

## **Public**

**MINUTES** of a meeting of **CABINET** held on **12 November 2013** at County Hall Matlock

### **PRESENT**

Councillor A Western (in the Chair)

Councillors D Allen, J Dixon, K Gillott and C Neill.

Councillor A I Lewer also attended the meeting

Apologies for absence were submitted on behalf of Councillors K P Morgan and B Ridgway.

### **296/13      QUESTIONS SUBMITTED BY MEMBERS OF THE PUBLIC**

Mr D Selkirk asked the following question:-

Agenda Item 7(e) – Management of Green Lanes – Approval of Action Plan Expenditure for 2013/14 - Why is Derbyshire County Council permitting damaging use of unsealed lanes by recreational motor vehicles to the extent that it is now spending thousands of pounds of rate payer's money every year on repairs rather than using the powers parliament gave it to put a stop to damaging use of unsealed lanes by motor vehicles?

Councillor Dixon indicated that where the County Council was obliged by statute to repair these routes it would do so, when funding permitted, to ensure that they were available for a range of users entitled to use them legally. Where public rights were clearly defined and use by motorised vehicles was illegal, the County Council would take appropriate action. Where rights were not clear or under review, the County Council would not challenge use until such time as public rights were clarified.

Mr Selkirk asked a supplementary question seeking clarification as to whether the Council followed its own policy on TROs or the position taken by Councillor Botham.

Councillor Dixon responded that in isolation those statements, with the exception of that made by Councillor Botham, were correct. The County Council's policy was not intended to restrict motorised access but to ensure that it was managed appropriately but the initial approach would be one of protecting and maintaining access, if at all possible. Where routes were in disrepair, banning motorised traffic was not the solution. Once repaired they would be in a suitable condition for use by the range of users permitted to use them and to this end, the County Council had committed itself to monitoring

the condition of the routes it had repaired to ensure that they did not suffer catastrophic failure that could result in further expensive repairs.

With regard to the statement allegedly made by Councillor Botham, it was Councillor Dixon's recollection that this was not the seemingly simple message that was relayed to the representatives. In the context of the discussion, the message was that TROs would be a last resort and therefore the Council would not be considering TROs as an immediate solution. If it came across any other way then there had been a mis-understanding simply because Councillor Botham said quite clearly at the meeting that he supported the policy.

### **297/13      QUESTIONS SUBMITTED BY MINORITY GROUP LEADERS**

The following questions were asked by Councillor A I Lewer:

Agenda Item 7(b) - Place Based Asset Management – Developing a Segmentation Customer Insight Model - How can Cabinet assert that Changing the Way Derbyshire Works was 'driven solely by the need to reduce buildings' in view of the work undertaken by the now Assistant Chief Executive around 'Smarter Travel' and other productive work strands, such as Transformation, within the previous scheme? Will the posts from which people are taken to form the team for this new model be re-filled? How will the benefits for and financial and other contributions of District / Borough Councils involved in the model be assessed? Whilst it is appreciated that exact figures cannot be allocated to anticipated savings from the model, is there not at least an approximate figure? If not, how can the investment be justified?

**298/13      MINUTES      **RESOLVED**** that the Non-Exempt minutes of the meeting of Cabinet held on 22 October 2013 be confirmed as a correct record and signed by the Chair.

**299/13      CABINET MEMBER MEETINGS      **RESOLVED**** to receive the Non-Exempt minutes of the Cabinet Member meetings as follows:-

- (a) Adult Social Care – 9 October 2013
- (b) Health and Communities – 22 October 2013
- (c) Jobs, Economy and Transport – 22 October 2013
- (d) Strategic Policy and Budget – 22 October 2013
- (e) Council Services – 24 October 2013

**300/13      DERBY AND DERBYSHIRE JOINT COMMITTEE FOR ECONOMIC PROSPERITY** (Strategic Policy and Budget) Cabinet considered a joint report of the Chief Executive, Acting Strategic Director – Environmental Services and the Director of Legal Services which sought approval to

establish, with Derby City Council and all District and Borough Councils in Derbyshire, a Joint Committee to deliver economic growth and prosperity across the geographical county of Derbyshire and to appoint the County Council's representative on the Joint Committee.

