

MINUTES of a meeting of **CABINET** held on **17 June 2014** at County Hall Matlock.

PRESENT

Councillor A Western (in the Chair)

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

Councillor B Lewis also attended the meeting.

209/14 QUESTIONS SUBMITTED BY MEMBERS OF THE PUBLIC

Agenda Item 7b – Proposed Changes to Adult Care Policies on Transport, Client Contributions and the Eligibility Threshold submitted by Mr G Matthews

The Adult Care cuts proposed will hit disabled people disproportionately does this not amount to discrimination under the Equality Act 2010 and is it not a breach of the UN convention on the rights of the disabled?

Councillor C Neill thanked Mr Matthews for his question and welcomed the people who had travelled to Matlock to the meeting and responded that she had spent some time with him and a number of his colleagues from the Derbyshire Disabled People Against the Cuts on 16 June and they had asked her to pause all cuts for twelve months.

Councillor Neill had indicated to Mr Matthews and his colleagues when they met, that she couldn't put all £11m on hold. However, since they had met, Councillor Neill had spoken to the Leader and with Cabinet and a change to the recommendation on the charge that people would be asked to pay had been agreed. The Council's accounts had been published on 13 June and, through good housekeeping, reserves had increased and would be used to reduce the proposed increase in charges and a paper would be brought to the next Cabinet.

The Council had agreed to set a balanced budget and that meant cutting services to the most vulnerable in Derbyshire. It was not right that young people, older people, people with learning disabilities and disabled people were being made to pay for the bankers' mistakes that brought the international economy to its knees in 2008. It was sad that with all the equalities legislation in place, councils across the country had already done what was being recommended. Councillor Neill indicated some had gone much further. For instance, Northamptonshire had increased their thresholds to Higher Substantial, something that they were going to have to revisit now

that the Care Act guidance had been issued. Neighbouring authorities had also introduced charges by the hour for care received from the local authority.

The Equality Impact Assessment that accompanies the report came from the Equality Act and despite knowing the impact that these cuts were going to have, with cuts of £157m being imposed by this Government, the Council could not afford to continue providing what we have previously provided at little or no cost to the person receiving the care.

Mr Matthews asked Councillor Neill to respond to the points raised in his original question particularly in relation to the points on discrimination under the Equality Act 2010 and the breach of the UN convention on the rights of the disabled? The Chair invited the Director of Legal Services to respond given the legal nature of the issues. The Director of Legal Services stated that the potential implications for disabled people, as well as for those with other protected characteristics, formed a key element of the report presented to Cabinet. The recommendations in the report were based on a detailed and thorough equality analysis conducted in accordance with the Equality Act and were consistent with the principles enshrined in the UN Convention on the Rights of the Disabled.

210/14 QUESTIONS SUBMITTED BY MINORITY GROUP LEADERS

Councillor B Lewis had submitted the following questions:

(1) Agenda Item 7b – Proposed Changes to Adult Care Policies on Transport, Client Contributions and the Eligibility Threshold

Given the changes to FACS described in the bottom paragraph on page 3 of the report, how many people in the last six months have been re-evaluated and moved from Higher Moderate into Substantial and Higher Moderate into Moderate categories?

We recognise that there is a need to make savings, which we support, however, does the Cabinet not feel that the impact of these salami slicing cuts to Adult Care, which particularly impact upon peoples' ability to stay in their own homes, will only push the burden of the cuts from the County to the NHS and District Council and other services?

What would Councillor Neill say to the respondent in the consultation who said the following (pg46) "...fritter my money away and you will pay for my care, if I am careful and have savings then I must pay.... is this fair?"

Councillor C Neill responded that In terms of the numbers, the Council were only able, at the moment, to provide snapshots of the total numbers in each category at six monthly intervals. The Council were not able to track

individual's movement between categories. This was something that the Council would be doing for Scrutiny, so Councillor Lewis would be able to follow future trends.

Councillor Lewis had stated that there was a need to make savings. On this Councillor Neill disagreed and she would not be recommending the cuts being discussed today, if it were not for the fact that the Government was robbing the people of Derbyshire of £157m. She found Councillor Lewis's reference to salami slicing incredible. That was exactly the position that this Administration inherited from his own. Councillor Neill and Lewis did however agree on one thing, that the impact of what she doing would be felt by the NHS, district councils and other services, including the Council's own.

The difference was that Councillor Neill was sat around the table with Health colleagues on a regular basis, talking about how we could work better together to mitigate the impact, something which her predecessor never did. The four years when the Tories were in control of Derbyshire were four lost years and she was having to work twice as hard and twice as fast to make up for it.

