

MINUTES of a meeting of **CABINET** held on 26 October 2017 at County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors A Dale, A Foster, S Spencer and J Wharmby.

Also in attendance Councillor A Western.

Apologies for absence were received on behalf of Councillors C A Hart and T King.

296/17 MINORITY GROUP LEADERS' QUESTIONS

There were no Minority Group Leaders' questions.

297/17 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 5 October 2017 be confirmed as a correct record and signed by the Chairman.

298/17 CABINET MEMBER MEETINGS – MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Health and Communities – 7 September 2017
- (b) Adult Care – 28 September 2017
- (c) Economic Development and Regeneration – 29 September 2017
- (d) Young People – 3 October 2017
- (e) Council Services – 5 October 2017
- (f) Highways, Transport and Infrastructure – 5 October 2017
- (g) Strategic Leadership, Culture and Tourism – 5 October 2017

299/17 CORPORATE PARENTING COMMITTEE - MINUTES
RESOLVED to receive the non-exempt minutes of the Corporate Parenting Committee held on 12 September 2017.

300/17 PREPARATION OF BUDGET 2018–19 (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT sought approval for the proposed timetable for the Council's 2018-19 budget preparation and procedures and the associated consultation arrangements.

The production of the Council's budget was undertaken in accordance with the Council's Constitution which required that a timetable would be published by Cabinet for making proposals to the full Council in relation to the Annual Revenue Budget, along with arrangements for consultation with

stakeholders which should be for a period of not less than six weeks. A copy of the proposed timetable was attached at Appendix 1 to the report.

A key element of the Council's budget setting process was consultation with stakeholders and details of proposed consultation activities were presented in the report.

The Council's Budget 2017-18 and Five Year Financial Plan (FYFP) had been updated during 2017-18 and a report was presented to Cabinet on 20 July 2017. The FYFP would be updated again as part of the budget set in process to reflect the Government's Autumn Budget and the Provision of Local Government Finance Settlement, which were expected to be announced in November and December 2017 respectively.

The Council had in place a Reserves Policy which set out the framework within which decisions would be made regarding the level of reserves. In line with this framework, the balance and level of reserves over the medium-term were regularly monitored to ensure they were adequate to manage the risk of the Council. This covered both the General and Earmarked Reserves. A review of the reserves position was reported to Cabinet on 24 January 2017 and further review of Earmarked Reserves had been undertaken and reported to Cabinet on 26 October 2017.

RESOLVED to (a) approve the timetable for completion of the 2018-19 budget, including the arrangements for consultation with stakeholders;

(b) note the proposals for reviewing updating the FYFP; and

(c) note the arrangements for reviewing Earmarked Reserves and updating the General Reserve projections.

301/17 RESERVES POSITION (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT reported on the current and forecast positions for both General and Earmarked Reserves and to approve the Reserves Policy.

The Council's General Reserve position was reported to Cabinet on 20 July 2017 as part of the Revised Budget Report 2017-18. The level of General Reserve was projected to be between around £25m to £30m over the medium-term.

Earmarked Reserves were a means of smoothing expenditure to meet known or predicted liabilities and funds should be used for the item for which they have been set aside. Any funds no longer required should be transferred to the General Reserve. Earmarked Reserves totalling £202.51m were held at 1 April 2017. Of this total, £80.774m (40%) was available to support future

spending. Details of the balances were categorised in accordance with the Reserves Policy and details of the Earmarked Reserves with a balance in excess of £5m were presented in the report.

The Council's Earmarked Reserves balance was reviewed during the summer of 2017. Departments had agreed to release £10.856m which could be utilised to fund Council priorities and support the Council in achieving a balanced budget over the medium-term. This amount would be held in an Earmarked Reserve and allocated accordingly as initiatives were developed, subject to further reports to Cabinet.