In September 2013, the Leaders of all Councils in Derbyshire gave their approval in principle to establish a Joint Committee to conduct a governance review to determine whether the existing governance arrangements for economic development, regeneration and transport in the area were effective or whether the area would benefit from changes, including the establishment of a new Economic Prosperity Board covering the whole of Derby and Derbyshire.

In anticipation that the review would recommend the establishment of an Economic Prosperity Board, it was intended that the Joint Committee would, in effect, act as a Shadow Board and pursue an economic regeneration strategy which reflected the needs of a diverse area by carrying out the activities listed in the report whilst an Economic Prosperity Board was being established.

Draft Terms of Reference, Arrangements and Rules of Procedure for the Joint Committee were attached as Appendices to the report, together with a proposed timeline leading to the establishment of an Economic Prosperity Board for the whole area by April 2015. It was anticipated that each of the authorities would agree the governance arrangements and appoint an Elected Member and a substitute to the Joint Committee.

**RESOLVED** that (1) the establishment of a Joint Committee for Economic Prosperity with Derby City Council and the eight District and Borough Councils in Derbyshire be approved;

(2) the Draft Terms of Reference, Arrangements and Rules of Procedure for the Joint Committee as detailed in the Appendices to the report be approved in principle, subject to final approval by the Cabinet Member for Strategic Policy and Budget;

(3) the County Council's powers to make decisions relating to the delivery of economic growth in the area as detailed in Appendix 2 to the report of the Joint Committee be approved; and

(4) the Leader of the County Council be appointed as the representative on the Joint Committee and the Cabinet Member for Jobs, Economy and Transport be appointed as the Council's substitute representative.

**301/13 PLACE BASED ASSET MANAGEMENT – DEVELOPING A SEGMENTATION CUSTOMER INSIGHT MODEL** (Council Services) The Director of Property sought approval to waive Standing Orders in Relation to Contracts in order to procure the services of a partner organisation to assist in developing a segmentation customer insight model for use in developing a new customer focussed based property asset strategy for Derbyshire.

The Changing the Way Derbyshire Works accommodation project had now been running for three years and, although it had resulted in reduced numbers of properties, revenue savings and capital receipts, it was driven solely by the need to reduce buildings in order to generate savings, rather than being customer focussed and service lead. The report detailed the methodology, cost and resources required to determine an appropriate public sector property asset strategy for Derbyshire over the next ten years based on the principles of customer insight and service demands. In order to implement place based asset management, three specific areas of work needed to be addressed namely customer mapping, asset mapping and capital mapping, details of which were presented in the report.

Initial discussions had taken place with High Peak Borough Council and Bolsover District Council who had confirmed that they were interested in participating in the project. Subject to approval, detailed discussions would take place with both authorities to enter into a formal agreement with them to capture the information that they held. Once strategies for High Peak and Bolsover were developed, the project would then move on to capture data and mapping information on other districts in the County to enable long-term place based asset management strategies to be developed for the other districts.

The Council's Financial Regulations require that tenders should be obtained from at least three suppliers in order to ensure that the Council was achieving best value from a contract. However, Cabinet may waive Standing Orders in Relation to Contracts where Members were satisfied that there were exceptional circumstances which justified doing so, for example, where the service could only be provided by one specialist supplier. The lead officer for customer insight for Hull City Council had developed the profiling tool detailed in the report and this was the only person who was able to advise the Council on the specialist local authority focussed area of work. Approval was therefore sought to waive Standing Orders so that he could be engaged to work with the Council on this project.

**RESOLVED** that Standing Orders in Relation to Contracts be waived to procure the services of a partner organisation to assist in developing a segmentation customer insight model for use in developing a new customer focussed place based property and asset strategy for Derbyshire.

**302/13      ADOPTION AND MAINTENANCE OF UNDERFILLED BRIDGE AT BRIDGE STREET, TUPTON** (Jobs, Economy and Transport)

Cabinet considered a report of the Acting Strategic Director – Environmental Services on the proposed adoption of the above works and which sought approval to accept a financial contribution from the developer to deal with the treatment of invasive weed growth and other remedial works and for the works to be added to the 2013/14 Capital Programme.