On Councillor Lewis's last point, it was not fair that the poor and the vulnerable were having to pay for the mistakes of the bankers who caused the international economic crisis of 2008. Councillor Neill was asking everyone in Derbyshire to make a contribution to the £157m worth of cuts. The 16-24 year olds who were at risk of homelessness, the older person, the disabled person, the person with learning disabilities and also the person with more than £50,000 in the bank.

(2) Agenda item 7c – Elvaston Castle and Estate 10 year Vision and Plan

We welcome this report and the vision for Elvaston Castle, we would like to have seen an emphasis in the covering report that acknowledged the long struggle by local residents to ensure open public access to the grounds. Could this be rectified?

Councillor B Ridgway responded that he was in regular contact with the Elvaston Team and he would ensure that the local community were thanked for their efforts to safeguard open public access to the grounds.

(3) Agenda Item 7d – Review of Sustainable Energy Potential – Derbyshire County Council

We welcome the approach of this report, which we supported when in administration. We would therefore like to make a suggestion: we note that infrastructure enabling, i.e. connection to the National Grid is a significant drawback, not only for local authorities but to the private sector interested in Solar farming, therefore would it be a sensible use of DCC resources to

enable more connections across all sectors to the National Grid thereby stimulating a more significant investment in the Derbyshire green economy?

Councillor J Dixon responded that Councillor Lewis's proposal would certainly need further, in depth, investigation by the Executive – probably through the Environmental Sustainability Group (ESG) which oversees the strategic approach to sustainable energy development. As such Councillor Dixon suggested it would be for the Council's Executive to take this further with the advice of the ESG.

(4) Agenda Item 7h – Developer Contributions Monitoring

Does the Cabinet not agree that in order to reflect future needs of local infrastructure that this figure will need to increase significantly as Local Plans are finally approved? Whilst the figure here is welcomed it falls well short of what is needed.

Councillor Dixon responded that this had been identified as an issue and had been raised with Derbyshire Chief Executives. It was hoped that through improved relationships with the district and borough councils and the new D2 Joint Committee, that a more positive attitude to the problem would bring in more money to the County Council to support local infrastructure.

211/14 **MINUTES** **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 2 June 2014 be confirmed as a correct record and signed by the Chair.

212/14 **CABINET MEMBER MEETINGS - MINUTES** **RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows;

- (a) Health and Communities – 27 May 2014
- (b) Strategic Policy and Budget – 28 May 2014
- (c) Jobs, Economy and Transport – 29 May 2014
- (d) Children and Young People – 3 June 2014

213/14 **PROCUREMENT OF STATUTORY ADULT CARE ADVOCACY SERVICES** (Adult Social Care) The Acting Strategic Director – Adult Care sought Cabinet approval for the Council to jointly procure with Derby City Council, a combined contract for the provision of three statutory Adult Care Advocacy Services from 1 April 2015.

Derbyshire Adult Care was statutorily responsible for the provision of Independent Mental Health Advocacy, Independent Mental Capacity Advocacy and NHS Independent Complaints Advocacy. Details of all three services were presented in the report.

Arrangements for the current contracts ended on 31 March 2015 and, after consideration by the Council's and Derby City Council's commissioners, it was proposed to jointly offer a single contract for the provision of these services with effect from 1 April 2015 in order to offer an integrated service. The service would cover the whole of the County including Glossopdale and Derby City and the successful service provider would be performance managed to ensure that the provision of the three services matched the funding commitment of each of the funding councils. It was expected that there would be a reduction in the Council's back office function by combining the three contracts.

RESOLVED to (1) approve the proposed procurement arrangements of three statutory Adult Care Advocacy Services from 1 April 2015 for a period of five years, with annual options for the Council to extend for up to three further periods of twelve months; and

(2) note that a further report to Cabinet would be submitted to seek approval for the award of the contract when the procurement process was complete.

214/14 PROPOSED CHANGES TO ADULT CARE POLICIES ON TRANSPORT, CLIENT CONTRIBUTIONS AND THE ELIGIBILITY

THRESHOLD (Adult Social Care) The Acting Strategic Director – Adult Care informed Cabinet of the outcome of a recent consultation programme on the proposals concerning the raising of the eligibility threshold; increasing the level of client contributions towards non-residential services and the introduction of a transport policy which included a transport charging policy. The report also sought approval to make changes to the respective policies in the light of the consultation programme.

