

MINUTES of a meeting of **CABINET** held on **2 December 2014** at County Hall Matlock.

PRESENT

Councillor A Western (in the Chair)

Councillors D Allen, A Botham, D Collins, K Gillott, and P Smith.

Councillor K P Morgan also attended the meeting.

Apologies for absence were submitted on behalf of Councillor B Lewis.

406/14 PUBLIC QUESTIONS

Mrs D Skrytek had submitted the following question but was not present at the meeting:

County and City Council officers Allison and Hopkins are charged with rolling out MORE recycling collections, as well as reduction and reuse of resources. However they are also involved in a conflict of interests, as they have to make the Derbyshire high-carbon incineration plant look 'aesthetically pleasing and acceptable' The incineration contract also ties both councils into procuring 13000 tonnes monthly of 'organic' and 'calorific' waste, of a certain 'moisture' content, for incineration, NOT the higher treatment of recycling. <http://tinyurl.com/opzh8ux> and <http://tinyurl.com/jw8qtp>

Residual waste does not have such values.

Derby City and County Council admitted to DEFRA, that both councils could not afford the incineration plant and that recycling was cheaper. The Parliamentary Accounts Committee are to investigate the Derbyshire incinerator contract. When and how will Derbyshire County Council admit that officer's conflicts of interests are such that when officers claim to be saving resources, they are actually fully engaged, because of the contract, in destroying reducibles, reusables, recyclables and compostables?

The Derbyshire high-carbon incineration plant, planned for the polluted and deprived ward of Sinfen/Osmaston in Derby, will pump out over 4.3 million tonnes of carbon dioxide over it's claimed 25 yr lifespan. This is the developer Resource Recovery Solution's own estimate.
www.foe.co.uk/groups/derby/727.htm

This renders the Derbyshire Climate Change Charter as mere posturing. As well as CO2, dioxin-contaminated ash <http://tinyurl.com/lenelgd>

and more pollution <http://tinyurl.com/av3l7sp> into designated Air Quality Management Areas for nitrogen dioxide and particulates. <http://www.foe.co.uk/groups/derby/news/Contributions-to-existing-NO2-concentrations-by-source> will further affect peoples health <http://tinyurl.com/qefjxnp>

Last week, the European Courts of Justice ruled that the United Kingdom was in breach of air quality legislation on nitrogen dioxide. The actions of the Council worsen air quality and quality of life, for all. How and when will you be terminating the environmental resource destroying contract you signed with the incinerator developers? <http://tinyurl.com/opzh8ux>

The Leader of the Council indicated that a written response would be provided.

407/14 MINORITY GROUP LEADERS' QUESTIONS

Councillor B Lewis had submitted the following questions.

Agenda item 7(a) Complaints and Compliments Overview 2013/14

Given the damning report by the Local Government Ombudsman, an overall increase in complaints, and a clear deterioration in timely response to complaints by this authority will the Cabinet member describe how and why the Members Casework system will be used to intercept complaints rather than using the formal and proper complaints system as is statutorily required? As this authority has increased Council Tax to the public of Derbyshire does the Leader not feel that a proper and effective complaints system is essential?

Agenda Item 7(b) - Climate Change Charter

Where and what is Appendix 1? And does it happen to be relevant to this single sheet of A4 paper?

Agenda Item 7(c) - Budget Monitoring 2014-15 (at 31 August 2014)

Does the Leader not agree that because only just over 70% of savings will be achieved in the year that her dithering has cost Derbyshire services and taxpayers dearly, as well as damaging services to some of Derbyshire's most vulnerable, and this administration can only deliver services by sleight of hand using Earmarked reserves to balance the budget? Is it not the case that the Leaders vision for Derbyshire is crumbling around her ears, rather like her Cabinet, as she is unable to get to grips with the scale of business that Derbyshire County Council represents?

Agenda item 7(i) – Sector Led Peer Review of Adult Care July 2014

Lack of preventive care leads to higher nursing home admissions and this review highlighted that this service is not equitable nor consistent across the county: could the Cabinet member tell us where (what areas) the inequity and inconsistency is in Derbyshire and what is being done to address it?

Agenda item 7(j) - Pooled Budget for Children with Complex Needs

The final paragraph on page 2 says any unspent local authority money is to be transferred to an earmarked reserve to be used the following year: Could the Cabinet Member clarify what that earmarked reserve is allocated for?

The Leader of the Council indicated that written responses would be provided.

Councillor K P Morgan had submitted the following questions:

Agenda Item 7(b) - Climate Change Charter

Appearing at 7k is the Council's Waste & Recycling Strategy, yet we appear to have missed/ignored it here unless it comes under the final bullet point; do we need to make the link between climate change and recycling clearer, especially as the residual tonnages appear to be increasing?

