

MINUTES of a meeting of **CABINET** held on 7 December 2017 at County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors A Dale, A Foster, C A Hart, T King, S A Spencer and J Wharmby

Declaration of Interest

Councillor C A Hart declared a personal interest in agenda item 6f – Derby County FC Community Trust; Active Choices as a member of the Derby County Community Trust Board.

351/17 MINORITY GROUP LEADERS' QUESTIONS

There were no Minority Group Leaders' questions.

352/17 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 16 November 2017 be confirmed as a correct record and signed by the Chairman.

353/17 CABINET MEMBER MEETINGS – MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Young People – 7 November 2017
- (b) Adult Care – 9 November 2017
- (c) Council Services – 25 April 2017
- (d) Highways, Transport and Infrastructure – 16 November 2017
- (e) Strategic Leadership, Culture and Tourism – 16 November 2017

354/17 DERBYSHIRE AND DERBY CITY SCHOOLS LIBRARY SERVICE

(Strategic Leadership, Culture and Tourism) The Strategic Director – Commissioning, Communities and Policy sought approval to undertake a six week consultation on a proposal to potentially close the Derbyshire and Derby City Schools Library Service. The Service was provided as part of a long-standing joint arrangement between the County Council and Derby City Council and it provided support and resources to schools and educational providers in Derbyshire and Derby City on the basis of full cost recovery.

The use of the Service by schools had been declining over a number of years and the Service had attempted to address the on-going decline by raising the profile of the Service, developing new services and widening its customer base. The decline in use by schools had had a major impact on the ability to generate additional income and over the past nine years its income from loans and services had reduced by approximately 43%, further details of which were presented. The situation in

Derbyshire was not unusual and in recent years a number of services had closed in other authorities.

As there were no alternative sources of funding for the Service, and, given the budgetary pressures it was under, it was proposed to undertake a consultation exercise with schools and other educational providers over its potential closure. The consultation would need to be conducted across Derbyshire and Derby City simultaneously and further details of the proposed consultation exercise were presented in the report. The feedback received would be analysed as to the proposed closure and the consultation and the Equality Impact Analysis would help identify effected individuals and stakeholders to explore issues in more detail, potential impact, scope for refinement and opportunities for mitigation of impact etc. If alternative proposals arose as part of the consultation process, they would also be considered as part of the analysis.

RESOLVED to approve (1) a six week consultation from 1 January 2018 – 11 February 2018 on a proposal to potentially close the Derbyshire and Derby City Schools' Library Service; and

(2) that the results of the consultation and the Equality Impact Analysis be presented to a future meeting of Cabinet prior to any decision being made as to the potential closure of the service.

355/17 ESTABLISHMENT OF THE COMMISSIONING, COMMUNITIES AND POLICY DEPARTMENT SENIOR MANAGEMENT STRUCTURE (Council Services)
The Strategic Director, Commissioning, Communities and Policy sought approval for the establishment for the Commissioning, Communities and Policy Department senior management structure.

At the Council meeting on 26 July 2017, the senior management restructure was approved and as a consequence, a new department for Commissioning, Communities and Policy was created, led by a new Strategic Director post. This role took responsibility for the former Corporate Resources Department, the Chief Executive's Office and for Libraries, Heritage, Arts, Community Safety and Trading Standard's Services. A new Strategic Director, Commissioning, Communities and Policy had taken up post on 25 September 2017 and, over a period of weeks, the functions set out above transferred to the new department.

It was necessary to establish a new senior management structure for the new Department to rationalise the number of direct reports to the Strategic Director, which was currently eleven. Consideration had been given to all posts in combined structures and existing responsibilities had been taken into account. It was proposed that some of the transferred functions report to Director positions rather than the Strategic Director. Subject to approval, the new structure, a copy of which was attached at Appendix 2 to the report, would take effect from 1 January 2018.

The Director of Finance and ICT and the Director of Property Services posts would be part of a new senior management structure with no changes to existing portfolios and responsibilities.

It was proposed to add additional responsibilities to the following posts which would also be part of the new senior management team.

- Director of Legal Services – In addition to existing responsibilities, this post would also take responsibility for the secretariat functions across the Council.
- Service Director Communities – In addition to existing responsibilities, this post would also take on the responsibility for Trading Standards. The post would also be redesignated as Director of Community Services
- The temporary role of Senior HR Service Partner would be replaced by a new post of Director of Organisation Development and Policy and, in addition to the existing responsibilities of the temporary position, this post would also be the strategic lead for HR and manage the Policy and Performance function, the Communications Team and Call Derbyshire.

Further consideration would be given to whether structures beneath the senior management team roles required adjustment and any proposed changes would be subject to a further report to Cabinet.

RESOLVED to approve (1) the new senior management structure for the Commissioning, Communities and Policy Department and;

(2) the establishment of the post of Director of Organisation Development Policy.