On 21 January 2014, Cabinet had considered two reports entitled Consultation on the Proposed Changes to Eligibility for Adult Social Care and Increased Contributions for Non-residential Care and Consultation on the Introduction of Adult Social Care Transport Policy, seeking approvals for consultations to commence on the proposals contained within the report. A twelve week period of consultation had ended on 21 April 2014. Details of the consultation and its outcomes were presented in the report. An Equality Impact Analysis had also been undertaken, details of which were attached at Appendix 2 to the report.

An individual's eligibility for statutory support is determined following an assessment. The assessment included information about an individual's presenting needs and related circumstances which should be established and recorded. The NHS and Community Care Act 1990 required that, having conducted the assessment, councils must decide whether a person's needs called for the provision by it of any community care services. Councils had to

use a national eligibility criteria framework to draw up their own eligibility criteria. There were five levels of Fair Access to Care Services (FACS) in Derbyshire – Low, Moderate, Higher Moderate, Substantial and Critical.

Section 13 of the Care Act 2014 contained provision for regulations to set a national minimum threshold for eligibility and it was anticipated that this would be set at an equivalent level to the current Substantial. The draft eligibility criteria were attached at Appendix 3 to the report.

Under current national guidance, the Council would need to exercise considerable caution and sensitivity when considering the withdrawal of support to clients who might fall below the Substantial threshold. In some cases, it may not be practicable or safe to withdraw support even though needs may initially appear to fall outside the eligibility criteria. It was estimated that up to 1,240 clients would be affected, subject to review, by the proposed changes in the eligibility threshold from Higher Moderate to Substantial.

Co-funding was introduced in April 2011 and was the term adopted by the County Council in relation to the cost-sharing partnership arrangements for those clients who received non-residential services and had been designed to comply with the Department for Health's Fairer Charging and Fairer Contributions Guidance.

Setting the Council's Co-funding contributions at 60% rather than 75% would result in a reduction of £900,000 in additional income achieved to the Council. This in turn would place additional pressures on other areas of Adult Care's work where savings needed to be made and it was felt that achieving this would be unsustainable. Setting the increased Co-funding contributions at 90% would result in more significant income to the Council but would put a greater strain on household budgets at a time when many clients were finding it difficult to cope with the cost of living.

Similar considerations applied to the proposal to lower the amount of income a person could have before starting to contribute towards care. Not proceeding with the proposal would result in the potential for the savings having to be found elsewhere with a subsequent further reduction in the number of services that Adult Care could offer. It was proposed that Co-funding contributions be increased but the level of the increase be considered in a further report to the next Cabinet meeting. It was also proposed that the income protection buffer be set at 25% above basic benefit rates with further exploration of the differentials being considered in a report to the next Cabinet meeting.

Prior to the implementation of any changes to Co-funding, it would be necessary to re-assess all clients receiving community based services and it

was estimated that this task would take approximately three months to complete and therefore the increased charges would be implemented from October 2014. The impact of this on the Department was that only 50% of the increased income would be realised in 2014/15, with the full increase being achieved in 2015/16.

There were currently a variety of practices throughout the County in terms of how clients travelled to services provided by Adult Care. The proposal consulted on would introduce a coherent transport policy which would standardise practice. It was also proposed to introduce a charge where Adult Care provided transport other than in specified circumstances. It was estimated that approximately 1,150 people have transport provided by Adult Care. In addition to this, a number of voluntary groups had historically been able to use transport provided by the Council at no charge. The total cost of this service was just over £3m per annum.

It was proposed that the Council adopt the transport policy and a flat rate charge of £5 per day for transport provided once officers had considered, in consultation with the Cabinet Member, amendments to the policy in light of learning lessons from other local authorities as to the most equitable way to deal with cancellation of transport.

Over the next four years, Adult Care had to meet budgets cuts of £52.9m and the proposals contained within the report would generate total savings of £11m.

RESOLVED that Cabinet, having considered the response to the consultation and the outcome of the Equality Impact Analysis and, having due regard to the responses to the proposals and balancing these against the need to save £157m from the Council's Budget: approval was given to;

- (1) the eligibility threshold for access to Adult Care Services to be raised from Higher Moderate to Substantial;
- (2) Co-Funding contributions to be increased with a further report to be presented to the next Cabinet meeting detailing the extent of the increase;
- (3) the income protection buffer being set at 25% above basic benefit rates with further exploration of the differentials to be considered at the next Cabinet meeting;
- (4) client's with over £50,000 capital (not including their main home) paying 100% of the costs of their care;
- (5) the proposed transport policy being implemented with the exception of funding for voluntary sector transport to day opportunities; and

(6) a charge of £5 per day for transport to Adult Care Services being adopted.