Councillor A Western, Leader of the Council and Cabinet Member for Strategic policy, Economic Development and Budget responded that Section 3.1.3 of the Climate Change Charter refers specifically to the Derbyshire Joint Municipal Waste Management Strategy, the ten main objectives are detailed and recycling targets referenced.

Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure responded that the Waste Strategy referred to the positive contribution which can be made to reducing carbon and climate change impacts by managing waste sustainably in accordance with the waste hierarchy (through preventing, reusing, recycling and composting as much waste as possible, recovering energy from residual waste in preference to it being landfilled).

Additionally, the Climate Change Charter will see us working with all the district and borough councils to develop an action plan for mitigating and adapting to climate change. It is anticipated that further local recycling ambitions will be included.

Agenda Item 7(c) - Budget Monitoring 2014-15 (at 31 August 2014)

Does the Cabinet Member consider that there is a severe irony in the fact that organic waste tonnages are increasing (and therefore we are improving our contribution to climate change) but our residual waste costs are increasing? Do we have an explanation for this?

Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure responded that the County Council continued to take actions to reduce the amount of waste sent to landfill. Increasing recycling and diverting organic waste to composting facilities helps to achieve this. The opening of the Arkwright In-Vessel Composting Facility in May 2014, had enabled Bolsover, Chesterfield and North East Derbyshire residents to add food waste to their existing garden waste collection service and this had increased the amount of organic waste collected and diverted from landfill.

Conversely, the amount of residual waste arising in 2014-15 had not reduced as anticipated and was not in line with the decline experienced in previous years. Resource use and waste arising were intrinsically linked to economic activity. Throughout the period of the recession, waste arising decreased. However, the cost of landfilling residual waste steadily increased during this time. Landfill tax increased from £48 per tonne in 2010-11 to £80 per tonne in 2014-15 and would increase to £82.60 per tonne in 2015-16.

Whilst the Waste Management Service seeks to raise awareness and understanding of waste prevention measures in an effort to break the links between economic activity and waste arising, it was evident in the current financial year that the recovery in the economy was being reflected in the amount of residual waste arising. An increase in residual waste arising would inevitably see an increase in the cost of residual waste disposal.

Agenda Item 7(k) - Derbyshire and Derby Joint Municipal Waste Management Strategy

Is Derbyshire County Council doing anything at all to support districts in their talks with retail/commercial to collect their clean recycling (particularly glass from pubs etc. and paper from small businesses which do not attract recycling credits) as it may be that much of this waste is being dumped in our "residual waste sites" and buried when it could be recycled?

Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure responded that the County Council worked in partnership with district and borough councils as part of the Derbyshire Waste Partnership (DWP) and they were responsible for the collection of commercial waste and the development of this service. The disposal of any commercial residual

PUBLIC

waste collected by district and borough councils was managed through the County Council's contract, however all costs were passed back to the commercial customers.

The district and borough councils provided a range of different waste and recycling services to their commercial waste customers. All councils had committed in their individual Waste Strategy Action Plans, as outlined in the report, to review the recycling services currently provided for their commercial customers. The County Council would work with and support DWP in developing business recycling opportunities.

In addition, a Business Waste and Recycling Guide which was currently being updated, had been developed by the County Council to help local businesses manage their waste sustainably. The Guide detailed outlets for a range of materials for recycling and disposal.

408/14 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 4 November 2014 be confirmed as a correct record and signed by the Chair.

409/14 CABINET MEMBER MEETINGS - MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows;

- (a) Children and Young People – 4 November 2014
- (b) Council Services – 10 November 2014
- (c) Strategic Policy and Budget – 10 November 2014
- (d) Health and Communities – 11 November 2014
- (e) Jobs, Economy and Transport – 11 November 2014

410/14 COMPLAINTS AND COMPLIMENTS OVERVIEW 2013-2014

(Strategic Policy, Economic Development and Budget) The Chief Executive reported on the complaints dealt with under the Council's Complaints Procedure, the Local Government Ombudsman's Annual Review letter in respect of the County Council for the year ended 31 March 2014, and also the compliments received by the Council during the financial year 2013-14. The report detailed both complaints and compliments by department, along with details of measures put in place to address complaints.