356/17 VALUE FOR MONEY BOARD (Council Services) The Strategic Director – Commissioning, Communities and Policy informed Cabinet of progress and the approach being taken to establish (VfM) Board for the purposes of reviewing Council contracts.

The primary function of the proposed VfM Board was to ensure the Council was receiving value for money from its contracts and in undertaking this role, the Board would support the Council to achieve its strategic priorities on behalf of the citizens of Derbyshire. The draft terms of reference which define the purpose, remit objectives and proposed membership of the Council VfM Board were attached at Appendix 1 to the report.

As part of establishing a Board, it was proposed to form a small officer working group consisting of departmental procurement practitioners and key specialists to progress the proposals outlined in the draft terms of reference. Final proposals and practicalities would be the subject of a further report to Cabinet. It was hoped to schedule an initial VfM Board during the early part of the 2018 -19 financial year.

RESOLVED to note the progress and approach being taken to establish a Council VfM board.

357/17 HIGHWAY WORKS AGREEMENT – A61 NORTHERN ROUNDABOUT, THE AVENUE, WINGERWORTH (Highways, Transport and Infrastructure) The Strategic Director Economy, Transport and Environment sought approval to waive the financial bond supporting a Highway Works Agreement for the new roundabout on the A61 at Wingerworth.

As part of the major remediation and regeneration project at the former Avenue Coking Plant, the Homes and Communities Agency (HCA) had obtained planning permission for and constructed a new roundabout junction and access on the A61. Having paid the County Council an inspection fee and started works on site, the project was now complete and had been inspected by the Highway Authority's Officers. Under normal circumstances, the Council required any highway adoption Agreement with a developer to be supported by financial security in the form of a bond. The Authority would call upon this bond to complete the highway works if the developer failed to do so but in this case, the highway works had been in place for many months and were all completed to the Highway Authority's satisfaction.

Whilst the Council could pursue the developer to Court for working in the highway without agreement or security, the outcome of this action would be uncertain. As a Government Agency, the HCA continued to be willing to enter into the adoption agreement retrospectively, but had asked if the need for a bond could be waived due to problems with financing the bond and because the works were now complete.

It would be preferable for the developer to complete the process under a highway works agreement, but in order to achieve this, the Council might have to be willing to be flexible about requiring financial security. If for any reason the developer failed to enter into an agreement or complete the works, the Council would be no worse off than it was at present and could still pursue enforcement action if it chose. In view of the fact that the works were completed to such an advanced stage and had been for a considerable period, it was proposed that once the Agreement was signed and sealed and the final remedial works completed, the works would be adopted forthwith.

RESOLVED to (1) note the intention to enter into a Section 278/38 Agreement for the highway works for a new roundabout on the A61 at Wingerworth; and

(2) approve the proposal that, in this case, the developer be exempt from having to lodge financial security to cover the cost of highway improvement works, subject to the content of the Agreements being as detailed in the report.

358/17 HIGHWAYS AND TRANSPORT CAPITAL PROGRAMME 2018-19 (Highways, Transport and Infrastructure) The Strategic Director – Economy, Transport and Environment sought approval to undertake early design and preparatory work for the Highways and Transport Capital Programme 2018-19, enabling the publication of notices, applications for permits to work, or a longer lead-in period for preparation and design; to add a specified scheme to the programme; and, in principle, accept grant funding contribution.

In order to ensure the efficient delivery of the 2018-19 Capital Programme, it was recommended that some preparatory work be undertaken between December 2017- and the end of March 2018 for the schemes detailed at Appendix 1 to the report.

At its meeting on 16 November 2017, Cabinet considered a report preparing the procurement of a contractor to deliver an improvement scheme for the A61 Whittington Moor roundabout in Chesterfield. The total budget for the scheme was £4.486m, comprising £3.24m of grant from the D2N2 Local Enterprise Partnership and a local contribution of £1.62m. Both budgets were yet to be confirmed through receipt of a final cost estimate and completion of standard business case procedures. Subject to these being satisfactory, the scheme would need to be confirmed as part of the 2018-19 Economy, Transport and Environment Department's Service Plan but in the interim, Cabinet was requested to add the scheme to the 2017-18 Capital Programme, approve the carrying out of preparatory work to enable a timely start to construction and, in principle, to accept the D2N2 grant.

RESOLVED to agree (1) preparatory work, including design and publication of notices and applications for permits to work, be undertaken on a number of potential schemes as detailed at Appendix 1 to the report, in advance of the 2018-19 Economy, Transport and Environmental Departmental Service Plan;

(2) to add the A61 Whittington Moor roundabout improvements to the 2017-18 Capital Programme; and

(3) in principle, to accept a grant of £3.24m from the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership.

359/17 DERBY COUNTY FC COMMUNITY TRUST: ACTIVE CHOICES (Health and Communities) The Director of Public Health sought approval to allocate a grant of £47,736 to Derby County Football Club Community Trust to provide a twelve month sport and exercise substance misuse recovery activity programme entitled "Active Choices" in the Derbyshire localities of South Derbyshire, Amber Valley and Erewash.

