

PUBLIC

**MINUTES** of a meeting of **CABINET** held on **11 October 2016** at County Hall, Matlock

**PRESENT**

Councillor A Western (in the Chair)

Councillors D Allen, A Botham, D Collins and J A Coyle

Apologies for absence were received on behalf of Councillor P J Smith

Councillors B Lewis and D Lomax also attended the meeting.

**297/16      MINORITY GROUP LEADERS' QUESTIONS**

Councillor B Lewis asked the following question:-

**Agenda Item 8(b) – Review of Acute Hospital Discharge Process**

This review has proved to be a waste of resources as this Council has little impact on this issue. On an area where we could make an impact is on discharge of the elderly to their homes or care homes (re-enablement), why has this not been addressed at all?

The Improvement and Scrutiny Officer responded that this review was instigated following a number of concerns raised by local care homes during Healthwatch Derbyshire “Enter and View” visits. It was considered that there were sufficient incidents, where the patient experience had been unsatisfactory, to merit a review by the Health Scrutiny Committee.

The Health Scrutiny Committee does have influence over the processes used by local NHS providers as the NHS organisations are obliged to respond to our review’s findings and recommendations.

This review and its recommendations, and whatever response the NHS commissioners and providers supply, is conducted and considered in the public domain and provides public accountability for the way in which these important public services are received by Derbyshire people.

The impact of the proposed reduction in the number of Community Hospital beds is of particular concern to the Committee as this facility was heralded as beneficial to the process of discharging patients from acute care without going directly to their own homes or residential care homes. It is the responsibility of the Health Scrutiny Committee to challenge such proposals and ensure that

alternative arrangements are made. This is requested in recommendation 6.5 of the report.

In common with all proposed Scrutiny Committee reviews, this one, on the Hospital Discharge process, was approved by the Scrutiny Management Committee at its meeting on 14 July 2015.

**298/16**      **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 20 September 2016 be confirmed as a correct record and signed by the Chair.

**299/16**      **CABINET MEMBER MEETINGS – MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member Meetings as follows:-

- (a) Children's Services – 6 September 2016
- (b) Council Services – 12 September 2016
- (c) Highways, Transport and Infrastructure – 13 September 2016
- (d) Adult Social Care – 14 September 2016
- (e) Health and Communities – 20 September 2016.

**300/16**      **CORPORATE PARENTING MINUTES RESOLVED** to receive the minutes of the meeting of the Corporate Parenting Committee held on 29 July 2016.

**301/16**      **REPORT ON HATE CRIME** Councillor D Charles, Chair of the Improvement and Scrutiny Committee – People attended the meeting to present the final Scrutiny review report on Hate Crime.

The final report provided details of the research, meetings and evidence gathering which informed the review and helped develop the outcomes and recommendations. As recommendations were implemented, progress would be monitored by the Improvement and Scrutiny Committee – People through the action plan which was appended to the report.

Cabinet requested details of the work currently being undertaken by the Authority around hate crime and this would be the subject of a further report.

**RESOLVED** to (1) receive the report and recommendations of the Improvement and Scrutiny Review of Hate Crime;

(2) note that as recommendations were implemented, progress would be monitored by the Improvement and Scrutiny Committee – People at strategic intervals through the completed action plan to be provided to the Committee within two months; and

(3) note that the Strategic Director Economy, Transport and Communities submit an additional report to Cabinet highlighting the work already being undertaken around Hate Crime.

**302/16      REVIEW OF ACUTE HOSPITAL DISCHARGE PROCESS** The final report of the Scrutiny Review of the discharge process from Acute Hospital Care was presented.

Cabinet was asked to indicate whether it accepted the review recommendations. The recommendations would be referred to the Health organisations who were subject to the review as appropriate, as well as the Council's Adult Care Department.