A copy of the Local Government Ombudsman's (LGO) Annual Review Letter which gave details of the total number of complaints for Derbyshire was attached at Appendix A to the report. For the period ending 31 March 2014, the LGO received seventy-seven complaints relating to the County Council which was lower than the average of ninety-six complaints recorded for all County Councils across England. The seventy-seven complaints compared to forty-nine enquiries and complaints for Derbyshire in 2012-13 which represented a 57% increase. The Director of Legal Services, on behalf of the

Chief Executive, had responded to the LGO in connection with the Annual Letter and statistics, details of which were presented.

RESOLVED to (1) note the key issues relating to the Complaints Procedure, the monitoring of complaints and changes to service as a result of the complaints received;

(2) encourage the collection of democratic data relating to complaints wherever possible;

(3) consider the involvement of Legal Services at an early stage of LGO related complaints if the client department foresaw any particular problem;

(4) use the information contained within the report to support key process and service improvements within departments; and

(5) receive a report on the progress and developments on complaints and compliments following the end of the 2014-15 monitoring period.

411/14 DERBYSHIRE CLIMATE CHANGE CHARTER (Strategic Policy, Economic Development and Budget) The Chief Executive sought approval to formally adopt the Derbyshire Climate Change Charter 2014-2019, a copy of which was attached at Appendix 1 to the report. The Charter had been developed following an extensive consultation programme, and it linked directly to the Council Plan and all climate change and environmental protection related policies would link to the Charter. It would be monitored and updated regularly as the climate change agenda moved forward, with a five year refresh schedule.

RESOLVED to formally adopt the Derbyshire Climate Change Charter 2014-2019.

412/14 BUDGET MONITORING 2014-15 (AT 31 AUGUST 2014) (Strategic Policy, Economic Development and Budget) The Director of Finance updated Cabinet on the latest budget monitoring position for 2014-15 as at 31 August 2014.

The report summarised the controllable budget position by department with the Council's three largest service areas, Adult Care, Children and Younger Adults and Jobs, Economy and Transport all showing overspends, particularly Adult Care, where there were increased demands for services.

RESOLVED to note the 2014-15 budget monitoring position as at 31 August 2014.

413/14 CAPITAL BUDGET MONITORING TO MONTH 5 2014-15

(Strategic Policy, Economic Development and Budget) The Director of Finance informed Cabinet of the latest budget monitoring position for open capital schemes reflecting those schemes that were currently underway and which had previous Cabinet approval. The report also included new schemes which were considered additions to the approved Capital Programme, and for which separate Cabinet approval had been sought.

The current budget was approximately £560m; with the latest monitoring showing a forecast overspend over the life of the projects of £0.381m. The position statement was attached at Appendix 1 to the report.

RESOLVED to note the current position on the monitoring of capital schemes.

414/14 INTEGRATED COMMISSIONING OF DOMESTIC ABUSE

SERVICES (Health and Communities) Cabinet considered a joint report of the Strategic Director – Health and Communities, the Strategic Director – Adult Care and the Strategic Director – Children and Younger Adults which sought approval for a revised structure to enable the Council Plan priority for a joint strategic approach and better integration of domestic abuse services to be delivered.

The County Council currently funded approximately £1.6m of domestic abuse services each year and these services were largely provided by the voluntary sector to support females, males and children experiencing domestic abuse, either as a victim or as a perpetrator. At present these services were commissioned by three departments within the County Council: Adult Care, Health and Communities and Children and Younger Adults, further details of which were presented.

It was proposed that the County Council commission domestic abuse services via a single commissioning process led by a single department from one pooled budget. In determining future governance and operational arrangements it was noted that;

- Strategically, Health and Communities leads on domestic abuse, with the Head of Community Safety chairing the Derbyshire Domestic Abuse and Sexual Violence Governance Board and leading on the annual joint threat and risk process;
- Health and Communities was now the biggest funding department, contributing 82% of the total budget, as the Public Health ring-fenced budget was supporting approximately 71% of the available budget and the Community Safety budget funded approximately 11%;

PUBLIC

- Adult Care funding for Housing Related Support and medium risk outreach services would cease as this was now being supported by the Public Health ring-fenced budget;
- Adult Care was providing £35k from the Second Homes budget to support the High Peak Women's Aid Refuge for young women and girls;
- Children and Younger Adults funding accounted for 17% of the total available budget; and
- Operationally, Adult Care currently led on domestic abuse via the Service Manager for Domestic Abuse, though this role was integrated with the Community Safety Team and wider partnership arrangements.

In summary, of the three departments involved, the Health and Communities Department lead the Governance Board, oversees the development of the Strategy and provided the majority of funding. It would therefore be appropriate for the Health and Communities Department to lead and be accountable for the integrated commissioning process and a single pooled budget.