215/14 ELVASTON CASTLE AND ESTATE 10 YEAR VISION AND PLAN (Council Services) The Strategic Director – Corporate Resources sought Cabinet approval to the recommendations of the Elvaston Castle and Country Park Working Party for the 10 year Vision and Plan for Elvaston Castle and Estate.

The draft Vision and Plan was developed following extensive engagement with the local community and other stakeholders in Autumn 2013 and a public consultation process had taken place from 21 January through to 14 March 2014. Details of the public consultation and its outcomes were presented in the report. A copy of the final Vision and Plan was attached at Appendix 3 to the report.

RESOLVED to approve the final Vision and Plan for Elvaston Castle and Estate.

216/14 REVIEW OF SUSTAINABLE ENERGY POTENTIAL – DERBYSHIRE COUNTY COUNCIL (Improvement and Scrutiny Committee - Resources) The Vice-Chair of the Improvement and Scrutiny Committee – Resources presented Cabinet with the final report of the Review of Sustainable Energy Potential for Derbyshire County Council. A copy of the final report was attached at Appendix 1 to the report.

RESOLVED to (1) receive the report and recommendations of the Improvement and Scrutiny Committee - Resources Review of Sustainable Energy Potential for Derbyshire County Council; and

(2) note that progress reports would be submitted to the Improvement and Scrutiny Committee at strategic intervals to enable monitoring of the implementation of agreed actions.

217/14 DERBYSHIRE LOCAL ECONOMIC ASSESSMENT - 2014 (Strategic Policy and Budget and Jobs, Economy and Transport) Cabinet considered a joint report of the Chief Executive and the Strategic Director – Economy, Transport and Environment on the Derbyshire Local Economic Assessment (LEA) 2014. The LEA 2014 provided an update of the full LEA published in 2012 with the decision to review being triggered by the development of the Derbyshire Economic Strategy Statement commissioned by the County Council on behalf of the Derbyshire Economic Partnership.

RESOLVED to note the information presented in the Derbyshire Local Economic Assessment 2014 and that the findings would be used to support

the delivery of the Derbyshire Economic Strategy Statement and inform future service planning and policy development.

218/14 DERBYSHIRE ECONOMIC STRATEGY STATEMENT (Jobs, Economy and Transport) The Strategic Director – Economy, Transport and Environment sought approval to adopt the Derbyshire Economic Strategy Statement which formed an integral part of the Strategic Planning Framework for both Derbyshire County Council and the City Council and set out Derbyshire's contribution to the recently approved D2N2 Strategic Economic Plan and associated regeneration funding and delivering priorities. A copy of the Strategy Statement was attached at Appendix 1 to the report.

RESOLVED to approve and adopt the Derbyshire Economic Strategy Statement as the countywide economic strategy, subject to no further amendments.

219/14 DERBYSHIRE WATERWAYS STRATEGY (Jobs, Economy and Transport) The Strategic Director - Economy, Transport and Environment sought Cabinet approval for the adoption of a Council Waterways Strategy. The draft Strategy had been reviewed by the Cabinet Member Jobs, Economy and Transport and all members of the Partnerships and other stakeholders had been consulted with a summary of responses reported. A copy of the Strategy was attached at Appendix 1 to the report.

RESOLVED to approve the adoption of the first Derbyshire Waterways Strategy.

220/14 DEVELOPER CONTRIBUTIONS MONITORING (Jobs, Economy and Transport) The Strategic Director – Economy, Transport and Environment provided an update on the implementation of the Developer Contributions Protocol (DCP).

Monitoring data from the first full year of implementation of the DCP highlighted a substantial mismatch between the level of funding required to accommodate housing growth (£40.1m) and the level of funding actually secured by Developer Contributions (£3.757m) between 1 April 2013 and 31 March 2014. The breakdown of requests for Developer Contributions and funding secured for the year ending 31 March 2014 was attached at Appendix A to the report.

The funding gap was a concern because it meant that new dwellings would be built with no additional funding in place for strategic infrastructure. This was particularly worrying where the Council had a statutory duty to deliver services (for example, school places), but was not receiving the additional funding required from developers.

