

**MINUTES** of a meeting of **CABINET** held on 12 July 2016 at County Hall, Matlock.

**PRESENT**

Councillor A Western (in the Chair)

Councillors D Allen, A Botham, D Collins and P J Smith.

Apologies for absence were submitted on behalf of Councillor J A Coyle.

**193/16**      **PUBLIC QUESTIONS**      There were no public questions.

**194/16**      **MINORITY GROUP LEADERS' QUESTIONS**      There were no Minority Group Leaders' questions.

**195/16**      **MINUTES**      **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 14 June 2016 be confirmed as a correct record and signed by the Chair.

**195/16**      **CABINET MEMBER MEETINGS – MINUTES**      **RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Highways, Transport and Infrastructure – 31 May 2016
- (b) Children's Services – 7 June 2016
- (c) Council Services – 13 June 2016
- (d) Adult Social Care – 15 June 2016
- (e) Health and Communities – 20 June 2016
- (f) Strategic Policy, Economic Development and Budget – 21 June 2016

**196/16**      **CORPORATE PARENTING COMMITTEE**      **RESOLVED** to receive the minutes of the meeting of the Corporate Parenting Committee held on 21 April 2016.

**197/16**      **REVIEW OF INCOME GENERATION POTENTIAL**      Councillor Mrs K D Lauro, Vice Chair of the Improvement and Scrutiny Committee – Resources, attended the meeting to present the final report on the potential for income generation for the Council to offset budget reductions and protect services.

The review noted the work currently underway to generate income for the Council and the potential for this to be increased. It was recommended that a Cabinet Member and a Strategic Director be assigned responsibility for leading and developing a co-ordinated income generation approach across the Council's departments and that a business plan be developed for all Council services which could potentially be offered to generate income and help alleviate the cuts to the Council's budget.

The Cabinet Member and Strategic Director appointed to lead on the initiative would be invited to report back to the Improvement and Scrutiny Committee after an appropriate period of time to report on progress.

**RESOLVED** that the recommendations of the Improvement and Scrutiny Committee – Resources be accepted.

**198/16      IMPLICATIONS OF THE PROPOSAL TO EXPAND THE GEOGRAPHY OF THE CURRENT SHEFFIELD CITY REGION COMBINED AUTHORITY** (Strategic Policy, Economic Development and Budget)      The Chair agreed to the consideration of this item as a matter of urgency due to the time restrictions imposed.

Cabinet was provided with an overview of the key issues and potential implications of the current proposal to expand the geography of the Sheffield City Region Combined Authority (SCR CA) to include Chesterfield Borough Council as a constituent member, and to outline the current consultation process and opportunities for the County Council to make representations.

During 2015, the 19 local authorities of the D2N2 (Derby and Derbyshire, Nottingham and Nottinghamshire) Local Economic Partnership (LEP) area developed and presented proposals to Government to create a single Combined Authority and secure a Devolution Deal for the region. Derbyshire County Council and Chesterfield Borough Council were constituent members of the D2N2 LEP and instrumental in the development of these proposals. These proposals received a positive response from Government civil servants who acknowledged that there was a clear and convincing case in terms of the proposed geography and evidence of economic inter-relationships.

At the same time, the constituent members of the existing Sheffield City Region (SCR) Combined Authority (Barnsley, Doncaster, Rotherham and Sheffield Councils) developed and secured Government's agreement in October 2015 for a new Devolution Deal and an amended governance proposal that included a directly elected Mayor. The SCR CA invited their five non constituent members (Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire Councils) to formalise their arrangements and become constituent members of the SCR CA. Late amendments made by the Government to the Cities and Local Government Bill in December 2015, allowed District and Borough Councils to apply to be full constituent members without the agreement of their relevant County Councils. At a Council meeting on 3 March 2016, Chesterfield Borough Council agreed to apply to become a constituent member of the SCR, based on the agreed Devolution Deal and a non-constituent member of the North Midlands CA; Bassetlaw District Council had made a similar decision. Chesterfield Borough Council considered a further report on 6 April following receipt of concerns from Derbyshire County Council that it had failed to comply with its Public Sector Equality Duty in considering the impact of the proposals. At that meeting, the Council resolved again to become a constituent member of the SCR Combined Authority.

