

MINUTES of a meeting of **CABINET** held on 16 October 2012 at County Hall, Matlock.

PRESENT

Councillor A I Lewer (in the Chair)

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

Councillor S Flitter also attended the meeting.

Declarations of Interest

Councillors A I Lewer and M V Longden declared personal interests in Agenda Item 6(e) – New Recycling Service – Derbyshire Dales District Council – Potential Diversion Savings, as members of Derbyshire Dales District Council.

299/12 ITEMS RAISED BY THE MINORITY GROUPS

Councillor S Flitter raised the following:-

Agenda Item 6(a) - Improvement and Scrutiny Review of Procurement - The report states that “procurement should not be undertaken by officers not trained and approved”. On this basis, has the Council suffered financially as a result of unapproved action in procurement and has the provision of services, materials or contractual issues been affected? (b)The report also states that the Council has a small central team and relies on specialist knowledge in departments and in some cases there has been a lack of clarity relating to procurement exercises. How does the Council seek to control procurement if it is not done through the central team?

Agenda Item 6(i) - White Paper: Caring for Our Future: Reforming Care and Support/Draft Care and Support Bill – (a) The logic of personalised budgets in order that people can have the choice to purchase their own preferred services is accepted. There are concerns however, that budgets will not keep pace with costs within the private sector which will have a diminishing impact on that choice in real terms. Work with partners on housing and adaptations is currently undertaken but is controlled by stringent criteria and cost. How will officers be able to respond to these financial issues? (b) Well-being is not defined, more monies are spent on promotion instead of services, there are new legal duties relating to the assessment of need, there are regulations on deferred payments, entitlements, care and support plans,

eligibility and a host of other regulations setting out the way forward. What discretion will County Council officers have to adapt these provisions to suit the needs of Derbyshire people, particularly where individuals have complex and varying needs?

300/12 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 26 September 2012 be confirmed as a correct record and signed by the Chairman.

301/12 CABINET MEMBER MEETINGS RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Regeneration – 14 September 2012
- (b) Highways & Transport – 18 September 2012
- (c) Young People – 18 September 2012
- (d) Finance & Management – 21 September 2012
- (e) Education – 24 September 2012
- (f) Technology & Recycling – 27 September 2012

302/12 IMPROVEMENT AND SCRUTINY REVIEW OF
PROCUREMENT Cabinet was presented with the final report of the Improvement and Scrutiny Review of Procurement. The Improvement and Scrutiny Committee - Resources had completed the review which looked at the Council's approach to procurement and sought to ensure that value for money was being achieved. A Member Working Group had been established to conduct the review and a final report had been produced identifying the review's findings and also its recommendations.

RESOLVED to receive the Improvement and Scrutiny report on the Review of Procurement and to note its recommendations.

303/12 THE ARMED FORCES COMMUNITY COVENANT The Chief Executive reported on progress made in adopting the Armed Forces Community Covenant and to agree the next steps in supporting service and ex-service personnel in Derbyshire.

At its meeting on 20 September 2011, Cabinet agreed to adopt the Armed Forces Community Covenant to formalise and enhance links between the Council and the Armed Forces. Over the last year the Council had supported the needs of service and ex-service personnel in a variety of ways and the majority of local authorities in Derbyshire had now signed individual covenants in their area. However, to strengthen joint working and to ensure a consistent approach was engendered across the County, all local authorities had agreed to re-sign a Joint Community Covenant, the formal signing of which would take place at a ceremony on 19 November 2012 to be attended

by senior representatives of the County Council, district and borough councils and the Armed Forces.

The County Council was also currently exploring the possibility of hosting a Jobs and Advice Fair for service and ex-service personnel at County Hall in early 2013. The event would provide service and ex-service personnel with career, training and educational opportunities from a wide range of organisations from across Derbyshire and would also provide employers with access to highly skilled personnel. A number of groups and organisations who were able to offer advice and support across a range of issues such as health and housing would also be attending on the day. It was proposed to engage with key partners to plan the Fair at the forthcoming event on 19 November, which would also provide an opportunity for partners to consider the creation of a Community Covenant Partnership in Derbyshire and to explore the potential opportunities presented by the Community Covenant Grant Scheme, further details of which were presented in the report.

The Council would need to ensure that it considered the full implications of the Community Covenant in the provision of its services and it was recommended that the following activities be undertaken over the forthcoming months:

- Build on current practice and identify new opportunities for supporting service and ex-service personnel.
- Work with partners on identifying the issues that might affect all service and ex-service personnel and their families in Derbyshire, for example, by prioritising access to social housing and improving GP's awareness of mental health issues affecting ex-service personnel.
- Develop an Action Plan identifying key work areas to be monitored on a regular basis.

