Contract for the Supply of Adults and Children's Library Books and DVD's (Contains information relating to the financial and business affairs of any particular person, including the Authority holding that information).
- (4) Consideration of the report of the Strategic Director – Environmental Services on the Redesign of Countryside Services. (Contains information relating to any consultations or negotiations in connection with any labour relations matters arising between the

Authority or a Minister of the Crown and employees of, or Office Holders under, the Authority).

- (5) Consideration of the report of the Strategic Director – Cultural and Community Services on the Organisational Review of the Derbyshire Trading Standards Service – Cultural and Community Services Department. (Contains information relating to consultations or negotiations in connection with any labour relations matters rising between the Authority or a Minister of the Crown and employees of, or Office Holders under, the Authority).
- (6) Consideration of the report of the Director of Transformation on the Derbyshire Transformational Partnership (Contains information relating to the financial and business affairs of any particular person, including the Authority holding that information).
- (7) Consideration of the report of the Strategic Director – Children and Younger Adults on the Commissioning and Support Services for Young Carers. (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (8) Considering the report of the Strategic Director, Children and Younger Adults on Schools Broadband (Contains information relating to the financial or business affairs any particular person, including the Authority holding that information).
- (9) Consideration of the report of the Strategic Director – Children and Younger Adults on the Supply and Delivery of Groceries and Provisions EPD20 (Schools and Homes) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).