The three remaining local authorities that formed part of the overlap area, Bolsover, Derbyshire Dales and North East Derbyshire, also considered the proposals to extend the SCR Combined Authority. North East Derbyshire District Council had resolved to become a constituent member of the North Midlands (D2N2) devolution agreement and maintain its non-constituent membership of the SCR CA. Similar resolutions were passed at Bolsover District Council and Derbyshire Dales District Council.

Over the past few months, the SCR Combined Authority had been working with Government to complete its draft Scheme and Governance Review, in line with the requirements of the Cities, Local Government and Devolution Act, 2016, and to set out the process for establishing new mayoral powers and extend the geographical area of the current SCR CA to include Chesterfield and Bassetlaw. Despite the fact that preparation of the two documents had been in progress for many months, the County Council only had first sight of the draft Scheme and Governance Review on the morning of 20 June, just shortly in advance of the informal SCR CA meeting later that afternoon. Similarly, the County Council only received the final copy of the Scheme and Governance Review on 22 June, in advance of their formal consideration at the CA meeting on 27 June 2016. This short period of time was considered to be neither reasonable nor adequate, particularly given the significant implications of the proposals.

The County Council intended to provide a formal response to the SCR CA consultation, as well as to the Secretary of State. In its response, it was proposed the Council makes clear that it does not support the proposal and considers the statutory tests have not been met.

The Chief Executive updated the meeting, stating that the Director of Legal Services had now taken Counsel's advice and the intention was write to SCR CA shortly to question and challenge the consultation process that had been undertaken by SCR CA and asking them to respond to the County Council's concerns.

Subject to the agreement of Cabinet, it was proposed that the Chief Executive be given delegated authority to work up a more detailed response in consultation with the Leader, based on the issues and implications outlined in the report and including reference to the detailed and robust evidence that the Council had itself undertaken, and submit these to the SCR CA and Secretary of State prior to consultation closing.

**RESOLVED** (1) to agree to prepare a detailed and robust response to the Sheffield City Region Combined Authority consultation that highlights the key areas of concern;

(2) that the issues be considered and debated by a special meeting of Full Council on 27 July 2016, which will inform the Council's submission to the Sheffield City Region Combined Authority;

(3) that a similar response be prepared and sent direct to the Secretary of State with a copy to the Chamber of Commerce and D2N2 LEP;

(4) to delegate authority to the Chief Executive to approve the final response to the Sheffield City Region Combined Authority scheme and governance review, on behalf of the Council and in consultation with the Leader;

(5) to support a proactive communication approach to be undertaken with Derbyshire residents and other interested parties on the stated position of the Council and the likely implications of the proposals; and

(6) to note that the Director of Legal Services was taking Counsel's advice and would question and challenge the consultation process as necessary.

**199/16      DERBYSHIRE ECONOMIC REVIEW – JUNE 2016** (Strategic Policy, Economic Development and Budget)      **RESOLVED** to note the information presented within the Derbyshire Economic Review – June 2016 and the findings be used to support future service planning and policy development.

**200/16      POLLUTION LIABILITY RISK IDENTIFICATION – REVIEW OF COUNCIL CONTROLLED LAND AND PROPERTY ASSETS** (Council Services)

Cabinet was informed of the outcome of a review and evaluation of the pollution liabilities and the development of a pollution liability record for land owned or maintained by the Council. As a result of this project, for the first time, the County Council has a centralised record of all known pollution liabilities in respect of land that the Council owned or maintained.

**RESOLVED** (1) to note the work undertaken to create a centralised Pollution Liability Register to record all known pollution liabilities in respect of Council-owned or maintained land;

(2) to support the register being made available via DMaps to inform the future management, lease, disposal or development of Council-owned or maintained sites in the future; and

(3) to note that the Register would be maintained by the Director of Property and that a Steering Group would meet annually to review any changes and updates.

**201/16      ORAL HEALTH PROMOTION SERVICES** (Health and Communities)

Approval was sought to award a contract for the delivery of an Oral Health Promotion Service to Derbyshire Community Health Service NHS Foundation Trust following a procurement exercise. The total contract value was £86,000 per annum and would be for an initial 3 year period.

**RESOLVED** to approve the award of a contract for the Oral Health Promotion Service to Derbyshire Community Health Service NHS Foundation Trust to commence in April 2017 for an initial 3 year period with an option to extend the contract for up to a further two 12 month periods subject to satisfactory performance.