**RESOLVED** to (1) receive the report and recommendations of the Improvement and Scrutiny Review of Acute Hospital Discharges;

(2) accept the recommendations set out in the Action Plan appended to the report; and

(3) note that as recommendations were implemented, progress would be monitored by the Improvement and Scrutiny Committee – People at strategic intervals through the completed action plan to be provided to the Committee within two months.

**303/16      EFFICIENCY PLAN** (Strategic Policy, Economic Development and Budget) On 17 December 2015, the Government announced details of the Provisional Local Government Finance Settlement 2016-17. Alongside the Settlement, was the offer of a four-year funding deal to local authorities, for the period 2016-17 to 2019-20, to allow them to plan ahead for full local retention of business rates, should they wish to take it up.

Those local authorities who were interested in accepting the offer were required to provide an Efficiency Plan. The Government had not provided further guidance on what the Efficiency Plan should contain other than in a letter to local authorities dated 10 March 2016 which stated that "...it was important that they showed how this greater certainty could bring about opportunities for further savings. They should cover the full 4-year period and be open and transparent about the benefits this would bring to your council and the community." The Government had reiterated that it did not expect the development of Efficiency Plans to be an over bureaucratic process, with an indication that the focus of the Plan should be centred around local authorities' medium term financial strategies. The Chartered Institute of Public Finance and Accountancy, and the Local Government Association had provided details of what they considered should be included. This included:

- The medium term financial strategy
- Links to the corporate plan

- Key partnership arrangements
- Reference to on-going and planned transformation projects and programmes where these were significant in ensuring the council reduced its costs or generated additional income locally

The Efficiency Plan needed to be submitted to Government no later than 14 October 2016. Confirmation of the offer would be provided shortly after the deadline.

The Five Year Financial Plan (FYFP) was last updated and approved by Council on 5 February 2016. Following the Final Local Government Finance Settlement announced on 8 February 2016, the Government had confirmed grant allocations for 2016-17. In March 2016, the Government issued a consultation regarding proposals for the schools National Funding Formula which indicated that the Education Services Grant would cease in September 2017. The FYFP showed that cuts of at least £109m were required over the five-year period. It had been updated and was included in the Efficiency Plan shown in Appendix One to the report, together with the assumptions used in revising it.

The Efficiency Plan also set out the financial risks over the medium term and included details of the Council's planned use of its General Reserve over this period. There were a number of commitments against the balance of the General Reserve which were:

- EU funded projects (Cabinet 3 November 2015) - £1.113m
- Care Leavers Apprenticeships (23 February 2016) - £0.300m
- Extension of Grant Funding (15 March 2016) - £1.783m
- Unaccompanied Asylum Seeking Children (Cabinet 20 September 2016) - £0.603m
- Complex Inquiry (Cabinet 20 September 2016) -£1.500m
- Email and Internet (Cabinet 26 July 2016) - £0.500m

The above had all received previous Cabinet approval, therefore in accordance with the Council's Reserves Policy and standard accounting practice, it was proposed that these sums were transferred to Earmarked Reserves. Any unused balances would be returned to the General Reserve.

**RESOLVED** to (1) note the Efficiency Plan;

(2) note the revised Five year Financial Plan;

(3) note the General Reserves projections; and

(4) approve the creation of Earmarked Reserves as detailed in the report.

### **304/16      DERBYSHIRE ECONOMIC REVIEW – SEPTEMBER 2016**

(Strategic Policy, Economic Development and Budget) The Chief Executive presented the latest quarterly Economic Review to September 2016 which provided an overview of the current economic conditions in the County and summarised key economic trends to support broader discussions and policy developments across the Authority. The review also supported and facilitated delivery of partnership activity, most notably through the Derbyshire Economic Partnership, the D2N2 Local Enterprise Partnership and the D2N2 Infrastructure and Investment Board.

**RESOLVED** to note the information presented within the Derbyshire Economic Review – September 2016 and that the findings be used to support future service planning and policy development.