The Authority had previously awarded grant funding to Chesterfield Football Club Community Trust to deliver a sport based recovery programme in the Chesterfield and North East Derbyshire area over the last three years. This project had successfully engaged substance misusing residents in these localities and achieved positive results around maintaining abstinence, building confidence and self-esteem and forming positive habits. Alongside these benefits, the project delivered further support to participants by focussing on smoking reduction and cessation, weight change and improvements in their nutrition and diet.

Following the success of the programme at Chesterfield, the Team had sought to deliver a similar offer to other areas in Derbyshire and had subsequently explored the possibility of working with Derby County Community Trust to offer sport and exercise

sessions in localities with reduced provision namely, South Derbyshire, Amber Valley and Erewash.

In 2013, a Section 256 agreement was brokered between Derbyshire Primary Care Trust and Derbyshire County Council in order to carry forward a historic underspend of £47,736 on treatment services accumulated since 2010-11. Prioritisation was given to investment in peer-led recovery services in Derbyshire; localism and supporting the voluntary sector; outcomes which added value to mainstream treatment service provision; and identified areas of currently unmet need and/or inequality in provision of access. The proposed activity would meet all of these priority areas.

It was proposed that the Trust would offer five sports sessions a week across the three localities, with the target of engaging seventy-six individuals over a one-year period, further details of which were presented.

RESOLVED to approve the allocation of £47,736 as a grant from Section 256 funds to allow the Derby County Football Club Community Trust to run a twelve month “Active Choices” project in Derbyshire.

360/17 THE DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2017: PROTECTING THE HEALTH OF DERBYSHIRE (Health and Communities) Cabinet were informed of the publication of the Director of Public Health’s Annual Report for 2017 entitled “Protecting of the Health of Derbyshire”. A copy of the annual report was attached at Appendix 1 to the report.

RESOLVED to note the production of the Director of Public Health’s Annual Report for 2017 and the recommendations contained within.

361/17 PAYMENTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS 2018-19 (Adult Care) The Strategic Director – Adult Care sought approval to extend payments to Voluntary and Community Sector (VCS) organisations for a twelve month period from 1 April 2018 – 31 March 2019, whilst future investment in the sector was considered by the Council.

To date, the Council’s investment in over forty VCS services and 110 local voluntary groups had been maintained despite the savings that had been made elsewhere in the Adult Care budget. For 2018-19, it was proposed to keep funding at the same level for each organisation as agreed at 2017-18, further details of which were presented. All proposed allocations were based on funding agreed in respect of the 2017-18 year of £1.359m which would be met from the appropriate Adult Care budgets.

RESOLVED to approve the proposed allocation of £1.359m to VCS organisations for 2018-19, as detailed at Appendix 1 to the report and the allocation of smaller grants to 110 luncheon clubs, old people clubs and clubs for disabled people.

362/17 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. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meeting of Cabinet held on 16 November 2017.
3. To receive the Exempt Minutes of Cabinet Member meetings – this item was withdrawn.
4. To consider Exempt Reports as follows:
 - (a) Report of the Strategic Director – Commissioning, Communities and Policy on the Procedure for the Disposal of Land to Derbyshire Developments Limited (Council Services) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
 - (b) Report of the Strategic Director - Commissioning, Communities and Policy on Replacement Fire Alarms in Residential Homes (Council Services) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
 - (c) Report of the Strategic Director - Commissioning, Communities and Policy on the Supply of Softwood, Hardwood and Sheet Material Timbers – Contract Award (Council Services) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
 - (a) Report of the Strategic Director – Commissioning, Communities and Policy on the Supply of Building and Plumbing Materials for Emergency/ Unforeseen Requirements – Award of Framework Contract (Council Services) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
 - (b) Report of the Strategic Director – Economy, Transport and Environment on the Award of 2016-2017 Local Transport Plan Capital Scheme Contract – A6 Chapel-en-le-Frith Bypass – Replacement of Bridge Expansion Joints (Highways, Transport and Infrastructure) (Contains information relating to

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

- (c) Report of the Strategic Director – Economy, Transport and Environment on the Supply of Lamps for Street Lighting (Highways, Transport and Infrastructure) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (d) Report of the Strategic Director – Economy, Transport and Environment on the Provision of Highways Tipping Facilities (Highways, Transport and Infrastructure) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (e) Report of the Strategic Director – Economy, Transport and Environment on the Proposed Restructure of the Passenger Transport Service (Highways, Transport and Infrastructure) (Contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority).
- (f) Report of the Director of Public Health on a Request for Market Supplement for Senior Public Health Specialist Posts (Health and Communities) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (g) Report of the Director of Finance and ICT on Arrangements for the Provision of Administration of Investment Advice to the Pension Fund (Council Services) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).