At an operational level, it was proposed that the Service Manager for Domestic Abuse becomes a lead commissioner for all domestic abuse services given her current role and expertise. The post would transfer to the Health and Communities Department and would continue to be based within the Safer Derbyshire Partnership, reporting directly to the Head of Community Safety.

The £1.6m budget would be pooled and would be utilised to continue to fund existing contracts in place until 31 March 2016. Financial efficiencies arising from the single commissioning process would be relatively small, but the proposed change would lead to a more streamlined process for both commissioners and providers and more effective service provision. Relevant budgets would transfer to the Health and Communities Department (Community Safety).

RESOLVED to endorse (1) the proposed move to a single department lead for commissioning domestic abuse services in the Health and Communities Department (Community Safety Team);

(2) a pooled County Council budget for domestic abuse services to be overseen by the Head of Community Safety; and

(3) the formal transfer of the Service Manager for Domestic Abuse post from Adult Care to the Community Safety Team, together with the salary, on-costs and £11,450 contingency budget attached to the post.

415/14 OUT OF AREA SEXUAL HEALTH SERVICES (Health and Communities) The Director of Public Health sought approval of a proposed approach to invoicing for out of area sexual health services from April 2015. Local Authorities were responsible for the payment of sexual health services for their residents, regardless of where in England they choose to seek a service. The Council was therefore limited in the extent to which it could control either the volume or where the services were provided. It was also resource intensive for the Council to monitor and manage. National guidance outlined key principles to charge for out of area sexual health activity and was available to support local authority and providers. The Council would pay in accordance with the guidance, where it was reasonable to do so.

However, it was proposed that the Council would deviate from the national guidance, where the charges being applied by an out of area provider were, in the view of the Council, unreasonably high or do not otherwise provide value for money. In such circumstances, it was proposed that the Council would implement its own terms and conditions for the payment of such services and payments would only be made where a provider could demonstrate they had supplied an appropriate sexual health service to a Derbyshire resident, and an invoice was received together with supporting backing data. It was proposed to publish the Council's payment terms on the Council website and confirm this approach to all sexual health service providers and commissioners for England.

The annual budget paid for out of area sexual health activity delivered to Derbyshire residents was £1.6m and it was proposed a service level agreement be agreed wherever possible, where the annual volume of out of area sexual health services delivered by a single provider was likely to exceed £20,000.

RESOLVED to approve the proposed approach to out of area invoicing for sexual health activity from April 2015.

416/14 RESPONSE TO THE CONSULTATION ON THE PROPOSED CLOSURE AND TRANSFER OF ADULT CARE SERVICES AT UNDERHALL RESOURCE CENTRE TO MEADOW VIEW SPECIALIST COMMUNITY CARE CENTRE (Adult Social Care) The Acting Strategic Director – Adult Care updated Cabinet on the outcome of the consultation on the proposed closure of Adult Care Services currently provided at Underhall Resource Centre, Darley Dale, and their proposed transfer to Meadow View Community Care Centre, Darley Dale.

Consultation on the proposed transfer of the Underhall Resource Centre ran for a six week period from 30 June 2014 to 11 August 2014, and involved clients, family carers and staff as detailed at Appendix 3 to the report. The report also detailed a summary of what people said and the overall impression

and actions arising from the consultation. Details of actions required in order to mitigate the potential indirect adverse impact on Dales Housing tenants relating to the closure of Underhall were presented in the report. A copy of the Equality Impact Analysis was attached at Appendix 2 to the report and Cabinet Members confirmed that they had read this document.

RESOLVED to (1) note the consideration of the consultation on the future of the Underhall Resource Centre and the Equality Impact Analysis;

(2) approve the closure of the Adult Care services currently provided at Underhall Resource Centre and transfer them to Meadow View and to declare the Underhall property surplus to the requirements of the Adult Care Department and notice to be given to Dales Housing to terminate the rental agreement; and

(3) approve formal consultation with staff and trade unions at the Underhall Resource Centre.

417/14 RESPONSE TO THE CONSULTATION ON THE PROPOSED CLOSURE OF DAY CARE SERVICES FOR OLDER PEOPLE AT AMBERVALE RESOURCE CENTRE, RIPLEY, AND THEIR RELOCATION TO FLORENCE SHIPLEY SPECIALIST COMMUNITY CARE CENTRE, HEANOR (Adult Social Care) The Acting Strategic Director – Adult Care updated Cabinet on the outcome of the consultation on the proposed closure of day services for older people at Ambervale Resource Centre, Ripley and their proposed relocation to Florence Shipley Specialist Community Care Centre, Heanor, and the potential impact on other groups using the venue at other times.