### **305/16      REGENERATION OF THE FORMER COALITE CHEMICALS**

**SITE** (Strategic Policy, Economic Development and Budget) The former Coalite Works originally comprised chemical manufacturing units, smokeless fuel manufacturing units, rail sidings and coal stocking area and closed in 2004. The site lay dormant until 2012 when it was acquired by Marcol/St Francis (a joint venture arrangement specialising in remediating contaminated sites for redevelopment). The 59 hectare site was heavily contaminated with chlorinated phenols and a mix of other noxious compounds which presented a risk to health, as well as potential odour nuisance for local residents. The site had been the subject of extensive discussions and negotiations between the relevant local authorities, private developers and the County Council to secure the successful reclamation and regeneration of the site to provide much needed jobs and housing in this part of northern Derbyshire.

Given the strategic location of the site, its size and proximity to Markham Vale, Coalite had been identified as a priority for redevelopment and investment both within the Derbyshire Economic Development Strategy Statement (DESS) and also the Bolsover District Council (BDC) and North East Derbyshire District Council (NEDDC) Growth Strategy and Economic Development and Housing Strategy.

The site now had the benefit of outline planning permission from both North East Derbyshire and Bolsover District Councils for a mix of employment and housing use (660 housing units). This was a major step forward in helping demonstrate deliverability and securing external funding and confidence in project delivery. However, given the current level of contamination, inevitably it would be a difficult site to regenerate; remediation and risk mitigation proposals therefore had been subject to rigorous assessment through the planning process. It was highly likely that without public sector intervention, successful remediation and regeneration of the site would not happen.

Working with the local district authorities, Bolsover Land Ltd (the joint venture company between Marcol and the St. Francis Group) had developed

a funding package to help bring forward the remediation and redevelopment work. The total cost of the regeneration programme to remediate the site and create development plots was over £21.8m.

- 1) St. Francis Group had confirmed in writing its contribution of £14m to the development, leaving a known funding gap of £7.8m
- 2) An application for £7.8m was made to the D2N2 LEP and subsequently to Government (Department for Business, Energy and Industrial Strategy) for Local Growth Fund 3. Although the bid had been independently assessed and ranked the highest out of 49 projects submitted, final confirmation of the size of Government's funding commitment to the D2N2 area regarding LGF 3 had yet to be received.
- 3) Furthermore, Sheffield City Region (SCR) was in the final stages of approving the Integrated Infrastructure Plan and would be commissioning tenders in autumn 2016. As the site laid in the overlap area of the two LEPs, this provided the landowners with a further opportunity for funding.

In the meantime, a full review of the profiled spend for 2016/17 of the D2N2 LGF 2 programme had identified a significant level of underspend to which Bolsover Land Ltd had submitted a bid for £5,797,800 grant funding to help cover the £7,800,000 gap. The allocation of this grant to the Coalite project was confirmed at the recent D2N2 Infrastructure and Investment Board (September 2016), subject to Stage 1 and 2 business plans being successfully completed and State Aid compliance being demonstrated.

With the above funding package of £19,797,800 confirmed, this left a gap in funding of £2,002,200 required for work in the next financial year which needed to be filled to justify full funding for the remediation and redevelopment of the site. It was therefore proposed that the County Council facilitated the overall funding package by offering a gap funding contribution to the developer (Bolsover Land Ltd), paid in retrospect when agreed outputs had been delivered. It was stressed (and had been in discussions with the developer) that this would not constitute the financial underwriting of the project as a whole, which would remain the responsibility of the developer.

**RESOLVED** to approve the provision of grant funding for the sum of £2.0022m to Bolsover Land Limited towards the £21.800m regeneration project in respect of the former Coalite Chemicals site, subject to conditions to be set by the Council, including satisfactory compliance with State Aid requirements and a robust, acceptable business plan being submitted by Bolsover Land Limited.