In addition, work would take place over forthcoming weeks to consider the possible development of a Community Covenant Partnership for Derbyshire and the implementation of the Community Covenant Grant Scheme across the County.

RESOLVED that (1) the progress on the adoption of the Armed Forces Community Covenant in Derbyshire be noted;

(2) the joint re-signing of the Armed Forces Community Covenant at a ceremony taking place on 19 November 2012 be approved;

(3) the planning of a Jobs and Advice Fair for service and ex-service personnel be approved; and

(4) the next step proposals in supporting service and ex-service personnel in Derbyshire be approved as detailed in the report.

304/12 DARLEY DALE PRIMARY SCHOOL Cabinet considered a joint report of the Chief Executive, the Strategic Director – Children and Younger Adults and the Director of Property which sought approval to the terms for transferring ownership of Darley Dale Primary School Infants' building and land to Dales Housing Association and the associated construction of an extension to the main school building which currently housed the junior aged pupils, hall, kitchen, staff room and administrative accommodation.

An initial planning application had been made in 2008 but following the listing of the Widdows building the application had been withdrawn. A Village Green application had also been submitted in 2009 which affected part of the site. A revised scheme was, therefore, submitted to Derbyshire Dales District Council for planning approval which was subsequently granted in 2011 and the Village Green application had been determined in July 2012.

The listing of the Infants' School building had added significantly to the overall cost of the scheme as the initial proposal was to demolish and replace with new build. The revised scheme had to make provision for substantial restoration and renovation costs and the conversion of the interior into seven apartments. The Council's contribution to the revised scheme was therefore estimated to be approximately £400-£450,000, in anticipation of which a requirement of £350,000 had already been approved by Cabinet in the Children and Younger Adults Department Capital Programme 2011-12. This left a balance of approximately £100,000 to fund which could be achieved from savings in the Children and Younger Adults Capital Programme for 2011-12.

RESOLVED that (1) the scheme for the provision of a three classroom extension for Darley Dale Junior School and the transfer of the Infants' School building and associated land to Dales Housing Association in accordance with the terms to be finalised with the Director of Property and the Director of Legal Services, be noted and approved; and

(2) the financing of £450,000 from the Children and Younger Adults Capital Programme 2011-12, as detailed in the report, be approved to meet the Council's anticipated contribution for funding which had arisen as a result of the changes to the original scheme.

305/12 REPLACEMENT OF LOCK GATES AT WHEELDON MILL LOCK, CHESTERFIELD CANAL The Strategic Director – Environmental Services sought Cabinet approval to add the project for the replacement of the lock gates at Wheeldon Mill Lock on the Chesterfield Canal to the Capital

Programme 2012-13 and to waive Standing Orders in Relation to Contracts to place a contract for the work.

Inspection of the lock gates had revealed that deterioration had accelerated and reached the stage where they were no longer water tight which caused problems with the passage of boat traffic. A quotation had been sought from a specialist firm, Hargreaves Lock Gates, in the estimated sum of £34,000 to remove the existing gates and to supply and fit new gates for the Lock. The supply and fitting of the lock gates was a specialist operation and could not be undertaken by Council staff or general contractors and Hargreaves Lock Gates was the only company that provided this work. In view of the specialist nature of this work therefore, approval was sought to waive Standing Orders in Relation to Contracts and award the contract to Hargreaves Lock Gates.

RESOLVED that (1) Standing Orders in Relation to Contracts be waived to enable the contract to be awarded to Hargreaves Lock Gates for the replacement of the lock gates at Wheeldon Mill Lock on the Chesterfield Canal as detailed in the report; and,

(2) the lock gates replacement project be added to the 2012-13 Capital Programme.

306/12 NEW RECYCLING SERVICE – DERBYSHIRE DALES
DISTRICT COUNCIL – POTENTIAL DIVERSION SAVINGS Working

in partnership with the County Council to improve recycling performance, Derbyshire Dales District Council had submitted a request for a financial contribution of £165,000 to purchase kitchen caddies for the implementation of their separate food waste collection service which was being rolled out as part of new collection services commencing in October 2012. The report outlined the potential financial savings the new service would generate through the diversion of waste from landfill and considered the proposal to allocate funding to support the new service and the improvement in recycling and composting anticipated.

The report detailed the financial impact of the new scheme. Based upon the District Council's forecasts, it was estimated that savings of approximately £439,292 could be made by the County Council over a 17 month period ending in March 2014, assuming full service implementation from 1 November 2012. On the basis of an invest to save project, the business case for providing a financial contribution of £140,000 to the District Council from the Waste Management Revenue Budget existed and offered a potential 'win-win' for both Councils.