A period of consultation on the proposal had taken place between 24 June 2014 and 5 August 2014. Full details of the consultation and its outcomes were presented at Appendix 2 to the report. The report summarised the responses arising from the consultation, the potential adverse impact and the proposed actions taken in mitigation to address the issues and concerns which had been raised during the consultation exercise and the Equality Impact Analysis. A copy of the Equality Impact Analysis was attached at Appendix 1 to the report and Cabinet Members confirmed that they had read this document.

RESOLVED to (1) note the outcome of the consultation on the future of the Ambervale Resource Centre and the Equality Impact Analysis;

(2) approve the closure of day services for older people at Ambervale Resource Centre, Ripley and their relocation to Florence Shipley Community Care Centre, Heanor; and

(3) approve formal consultation with the staff and trade unions at Ambervale Resource Centre.

418/14 SECTOR LED IMPROVEMENT PEER REVIEW OF ADULT CARE JULY 2014 (Adult Social Care) The Acting Strategic Director – Adult Care reported on the Local Government Association peer review of Adult Care which had taken place in July 2014. The review process was designed to be a constructive external challenge to the particular department being reviewed and not a formal inspection of performance. The approach was characterised as that of a critical friend which examined service arrangements and challenged the review department to consider whether those arrangements were the most effective way to deliver progress towards achieving stated objectives.

The two subjects chosen for review were Adult Safeguarding, including the Mental Capacity Act and Deprivation of Liberty Standards, and Admissions to Residential and Nursing Homes. The report summarised the findings of these two subject areas and the review team made a number of observations and suggestions and a timetable for completing these actions in response to the review was attached at Appendix 1 to the report.

RESOLVED to note the report.

419/14 POOLED BUDGET FOR CHILDREN WITH COMPLEX NEEDS (Children and Young People) The Strategic Director – Children and Younger Adults sought approval for a further extension to the formal partnership agreement and pooled budget arrangement between the County Council's Children and Younger Adults and Adult Care Departments and the four Derbyshire Clinical Commissioning Groups (CCGs) to provide and fund support packages for children and young people with complex needs.

The formal existing 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 Young Adults Department's monthly Complex Needs Panel. Approval of a further extension until 30 September 2015 to the arrangements would ensure consistency and efficiency in the current process.

The Authority's original intention following the introduction of the new Education, Health and Care Plans, was for new arrangements to be in place by 30 September 2014. Initial systems and processes were now in place however, further time was needed to consider further longer-term arrangements regarding joint commissioning and complex cases. Agreement to further extend the pooled budget arrangement would allow the initial systems and processes associated with the introduction of the new plans time to embed. Evidence of completed plans could then be considered in detail in

relation to annual reviews of this pooled budget arrangement. Agreement in principle had been obtained from the Derbyshire CCGs for the formal agreement and pooled budget arrangement to be extended until September 2015. Should the revised long-term arrangements be finalised prior to September 2015 however, this current arrangement would cease.

RESOLVED to approve the extension of the pooled budget arrangement and formal partnership agreement with the four CCGs until 30 September 2015.

420/14 APPROVAL TO ADOPT THE DERBYSHIRE AND DERBY JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY (Highway, Transport and Infrastructure) The Strategic Director – Economy, Transport and Environment sought Cabinet approval for the adoption of the Derbyshire and Derby Joint Municipal Waste Management Strategy which followed extensive public, partner and stakeholder consultations.

RESOLVED to (1) approve the adoption of the Derbyshire and Derby Joint Municipal Waste Management Strategy “Dealing with Derbyshire’s Waste” and the County Council’s Waste Action Plan; and

(2) note and welcome the proposed endorsement and adoption of the Strategy and their respective Waste Action Plans by Derby City Council and the eight district/borough councils in Derbyshire.

421/14 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 the exempt minutes of the meeting of Cabinet held on 4 November 2014.
2. Receipt of the exempt minutes of Cabinet Member meetings as follows:
 - (a) Children and Young People – 4 November 2014
 - (b) Council Services – 10 November 2014
 - (c) Jobs, Economy and Transport – 11 November 2014
3. Consideration of the report of the Strategic Director – Corporate Resources on Investment Market Data and Analysis Systems (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 Director of Public Health on the Provision of the Tier 2 Alcohol Service (Health and Communities) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
5. Consideration of the report of the Director of Public Health on the Re-procurement of Inpatient Detoxification Service (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 the Strategic Director – Economy, Transport and Environment on the Appointment of Civil Parking Enforcement Contractor (Highways, Transport and Infrastructure) (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 Strategic Director – Economy Transport and Environment on the Long-term Waste Management Contract – Contract Resources (Highways, Transport and Infrastructure) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).