**306/16      DERBY AND DERBYSHIRE ANNUAL CASUALTY REPORT 2015** (Highways, Transport and Infrastructure) The Casualty Report showed what had been achieved in road traffic casualty reduction within the areas variously covered by Derbyshire County Council, the Derby and Derbyshire Road Safety Partnership (DDRSP) and Derby City Council, as well as detailed

analysis of casualty trends within each Local Authority District/Borough. The DDRSP covered both the County and the City. The report would be used to guide casualty reduction work for each area. The key points in the 2015 Casualty Report were highlighted.

**RESOLVED** to (1) note the current trends in road casualties as reported in the 'Derby and Derbyshire Annual Casualty Report 2015'; and

(2) approve its wider publication both in electronic and printed form.

**307/16      RESPONSES TO THE CONSULTATION ON THE PROPOSED CLOSURE OF ADA BELFIELD HOME FOR OLDER PEOPLE** (Adult Social Care) On 3 May 2016 Cabinet approved a proposal to consult on the proposed closure of Ada Belfield.

Cabinet was informed that the potential development of a new care home on Derwent Street, Belper (the former Thorntons factory site), as part of an integrated facilities scheme, would be contingent upon the closure of Ada Belfield and that this potential development would become a direct replacement for Ada Belfield.

Ada Belfield was in need of significant investment of approximately £0.850m in terms of essential maintenance and refurbishment to meet minimum standards. In addition to the strategic need to develop specialist residential care for people with dementia in the Amber Valley area, there was also a need to maintain "non-top up" quality residential care. It was further proposed to Cabinet that the new care home should be increased from 32 to 40 beds as this would assist with affordability in terms of the staffing model. To make the proposed replacement home financially viable it was necessary to use the current revenue budget for Ada Belfield to fund a new facility. On this basis, before the development of the new care home could proceed, Cabinet on 3 May agreed that consultation must take place with residents and their families at Ada Belfield. Cabinet also determined that in due course, having considered the responses to the consultation and the Equality Impact Assessment, if Ada Belfield should not close, the plans for the new care home would need further revision and a further report to Cabinet.

A report was subsequently presented to the Cabinet Member for Adult Care on 15 June 2016 which confirmed the commencement of consultation on the proposed closure of Ada Belfield. The consultation period of 8 weeks ran from 16 June 2016 until 11 August 2016. Full details of the entire consultation process and a summary of the responses were set down in Appendix 1 to the report.

**RESOLVED** that Cabinet noted the outcome of the consultation and Equality Impact Analysis on the proposed closure of Ada Belfield Home for Older People in Belper, and recommended that Cabinet: (1) approve the

closure of Ada Belfield Home for Older People once the proposed new council-owned residential care home was ready to open in Belper;

(2) approved that all residents would have an assessment nearer the time and those who wished to do so would be provided with a place at the new care home;

(3) approved that following appropriate consultation, arrangements be made to transfer staff from Ada Belfield to the new care home;

(4) declare Ada Belfield surplus to the operational requirements of Adult Care once all residents had moved and requests at that point, the Director of Property consider the Council's future requirement for the property; and

(5) approve the transfer of the revenue costs of Ada Belfield Home for Older People to contribute towards the revenue costs of the new residential care home.

**308/16      PROPOSAL TO RE-PROCURE A SPECIALIST SERVICE PROVIDER FOR YOUNG CARERS** (Children's Services) Local authorities' duties were set out in the Children and Families Act 2014 and the Care Act 2014 which should work in conjunction to provide a whole family approach and improve support for adults and young carers.

Local authorities were required to identify the extent to which there were young carers in their area with support needs; the right to an assessment applied to all young carers under the age of 18 years regardless of whom they cared for, the type of care provided or the frequency of care. The local authority must take "reasonable steps" to identify "the extent to which" there were young carers in their area with needs requiring support. On identifying a young carer, the local authority was required to actively offer a needs assessment. The assessment must take account of the wishes of the young carer to participate in education, training or work and to engage in recreation. It must include a statement as to whether the local authority considered the young carer to be a "Child in Need" as defined under Section 17 of the Children Act 1989. In addition, effective transition arrangements for a young carer approaching adulthood are required between Children's Services and Adult Care.