Feedback from Local Planning Authorities suggested that the County Council's requests for planning obligations to secure funding for household waste, re-cycling, strategic green infrastructure and libraries, did not always comply with the relevant legislation. In the absence of Community Infrastructure Levies across Derbyshire however, Section 106 planning obligations remained the only mechanism available to the County Council to secure funding for infrastructure required as a result of housing growth. The County Council needed therefore to provide robust evidence to adequately justify its requests. Officers would continue to use the evidence set out in the Derbyshire Infrastructure Plan and work in partnership with Local Planning Authorities to assess the impact of proposed housing development on strategic infrastructure and secure funding from developers on behalf of the County Council to mitigate this impact and make the proposed development acceptable and sustainable.

RESOLVED to (1) welcome the £3.757m of additional funding secured from Developer Contributions in 2013/14;

(2) note the continuing funding gap for strategic infrastructure and;

(3) endorse on-going engagement with Local Planning Authorities to work towards securing the necessary investment for strategic infrastructure.

221/14 POOLED BUDGETS FOR CHILDREN WITH COMPLEX NEEDS

(Children and Young People) The Strategic Director – Children and Younger Adults requested Cabinet consider the revised arrangements for and to approve the extension of a formal partnership and pooled budget arrangement between Derbyshire County Council's Children and Younger Adults and Adult Care departments and the five Derbyshire Clinical Commissioning Groups (CCGs) to provide and fund support packages for children and young people with complex needs.

The formal partnership agreement and pooled budget arrangement had enabled funding allocations for complex cases to be managed in an efficient way in accordance with decisions made by the Children and Younger Adults Department's monthly Complex Needs Panel. The original agreement had continued post-cessation of the PCT from April 2013 whilst negotiations continued with the new CCGs to formalise a new arrangement.

Approval and extension of the arrangements would ensure consistency and efficiency in the current process until September 2014. In the meantime, suitable future arrangements were currently being considered in accordance with the requirements of Supporting Aspiration and the introduction of the new Education, Health and Care Plan for future partnership working with the CCGs in order for the new arrangements to be in place from September 2014.

RESOLVED to approve the extension of the pooled budget arrangement and revised formal partnership agreement with the five Derbyshire CCGs up to September 2014 as detailed in the report.

222/14 CAPITAL FUNDING TO SUPPORT UNIVERSAL INFANT FREE SCHOOL MEALS – INSTALLATION OF SCHOOL MEAL KITCHENS TO CONVERT FROM SERVERIES TO COOKING KITCHENS (Children and

Younger People) The Strategic Director – Children and Younger Adults sought approval for the conversion of serveries to school kitchens to be added to the 2014/15 Capital Programme to meet the extra demands on the service resulting from the introduction of the Universal Infant Free School Meal for all Key Stage One pupils from September 2014, and for construction work in connection with the conversions detailed in the report. Approval was also sought to place orders under existing frameworks for the mobile kitchens at a total cost of £680,000, details of which were presented in the report.

RESOLVED to (1) approve the capital expenditure on converting kitchens from serveries to cooking kitchens to be financed by £680,000 from the capital grant funding and that this be added to the 2014/15 Capital Programme;

(2) approve the construction works in connection with the conversions detailed in the report;

(3) approve the placing of orders under the existing frameworks for mobile kitchens; and

(4) note that a further report be submitted to Cabinet in due course for the appointment of a preferred bidder once the procurement process had been carried out.

223/14 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 2 June 2014.
2. Receipt of the exempt minutes of Cabinet Member meeting for Children and Young People held on 3 June 2014

3. Consideration of the joint report of the Acting Strategic Director – Adult Care and the Director of Property on the Acquisition of Land at Belper (Adult Social Care and Council Services) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
4. Consideration of the report of the Strategic Director – Economy, Transport and Environment on the Senior Management Structure of the Economy Transport and Environment Department (Jobs, Economy and Transport) (contains information relating to 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 Director of Public Health on the Extension of Existing Children and Young People's Health Promotion Service; Vision Screening Service and Young People's Prevention of Uptake Programme Contracts (Health and Communities) (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 Director of Public Health on the Extension of Existing Weight Management, Physical Activity, Health Trainers, Smoking Cessation and Marketing Contracts (Health and Communities) (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 Public Health on NHS Healthcheck Programme (Ageing Well): Future of the Derbyshire County Council NHS Healthcheck Programme 2014/16 (Health and Communities) (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 Strategic Director – Children and Younger Adults on Namibia Bound – an Expedition for Young People of Bolsover District Secondary Schools (Children and Young People) (contains information relating to any individual).
9. Consideration of the joint report of the Strategic Director – Corporate Resources and the Strategic Director – Children and Younger Adults on North Wingfield Primary School Replacement Project – Children and Younger Adults Capital Programme 2013/14 (Children and Young People) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).