As part of a land reclamation project by the former East Midlands Development Agency, the disused railway bridge at Bridge Street, Tupton was under filled and the highway passing over it improved. The physical structural works were completed in accordance with the approved designs in June 2009 and the appropriate inspection fees paid to the County Council in November 2009. However, the East Midland Development Agency did not manage to complete the legal agreements to secure adoption of the works which currently remained un-adopted. Land and assets belonging to the Development Agency were transferred to the Homes and Communities Agency (HCA) in March 2012. There had been considerable weed growth affecting the works, in particular, Horse Tail, which had affected the footway over the former bridge and there had also been a minor street lighting defect requiring attention. The HCA would like the Council to adopt the works but was not able to enter into a formal adoption agreement or carry out the necessary remedial works to bring the scheme up to an adoptable standard. In an effort to bring this long standing matter to a conclusion, the Council had offered to adopt all of the works as originally planned, provided the Agency makes a one-off payment to the Highway Authority to cover the treatment of the weed infestation, the street lighting remedial works and the posting of notices under Section 228 of the Highways Act 1980 to secure adoption of the works. The cumulative cost of these works was estimated as being up to £20,000 depending on the duration and nature of the weed treatment. The Agency had confirmed that it was prepared to pay this contribution to the Council.

**RESOLVED** that (1) the proposed use of Section 228 of the Highways Act 1980 for adoption of the street works be noted; and

(2) the payment of £20,000 to the County Council by the HCA be approved.

**303/13      ADDITION TO THE 2013/14 CAPITAL PROGRAMME – DERWENT GROVE FLOOD DEFENCE SCHEME – DESIGN AND PHASE ONE WORK** (Jobs, Economy and Transport)

The Acting Strategic Director – Environmental Services sought Cabinet approval to add the construction of phase one flood defences and the design of a long-term mitigation solution at Derwent Grove, Alfreton to the Capital Programme 2013/14. Properties at Derwent Grove and Amber Grove, had suffered from several incidents of

internal flooding over the last fifteen years, causing distress, loss and the fear of repeat occurrences in heavy rain. The County Flood Risk Management Team commissioned consultants to undertake a flood study to assess the current and future flood risks for the community of Derwent Grove and Amber Grove and the outcomes of the study to look at an informed stage approach of mitigating flood risks. The intention was to now progress the following;

- Phase One – the introduction of a small flood bund alongside Derwent Grove and Amber Grove with the aim of preventing flows from the Oakerthorpe Brook overtopping the bank on to the adjacent footpath and so intercepting the potential flow route towards nearby properties;
- To commission further detailed design work to develop upstream attenuation
- Phase Two – create attenuation upstream of the housing, in the area currently designated as playing fields, likely to achieve the minimum of forty years duration of benefit before it would need a significant amount of further expenditure. This preferred scenario also included reducing the number of bars on the trash screen before it flowed beneath the A61.

**RESOLVED** that the Derwent Grove Flood Defence Phase One Works and the Derwent Grove Flood Mitigation Phase Two schemes be added to the capital programme 2013/14.

**304/13      MANAGEMENT OF GREEN LANES – APPROVAL OF ACTION PLAN EXPENDITURE FOR 2013/14** (Jobs, Economy and Transport) The Acting Strategic Director – Environmental Services sought approval for expenditure in respect of the Management of Green Lanes. In January 2013, Cabinet approved the capital sum of £140,000 of borrowing for 2013/14 for the refurbishment of routes carrying motorised vehicular rights and that a further report on detailed schemes be brought to Cabinet. Appendix 1 detailed the proposed indicative expenditure in the current financial year against the list of routes which required attention.

**RESOLVED** that (1) the Action Plan and associated expenditure for 2013/14 be approved; and

(2) any underspend associated with each of these schemes should be channelled into further improvement on the routes listed or those on the reserve list.