The County Council had commissioned a service for young carers since 1996. The Young Carer Support Services contract, currently being delivered by Action for Children, had been updated in the light of the new duties and extended until the end of March 2017. The current contract had a total annual value of £160,000: £115,000 was provided by Derbyshire Children's Services with an additional £45,000 provided from the Better Care Fund.



Guidance called for closer working relationships across children and adult services and with universal services. Assessing a young carer's needs and taking action to achieve better outcomes for them and their families existed within the context of broader whole-family assessments and other duties which remained primarily the responsibility of the local authority. This did not preclude a role for a specialist service provider but it did call for greater clarity of purpose and added value. A Specialist Service Provider would bring experience, knowledge and skills not generally found within the general workforce and was well-placed to advocate/campaign on behalf of young carers. It also had the ability to fundraise (the current provider had generated additional resources in cash or kind exceeding £31,000). It could provide extra help where this was needed and, because it existed exclusively for the benefit of young carers, it could provide dedicated services such as group work and peer support, promote self-help and recruit volunteers. It was also well-placed to undertake consultation, promote user participation and provide a contribution to quality assurance processes.

A new service specification had been produced that clarified the contribution expected of an independent provider working closely with the local authority to deliver additional, complementary services and extra help for children who were also children in need. This could be found as Appendix A of this report. The timeline for procurement was attached at Appendix B to the report.

In order to provide leadership and oversight of the identification of, services to, and outcomes for young carers it was proposed that the Council facilitated a Derbyshire Young Carer's Steering Group. In addition to ensuring there was reliable information on the numbers of young carers; that their needs were assessed and that services that supported identified needs were provided, the Steering Group would support better communication, information sharing and joint working across universal, targeted and specialist services and between children and adult services. The Derbyshire County Council Youth Council would have representation on the steering group to improve identification and support of young carers amongst their peers in local schools and communities.

**RESOLVED** that Cabinet (1) approved the proposal to re-procure a Specialist Service Provider for Young Carers for a period of three years with an option to extend the contract for a further two periods of one year;

(2) authorised the Strategic Director Children's Services to award the contract to the organisation whose bid had been judged by the Assessment Panel to have achieved the highest rating; and

(3) approved the proposal to develop a Derbyshire Young Carers Steering Group.

**309/16      USE OF RENEWED EFFICIENCY EAST MIDLANDS (EEM) HEATING AND INSULATION FRAMEWORK** (Council Services) The Council was a member of, and hosted, the Nottinghamshire and Derbyshire Local Authorities' Energy Partnership (LAEP) which comprised all local authorities across the two counties. The LAEP was externally funded and worked to reduce fuel poverty and improve domestic energy efficiency for local residents. The LAEP was currently delivering the 'Derbyshire Healthy Home Project' across Derbyshire on behalf of the Council's Public Health department, who currently provided funding for staff costs.

In October 2015, the Council resolved to approve the use of Efficiency East Midlands (EEM) Heating and Hot Water Systems (EEM0026) framework in accordance with Protocol 2 of the Council's Financial Regulations for a period of 4 years. The LAEP had been very satisfied with EEM procured contractors over the last year and now wished to instruct EEM to run a 'mini-competition' to identify best value contractors for the LAEP's project. EEM would put out a tender to framework contractors, detailing the project's requirements/specifications and would present the results to the LAEP.

**RESOLVED** to approve the award of a framework contract using the EEM's renewed Heating and Hot Water systems framework for a period of 4 years from 2016 to 2020.

**310/16      USE OF G-CLOUD FOR EXTERNALLY HOSTED ICT SOLUTIONS** (Council Services) Approval was sought under Protocol 2 of the Council's Financial Regulations to utilise a Crown Commercial Services (CCS) framework to procure low value/low risk, externally hosted solutions where appropriate and not covered under existing contracts.