Members noted details of two further items which were likely to release further balances, in addition to the £10.856m. These balances would be returned to the Earmarked Reserve to support Council priorities subject to further reports to Cabinet. Firstly, the announcement of Improved Better Care Fund allocations would allow the Adult Care portfolio to utilise the allocation to support the costs of the National Living Wage in 2017-18. This would release one-off resources of £6.467m General Reserves.

Secondly, the Council was a member of the Derbyshire Business Rates Pool which provided additional income over and above the business rates income that the Council received through the Local Government Finance Settlement. In 2017-18, the additional income was estimated to be approximately £1m, however this would not be confirmed until the end of the financial year and was dependent upon the level of business rates income collected locally, which could be volatile.

RESOLVED to (a) note the current position on Earmarked Reserves;

(b) note the details of the balances to be released from Earmarked Reserve balances;

(c) approve the allocation of £10.856m to the Council Priorities Earmarked Reserve; and

(d) note the details of the additional sums from Adult Care and the Derbyshire Business Rates Pool which would be released later in the financial year.

302/17 PROPOSED CHANGES TO OPENING HOURS AT BUXTON MUSEUM AND ART GALLERY (Strategic Leadership, Culture and Tourism)
The Strategic Director – Economy, Transport and Communities reported on the outcome of public consultation about proposed changes to opening hours at Buxton Museum and Art Gallery (BMAG) and sought approval to introduce revised opening hours with effect from 2 January 2018.

At its meeting on 14 March 2017, Cabinet agreed to undertake a six week public consultation on proposals for reduced opening hours at BMAG to help realise savings of up to £30k. As well as a modest reduction in opening hours during the week, the proposed new opening hours retained Sunday and Bank Holiday opening from Easter until the end of September, but reduced the number of hours by opening from 12.00pm to 4.00pm. The proposed hours, detailed in the table below, reflected current levels of use at BMAG and had been identified as the best way of maximising physical access to collections within the available resources.

Proposed Opening Hours	
Monday	Closed
Tuesday	10.00am to 5.00pm
Wednesday	10.00am to 5.00pm
Thursday	10.00am to 5.00pm
Friday	10.00am to 5.00pm
Saturday	10.00am to 5.00pm

An Equality Impact Analysis had been undertaken in parallel with the consultation and engagement process and the results were detailed at Appendix 1 to the report.

RESOLVED to (a) approve the change in opening hours at BMAG to Tuesday – Saturday, 10am – 5pm and Sundays from Easter to the end of September and Bank Holidays from 12.00pm – 4.00pm; and

(b) agree that a report be presented to a future meeting with proposals for revised staffing structure at the BMAG.

303/17 IMPLEMENTATION OF THE MARKETS IN FINANCIAL INSTRUMENT DIRECTIVE (MiFID II) (Council Services) The Director of Finance and ICT outlined the impact of the implementation of the MiFID II and in particular the risk to the Authority being classified as a retail client from 3 January 2018 and recommended that Cabinet agree that elections for a professional client status should be made on behalf of the authority, further details of which were presented.

RESOLVED to (a) note the potential impact on investment strategy of becoming a retail client with effect from 3 January 2018;

(b) agree to the immediate commencement of applications for elected professional client status with all relevant institutions in order to ensure it could continue to implement an effective investment strategy;

(c) in electing for professional client status, acknowledge and agree to forego the protections available to retail clients; and

(d) agree to approve delegated responsibility to the Director of Finance and ICT for the purposes of completing the applications and determine the basis of the application as either full or single service.

304/17 REVISED EMPLOYMENT PROCEDURES (Council Services)
The Strategic Director – Commissioning, Communities and Policy sought approval to revised employment procedures.

In respect of the Grievance Procedure, unfortunately, collective agreement with the trade unions had not been achieved in relation to the revised procedure, as it did not provide for a separate “collective grievance provision” which would allow trade union representatives to submit a collective grievance on behalf of their members, as opposed to the Council’s current requirement that employees themselves submit a grievance. The Grievance Procedure did not preclude a group of employees raising a group grievance and the trade unions were able to raise matters of concern through the Council’s collective negotiation and consultation procedures.