**305/13      INFRASTRUCTURE PLANNING AND DEVELOPER CONTRIBUTIONS** (Jobs, Economy and Transport) The Acting Strategic Director – Environmental Services sought Cabinet approval for the publication of refreshed versions of the Derbyshire Infrastructure Plan and Developer

Contributions Protocol and detailed further steps to assist how the future delivery of strategic infrastructure and services could be secured.

**RESOLVED** (1) that the publication of the refreshed Derbyshire Infrastructure Plan and Developer Contributions Protocol be approved;

(2) that the Acting Strategic Director – Environmental Services be authorised to make technical amendments and updates to the Derbyshire Infrastructure and Developer Contributions Protocol as and when required;

(3) to note that there would be a full review of the Plan and Contributions Protocol every three years, or earlier if triggered by significant wider policy changes; and

(4) that the outcome of work and across departmental delivery plan for capital investment in infrastructure over the short to medium-term, to support the delivery of local plans, would be reported to Cabinet in 2014.

**306/13      SECONDARY ASSOCIATE SCHOOL IMPROVEMENT ADVISERS AND PARTNERSHIP DEVELOPMENT** (Children and Young People) The Strategic Director – Children and Younger Adults sought Cabinet approval to increase the Authority's capacity for secondary school improvement by recruiting additional associate school improvement advisers for one year initially and to engage appropriate partners in order to continue the Council's Journey to Excellence.

In September 2013, Ofsted implemented a revised framework for inspection of schools with the key shift in focus being to place greater emphasis on the progress of students made with increased focus on English and Mathematics and students from specific groups e.g. those in receipt of Pupil Premium. There was also a more intensive focus on the impact of teaching on learning over time which was now based on the triangulation of evidence from lesson observation, data analysis and work scrutiny. These revisions represented a significant raising of the bar in expectation and for each school inspected, the lead inspector would meet with the link adviser, expect the link adviser to attend to feedback and make a judgement of Local Authority support.

There was a clear need for the Local Authority to provide decisive and intensive intervention and support. The current capacity of the Secondary Team was inhibiting the Council's ability to address issues effectively the reasons for which were detailed in the report.

It was proposed that the increased capacity outlined in the report, be agreed until the end of August 2014. The additional expenditure during this time was estimated at £100k and this would be funded from Children and

Younger Adults ear-marked reserve for specific Children's Services grants. Any extension to the provision beyond 2013/14 academic year would be the subject of a further report and the indicative cost of a further extension was in the region of an additional £50k - £100k depending on the progress in the first year.

**RESOLVED** that the request for an additional sum of £100k from the Children and Younger Adults ear-marked reserves to secure the additional capacity to the Secondary School Improvement Team as highlighted in the report, be approved.

**307/13     STATUTORY GUIDANCE ON THE PARTICIPATION OF YOUNG PEOPLE IN EDUCATION, EMPLOYMENT OR TRAINING**

(Children and Young People) The Strategic Director – Children and Younger Adults updated Cabinet on the final Raising of the Participation Age Guidance published in 2013 and on progress made against the current implementation plan.

**RESOLVED** to note (1) the final raising of the Participation Age Guidance published in 2013;

(2) the progress made against the current implantation plan; and

(3) the realistic target to be set for the Local Authority ambition to be in the top quartile of performance moving from 108<sup>th</sup> position to one of the top 38 Local Authority areas for 16 and 17 year old participation.

**308/13     DERBYSHIRE INTEGRATED APPROACH TO HEALTH AND WELLBEING AND A NEW WELLBEING SERVICE** (Health and Communities) The Director of Public Health sought approval for a new Derbyshire integrated approach to health and wellbeing and the proposed associated budget allocation. Approval was also sought to a period of consultation on the proposed new approach, prior to further consideration by Cabinet in the New Year.

Following review and evaluation, the proposal was to re-engineer three existing services into a new well-being approach that was affordable, accessible and effective in supporting health and well-being improvement and addressing health inequalities. An overview of the new well-being service could be found at Appendix 1 to the report and this new development would contribute to the achievement of the health and well-being priority on lifestyle and behaviour change. The proposed overall budget for this new service was £4.1m representing a saving to the Authority of £720,000.