The Council had in place over 300 contracts for ICT solutions which ranged from low value/low risk services to large scale, strategic/critical software applications. Some of these solutions were hosted internally on the Council's infrastructure and others were provided through externally hosted i.e. "cloud" environments. To ensure more timely delivery at a cost that ensured best value, it was proposed that where appropriate low value/low risk externally hosted solutions were procured through the CCS G-Cloud framework.

**RESOLVED** to approve, under Protocol 2 of the Council's Financial Regulations, use of the CCS G-Cloud framework to procure low value/low risk, externally hosted solutions where appropriate and not covered under existing contracts.

**311/16      PROCUREMENT OF MOTOR VEHICLES** (Highways, Transport and Infrastructure) County Transport was responsible for the procurement of, management, maintenance and disposal of the Council's fleet assets, consisting of motor vehicles, trailers and items of plant. The motor vehicle fleet

currently consisted of 483 assets allocated in part, to each Department within the Council.

With some exceptions, historically vehicles had been purchased to the corporate vehicle colour of orange. The Council currently operated 440 vehicles of this colour. As orange was a non-standard vehicle colour, dependent upon the size of the vehicle to be purchased and from which vehicle manufacturer, to paint or vinyl wrap vehicles to the orange colour cost an additional £1,000 to £2,000 per vehicle. Over an eight year vehicle replacement cycle, this equated to a saving of approximately £455,000. Therefore, as a reduced cost option for the Council, it was proposed that all future new fleet vehicles would be purchased as coloured white. The only exception to this rule related to Highways Winter Maintenance Gritting and Emergency Response vehicles, which it was proposed would continue to be purchased as an orange colour to ensure that they could be easily identified and were highly visible.

**RESOLVED** to approve the commencement of a procurement exercise to establish a framework for the supply of Council fleet motor vehicles.

**312/16      EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the Press, be excluded from the meeting during the consideration of the remaining items on the Agenda to avoid the disclosure of the kind of exempt information detailed in the following Summary of Proceedings.

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

1. To receive declarations of interest (if any).
2. To consider minority group leaders questions (if any).
3. To receive the Exempt Minutes of the meeting of Cabinet held on 20 September 2016.
4. To receive the Exempt Minutes of Cabinet Member meetings as follows:-
  - (a) Children's Services – 6 September 2016.
  - (b) Council Services – 12 September 2016.
  - (c) Highways, Transport and Infrastructure – 13 September 2016
  - (d) Health and Communities – 20 September 2016.
5. Organisational Review of the Council's Senior Management Structure – update and next phase – Chief Executive (Council Services) (contains

- information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
6. Implementation of SAP Mobile Solution in Corporate Property Division – Strategic Director Corporate Resources (Council Services) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
  7. Re-alignment of Service Director Responsibilities in Children’s Services – Strategic Director Children’s Services (Children’s Services) (contains information which is likely to reveal the identity of an individual).
  8. Management Restructuring of Central Business Services – Strategic Director Children’s Services (Children’s Services) (contains information which is likely to reveal the identity of an individual).
  9. Restructuring of Quality, Performance and Participation and Proposed Savings within Information and ICT - Strategic Director Children’s Services (Children’s Services) (contains information which is likely to reveal the identity of an individual).
  10. Support Service for the Derbyshire Syrian Refugee Resettlement Programme - Strategic Director, Economy, Transport and Communities (Health and Communities) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
  11. Resources and Improvement Division Restructure – Strategic Director Economy, Transport and Communities (Highways, Transport and Infrastructure and Health and Communities) (contains information relating to any consultations or negotiations, or contemplated 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).
  12. Supply of Print Services – Strategic Director Corporate Resources (Council Services) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
  13. Analogue Telephony Services delivered by British Telecom – Strategic Director Corporate Resources (Council Services) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
  14. Revised Integrated Specialist Facilities Scheme at Belper: Land Acquisition – Strategic Director Adult Care (Adult Social Care) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).