The revised Grievance Procedure, a copy of which was attached as an Appendix to the report, was supplemented by detailed manager guidance to assist implementation which had also been revised and agreed with stakeholders.

Following consultation with Members, the trade unions had withdrawn their agreement to the revised Attendance Management and Ill Health Capability Procedure which had previously been submitted to the Corporate Management Team and Cabinet, on the basis of having collective agreements. Amendments requested by the trade unions, details of which were presented in the report, had been discussed in the appropriate joint work stream meetings. The trade unions had been advised that pay related issues could not be considered until there was clarity as to the revised pay and grading structure and that the manager’s duty of care and responsibilities to support employees related as much to disabled employees as other employees, and, as such, the provisions of the Attendance Management Procedure should be fully implemented. Managers should, and do, take account of employees’ disabilities and consider the use of reasonable adjustments as appropriate and as required by the procedure.

RESOLVED to approve the progression of revised employment procedures as detailed in the report.

305/17 ESTATE MANAGEMENT CONSULTANCY – FRAMEWORK
(Council Services) The Strategic Director, Commissioning, Communities and

Policy sought approval, under Protocol 2 of the Council's Financial Regulations, to utilise Eastern Shires Procurement Office (ESPO) Framework for a Estate Management Consultancy Services relating to the use, management, acquisition, disposal and development of land and property to augment existing services provided by the Council's in-house Estates Team.

The Estates Team within Corporate Property had recently experienced a significant reduction in staff numbers due to a combination of the effects of Corporate Property restructure in April 2015, officers leaving for other positions or retiring. Attempts to recruit had delivered a mixed response and efforts were on-going to fill vacancies where they existed, there was a clear indication of a skill shortage across the estates management profession and further restraints imposed by salaries below the market norm exacerbated the situation.

Furthermore, key areas of the estates management had recently experienced a requirement for extra resources to assist the Council deliver its responsibilities, including the preparation of fixed asset valuations for financial accounting purposes, market valuations and disposal of the Council's surplus properties of Derbyshire Developments Limited and commercial sales and lettings of other surplus properties on the open market to generate a capital receipt or revenue income through lettings.

Estate management consultancy for some of these areas, for example fixed asset valuations, were "specialist" areas and the input required to augment the existing in-house team was required over peak periods rather than an on-going requirement. A permanent established extra resource was not, therefore, always the best way to fill these gaps in the in-house service, even if resources were approved and available. Flexibility of provision would be beneficial to the existing team and overall service, and where agency workers would often be utilised for these purposes, increasingly sourcing such professional services was proving challenging.

Available frameworks had been reviewed for suitability including the ESPO and Crown Commercial Services Frameworks. The ESPO Framework alone provided a number of lots in relation to specific types of Estate Management Services and had a specific lot fixed on this asset valuation. It was important for the Council to be assured that external suppliers understood the specialism required of these services and having competitively pre-qualified and tendered for specific lots provided the Council with some assurance of this. The ESPO Estate Management Consultancy Services Frameworks was divided into a number of lots, further details of which were presented. The Framework had been established by local government specifically for local government users and it was compliant with UK/EU procurement legislation and suppliers listed on the Framework had already pre-qualified for their financial stability, track record, experience and technical

and professional ability. The Framework provided the Council with a large number of supplies in each lot, including SMEs, and it was intended that a mini competition would be run with suppliers in each specific lot to ensure value for money and quality of provision was achieved. A single supplier for each lot would be awarded the contract for two years with the option of extending for a further two years.

RESOLVED to approve the use of the ESPO Framework Estate Management Consultancy Services (Ref: 2700/15) for a period of two years from January 2018 to January 2020, with the option to further extend to 2022.