**202/16      MATINÉE - DEMENTIA FRIENDLY FILM SCREENINGS** (Health and Communities)      A grant had been awarded from the Paul Hamlyn Foundation for Matinée, an arts project for older people with or at risk of dementia and their families. The grant of £175,000 would enable Matinée to be rolled out across the county over the next 4 years providing high quality stimulating afternoons of participatory entertainment designed to be accessible for those living with dementia and their families and carers.

**RESOLVED** (1) to accept the grant from the Paul Hamlyn Foundation on the Matinée project;

(2) to advertise a contract for a freelance project worker (part-time for 4 years) in accordance with the County Council's procurement regulations; and

(3) to create a reserve for the transfer of any year-end balances.

**203/16      OUTCOME OF THE FORMAL CONSULTATION ON A PROPOSAL FOR A NEW PRIMARY SCHOOL AT BOULTON MOOR AND AT DRAKELOW PARK** (Children's Services)      Cabinet was informed of the outcome of the initial consultation on the proposal to open a new school at the developments known as Boulton Moor and Drakelow Park, both in South Derbyshire.

No responses had been received to the consultation and the next step in the process would be for the Authority to invite expressions of interest from potential Academy sponsors.

**RESOLVED** (1) to note that no responses had been received to the consultation on a proposed new primary school at Boulton Moor and at Drakelow Park; and

(2) to approve the initiation of the process to seek a sponsor for the new schools by issuing an invitation to potential sponsors to submit an expression of interest.

**204/16      CAPITAL FUNDING TO SUPPORT THE PROVISION OF FREE ENTITLEMENT EARLY YEARS PLACES FOR ELIGIBLE TWO YEAR OLDS IN SCHOOLS** (Children's Services)      On 3 March 2015, Cabinet received a report detailing a Government programme to provide funded early years places for 2 year olds of low income families. The meeting approved capital funding for 6 projects creating 240 places. In May 2015, Cabinet approved funding for a further 3 schemes creating 120 additional places.

A fall in birth rate and the creation of additional places in the private, voluntary and independent sector had resulted in the demand for some places being significantly reduced. In addition, staffing costs of this school-run provision had meant that the provision would not be sustainable and would have a detrimental impact on school budgets. As a consequence, a number of schools had chosen not to proceed.

A scheme at Creswell Infant School was in planning but the estimated cost of the project exceeded the original budget and an additional £145,00 was required for the scheme to proceed. At Anthony Bek, the school wished to go ahead with the project but there was insufficient demand in the area to make the running of a nursery viable. It was therefore recommended that this project does not go ahead.

**RESOLVED** (1) to approve the allocation of additional funding to Creswell Infant School and Aldercar Infant School schemes in order to meet the Local Authority's statutory duty to ensure there are sufficient high quality places for meeting the needs of eligible 2 year olds and that these schemes be added to the 2016/17 Capital Programme; and

(2) to approve the cancellation of the schemes at Anthony Bek Primary School, Longmoor Primary School, Speedwell Infant School, Mary Swanwick Primary School and Larklands Infant School.

**205/16      INVESTMENT APPROVAL TO CREATE A NEW FACILITY IN THE FORMER BENNERLEY SCHOOL BUILDINGS TO ACCOMMODATE THE SUPPORT CENTRE CURRENTLY LOCATED IN BREADSALL** (Children's Services)

Approval was sought to award a contract to commence works on the creation of a new facility to accommodate the Erewash KS3 support centre along with community facilities in the former Bennerley School building. A quotation to undertake the works at the Bennerley site had been received from the Director of Property in the sum of £2,645,952.

**RESOLVED** to approve the placing of an order for the refurbishment works at Bennerley at a total cost of £2,645,952.

**206/16      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 summary of proceedings.

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

(1) To consider Minority Group Leader questions (if any).

(2) To confirm the exempt minutes of the meeting of Cabinet held on 14 June 2016.

(3) To receive the exempt minutes of Cabinet Member meetings.

**207/16      MINORITY GROUP LEADER QUESTIONS**

There were no

Minority Group Leaders' questions.

**208/16      EXEMPT MINUTES      **RESOLVED**** that the Exempt Minutes of the meeting of Cabinet held on 14 June 2016 be confirmed as a correct record and signed by the Chair.

**209/16      CABINET MEMBER MEETINGS – EXEMPT MINUTES**

**RESOLVED** to receive the Exempt Minutes of Cabinet Member meetings as follows:-

- (a) Highways, Transport and Infrastructure – 31 May 2016
- (b) Children's Services – 7 June 2016
- (c) Council Services – 13 June 2016
- (d) Health and Communities – 20 June 2016