RESOLVED that (1) the changes in the service proposed by Derbyshire Dales District Council and the potential improvement in recycling and

composting and cost savings the service change would generate be welcomed;

(2) the allocation of £140,000 funding to Derbyshire Dales District Council for the purchase of kitchen caddies for the implementation of their separate food waste collection and to aid an increased recycling and composting performance be approved; and

(3) the allocation of the funding in the two stages detailed below be approved;

- (i) an initial payment of £70,000, and
- (ii) the remaining payment based on the satisfactory introduction of the new waste collection scheme by the end of March 2013.

307/12 CHILDREN AND YOUNGER ADULTS CAPITAL PROGRAMME – JOINT FUNDING INITIATIVE FOR SCHOOLS

The Strategic Director – Children and Younger Adults sought approval for a further schedule of joint funded proposals submitted by schools to be funded from the budget approved in the 2012-13 Children and Younger Adults Capital Programme. Twenty-three projects had been approved at a total cost of £733,300 and a further list of schemes had now been assessed with the following projects being submitted for approval:

School	Project	Total cost	LA Contribution
Wilsthorpe Community School	Toilet refurbishment	£18,500	£9,250
Swanwick School and Sports College	Toilet refurbishment	£22,400	£11,200
Total		£40,900	£20,450

RESOLVED that approval be granted to the joint funded projects as detailed in the report, with funding being split equally between the Schools and the Authority, thus resulting in a charge of £20,450 against the approved allocation of £2.5m in the 2012-13 Children and Younger Adults Capital Programme.

308/12 HASLAND HALL COMMUNITY SCHOOL – FIRE ALARM REPLACEMENT

Cabinet considered a joint report of the Strategic Director – Children and Younger Adults and the Director of Property which sought approval to a capital allocation to replace the fire alarm at Hasland Hall Community School. Funding of £100,000 would be required of which £85,547 would be allocated from savings in the 2011-12 Children and Younger Adults Capital Programme. The balance of £14,453 would come from the School with the contribution being equivalent of one year's Devolved Formula Capital Allocation in accordance with the Authority's approved policy.

RESOLVED that (1) approval be granted to the allocation of £85,547 from savings in the 2011-12 Children and Younger Adults Capital Programme to provide a replacement fire alarm system at Hasland Hall Community School; and

(2) the School's contribution of £14,453 be noted.

309/12 HOLBROOK CENTRE FOR AUTISM (CHILDREN AND YOUNGER ADULTS CAPITAL PROGRAMME 2012-13) Cabinet considered a joint report of the Strategic Director – Children and Younger Adults and the Director of Property which sought approval to the inclusion of an additional project in the Children and Younger Adults Capital Programme 2012-13. On 12 June 2012, Cabinet approved an initial programme of works to be funded from the 2012-13 Capital Programme (Schools Access Initiative) with further reports to be submitted, detailing proposals for the outstanding uncommitted School Access Initiative funding for 2012-13. A package of urgent maintenance and improvement works had been identified at the Holbrook Centre for Autism totalling £305,000, details of which were presented in the report.

In accordance with the Authority's approved policy, Holbrook Centre for Autism would normally be required to contribute one year's Devolved Formula Capital totalling £5,856 towards the total cost of the project. The Headteacher had asked, however, if this could be retained by the School and utilised to carry out additional refurbishment works in the main school building, especially to the toilet areas and on redecoration works following the rewiring project and it was proposed that this request be approved.

RESOLVED that (1) a capital allocation of £305,000 be approved for urgent maintenance and refurbishment works at Holbrook Centre for Autism as detailed in the report, as a charge on the 2012-13 Children and Younger Adults Capital Programme (Schools Access Initiative);

(2) further reports be submitted detailing proposals for the outstanding uncommitted School Access Initiative Capital Funding approved for 2012-13; and,

(3) the School's Devolved Formula Capital contribution be utilised by the School to carry out further refurbishments and redecoration works following the rewiring project.

310/12 CARING FOR OUR FUTURE: PROGRESS REPORT ON FUNDING REFORM The Strategic Director – Adult Care informed Cabinet of the main content and proposals contained in the White Paper – Caring for Our Future: Reforming Care and Support and the draft Care and Support Bill

which would shape and provide the legislative framework for Adult Social Care in the years ahead. A summary of the provisions of both documents was presented in the report.

RESOLVED that (1) the report be noted;

(2) the Cabinet Member for Adult Care and the Strategic Director – Adult Care be authorised to submit comments on the draft Bill consultation in line with the content and views detailed in the report; and

(3) the Strategic Director - Adult Care be authorised, in consultation with the Cabinet Member for Adult Care, to make such additional comments as he considers appropriate and which reflect the views expressed by Cabinet Members during Cabinet’s consideration of the Draft Bill.