**RESOLVED** that (1) the overall approach to an integrated well-being approach and the proposed budget be approved as detailed in the report and;



(2) the progression to consulting on the proposed changes to service prior to the further consideration by Cabinet in the New Year be approved.

### **309/13      HEART OF DERBYSHIRE HEALTHY EATING CAMPAIGN**

(Health and Communities) The Director of Public Health sought approval to proceed with the development of a Derbyshire Healthy Eating Campaign. The proposal was to develop an approach to improve the health of the people in Derbyshire through healthier eating by aiming to change the content and amount of food sold by Derbyshire food producers and retailers. This would include lowering salt content to help reduce heart attacks and strokes, reducing the fat content of food and controlling portion size in some take-away businesses and other food outlets.

The Heart of Derbyshire Award Scheme was partially modelled on an approach named “Heart of Mersey” and the Scheme was a localised version of the national Responsibility Deal, utilising a toolkit produced by the Department of Health. Details of the aims of the Scheme were presented in the report.

Local businesses were encouraged to sign up to a series of pledges that contributed to health and which were linked to the saleable product and to the environment and culture in which it was sold. Bronze, silver or gold awards be presented based upon the number of pledges and participating businesses would be encouraged to sustain current pledges and make additional ones each year. Businesses making pledges would strengthen their case to win the Derbyshire Food and Drink Awards best health eating category. The Scheme would be co-ordinated centrally by Trading Standards and locality Environmental Health Teams would perform audits on participating businesses and promote the Scheme in alignment with their food hygiene roles. Communications would develop branding and the Scheme would be open to all eligible businesses in Derbyshire, but would be more specifically targeted at identified sectors or geographical areas. It was proposed that participating business would be entered into County-wide awards to recognise that those who made the most impact within their retail sector.

**RESOLVED** that (1) the proposal to establish a “Heart of Derbyshire” healthy eating campaign be approved;

(2) the proposed evaluation as set out in the report be supported; and

(3) further reports on the progress of the campaign be received.

### **310/13 EXCLUSION OF THE PUBLIC FROM THE MEETING RESOLVED**

that the public 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. Confirmation of the exempt minutes of the meeting of Cabinet held on 22 October 2013.
2. Receipt of the Exempt Minutes of Cabinet Member meetings as follows:
  - (a) Health and Communities – 22 October 2013
  - (b) Jobs, Economy and Transport – 22 October 2013
  - (c) Strategic Policy and Budget – 22 October 2013
  - (d) Council Services – 24 October 2013
3. Consideration of the report of the Chief Executive on the Organisational Review of the Corporate Senior Management Structure (Strategic policy and Budget) (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).
4. Consideration of the joint report of the Chief Executive and the Director of Human Resources on Voluntary Redundancy, Voluntary Early Retirement, Flexible Retirement and Vacancy Control (Council Services) (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).
5. Consideration of the report of the Director of Property on Property Disposals – Forecast of Capital Receipts (Council Services) (contains information relating to the financial or business affairs of any particular person, including the authority holding that information).
6. Consideration of the report of the Director of Property on Tenders for the Supply of Timber Sheet Materials (Ref CPB003) (Council Services) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
7. Consideration of the report of the Director of Transformation on Telecommunications Services (Council Services) (contains information

relating to the financial or business affairs of any particular person, including the Authority holding that information).

8. Consideration of the report of the Director of Transformation on the Extension of the Existing Contracts with support Call Derbyshire and the council's websites and the reprocurement of a website content management system (Council Services) (contains information relating to the financial or business affairs of any particular person, including the authority holding that information).
9. Consideration of the report of the Strategic Director – Children and Younger Adults on Restructuring Student Services, Admissions and Inclusion, Special Educational Needs Business Services Teams (Children and Young People) (contains information likely to reveal the identity of any individual).
10. Consideration of the report of the Strategic Director – Children and Younger Adults on University and College Union Pay Claim 2013/14 for the Adult Community Education Service (Children and Young People) (contains information likely to reveal the identity of any individual).
11. Consideration of the report of the Director of Finance on Contingency Banking Facility (Council Services) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).