311/12 RESPONSES TO THE CONSULTATION ON THE PROPOSED CLOSURE OF THE DALES HOME FOR OLDER PEOPLE IN REPTON The Strategic Director – Adult Care informed Cabinet of the responses to the consultation on the proposed closure of the Dales Home for Older People in Repton and the Equality Impact Assessment carried out on the proposal. The report also sought approval to proceed with the closure of the Home to allow the development of the site as extra care accommodation, subject to planning permission being granted.

A report had been presented to Cabinet on 20 February 2012, setting out a revised plan for implementing a strategy for accommodation, care and support for older people in Derbyshire. The proposals centred on a £200m investment in Specialist Community Care Centres and extra care schemes with one of the key features of the plan involving consolidation of specialist services for complex needs, including dementia into a reduced number of Specialist Community Care Centres, giving optimal possible coverage across the County.

The Dales Home for Older People in Repton had been identified as having the potential for development as an extra care scheme as it was a purpose built unit which had been built in the mid-1960s and offered 20 permanent and short-term beds as well as some day care. Consultation on the proposed closure of the Home ran for a 12 week period between 2 May and 25 July 2012. Detailed consultation had taken place with the residents of the Home, including those attending for regular respite and day care and family carers or close friends. In addition, there had been a comprehensive consultation with a wider group of stakeholders. Full details of the consultation process were set out at Appendix 4 and a summary provided in the report.

RESOLVED that having given careful consideration to the outcome of the consultation on the future of the Dales Home for Older People and the Equality Impact Analysis;

(1) the closure of the Dales Home for Older People be approved to allow for the redevelopment of the site, subject to planning permission, as an extra care scheme;

(2) (a) the work with residents and family carers to commence enabling residents to move to new accommodation within the next six months be approved;

(b) the work to be carried out in accordance with the pledges made and the Major Change Guidance; and

(3) formal consultations with the staff and trade unions representing staff at the Dales Home for Older People be approved.

312/12 AWARD OF SPECIALIST COMMUNITY CARE CENTRE CONTRACT

Cabinet considered a joint report of the Strategic Director – Adult Care and the Director of Property on the progress made in procuring the Specialist Community Care Centres and which sought approval to award a design and build contract for the most economically advantageous tender for the proposed centres at Darley Dale and Heanor.

The procurement of Community Care Centres was a central element of the plan to deliver the strategy for accommodation, care and support for older people in Derbyshire, details of which had previously been reported to Cabinet on 20 February 2012.

An EU restricted competitive tender process would be adopted to select the construction contractor(s) for the centres. Stage 1 of the procurement would require pre-qualification of companies on the basis of capacity, experience and financial standing to select a list of tenderers. Those companies successfully pre-qualifying would advance to Stage 2 and submit final tenders for one or both of the centres based on the tender documentation supplied which would be evaluated to determine the most economically advantageous tender(s) to the Authority. Details of the timetable for the procurement of a contractor were presented in the report.

It was proposed that authority be given to the Cabinet Members for Adult Care and Finance and Management acting jointly as the Adult Care Specialist Programme Cabinet Committee, to approve the award of the contract for the construction of both Community Care Centres to the most economically advantageous tenderer(s), provided the total cost for both could be contained within the overall £21,500,000 cost. In the event that this was

not achievable, a further report would be submitted to Cabinet with an option appraisal of possible alternatives.

RESOLVED (1) that the progress made towards the procurement of the two Community Care Centres be noted;

(2) that the Cabinet Members for Adult Care and Finance and Management acting jointly as the Adult Care Capital Programme Cabinet Committee, be authorised to approve the award of contract or contracts to the most economically advantageous tenderer or tenderers;

(3) to authorise the Director of Legal Services to execute all contracts necessary to achieve the award of contract for the development of the two sites at Darley Dale and Heanor; and

(4) in the event of an economically advantageous solution not being achieved, a further report would be submitted to Cabinet outlining the issues and possible options.

313/12 EXCLUSION OF THE PUBLIC RESOLVED to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information contained in the following summary of proceedings:-

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

- (1) To confirm the exempt minutes of the meeting of Cabinet held on 26 September 2012.
- (2) Receipt of exempt minutes of Cabinet Member meetings as follows:-
 - (a) Highways and Transport – 18 September 2012
 - (b) Education – 24 September 2012
- (3) Consideration of the report of the Strategic Director – Environmental Services on the Procurement of Vehicles (Contains information relating to financial or business affairs of any particular person, including the Authority holding that information).
- (4) Consideration of the report of the Strategic Director – Policy and Community Safety on the Derbyshire Economic Partnership Restructure (Contains information relating to individual employees).
- (5) Consideration of the report of the Strategic Director – Adult Care on the Provision of Catering Services at the Outlook Resource Centre (Contains

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