306/17 ACCEPTANCE OF GRANT AWARDS (Council Services) The Strategic Director - Commissioning Communities and Policy sought approval to accept grant awards totalling £0.602m on behalf of Nottinghamshire and Derbyshire Local Authorities Energy Partnership (LAEP) to provide domestic energy efficiency improvements to low income residents with long-term health conditions.

The LAEP was currently delivering the “Derbyshire Healthy Home Programme” across the County on behalf of Public Health and supporting the “Nottinghamshire Warm Homes on Prescription Programme”, a similar scheme being delivered by district councils. Both projects assisted vulnerable residents with long-term health conditions who struggled to afford to keep their homes warm in winter. The projects installed new central heating systems and insulation in the homes of these residents to reduce central heating systems and installation in the homes of these residents to reduce the risk of the cold affecting their health, enabling them to live independently for longer in their own homes and reducing the cost to the NHS and Adult Social Care.

In September 2017, the LAEP bid for two new sources of funding to support its affordable warm projects. An application had been made for £0.427m from the Warm Homes Fund (a National Grid fund) to install gas central heating systems in 140 properties in Derbyshire which currently used coal or electric heating or had no central heating systems. The closing date for applications was 8 September 2015 and successful applicants would be announced and contracts signed in October 2017. Delivery had to begin before the end of October 2017 and be completed by the end of March 2019.

An application had also been submitted for £0.174m from the NEA Warm and Healthy Homes Fund for insulation of gas central heating systems in fifty-eight properties in Derbyshire and Nottinghamshire. The closing date for applications was 27 September 2017 with successful applicants being announced and contracts signed in October 2017. Delivery had to begin before the end of October 2017 and be completed by the end of February 2018.

In light of these timeframes, the LAEP was seeking approval for the County Council to accept and act as Accountable Body for the two new grant funds in anticipation of grants being awarded.

RESOLVED to (a) approve the acceptance of grant awards totalling £0.602m if approved, on behalf of the LAEP to provide domestic energy efficiency improvements to residents with low incomes suffering from long-term health conditions made worse by the cold; and

(b) agree to the County Council acting as the Accountable Body in respect of the grant awards if they were approved.

307/17 FRAMEWORK CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES RELATING TO TRAFFIC DATA AND ANALYSIS

(Highways, Transport and Infrastructure) The Strategic Director, Economy, Transport and Communities sought approval, in principle, to the County Council's participation in a procurement with Transport for Greater Manchester (TFGM) to establish a Framework Agreement to supply traffic data and analysis good and services.

The Economy, Transport and Communities Transportation Data and Analysis Team (TDAT) had been part of a contract with TFGM to supply goods and services in support of transport data and analysis since April 2009. The contract was, however, due to finish on 31 March 2019. The arrangement with TFGM had produced demonstrable benefits, details of which were presented, and it was proposed to continue the relationship and adapt the procurement to meet the needs of the authorities involved post 2019. The procurement process would be led by TFGM as lead partner due to the potential value that it brought to the contract. TFGM had confirmed that there were no legal or financial impediments with regard to its participation in a joint framework agreement. Details of the proposed procurement process were presented in the report.

RESOLVED to (a) approve in principle, the participation of the County Council in a procurement with TFGM for the supply of goods and services relating to traffic data and analysis;

(b) approve, in principle, the utilisation of the Crown Commercial Service Traffic Management Technology to Framework Contract should this be deemed an appropriate route for the procurement; and

(c) agree to receive a further report on the joint framework with TFGM and for the approval of a contractor.

308/17 SUSTAINABILITY AND TRANSFORMATION PARTNERSHIP MEMORANDUM OF UNDERSTANDING (MOU) (Health and Communities)

The Strategic Director – Adult Care reported on the governance arrangements outlined in the MOU for the Derbyshire Sustainability and Transformation Plan (STP) and to agree that the Strategic Director for Adult Care, be the Lead Sustainability and Transformation Board representative for the County Council and sign the MOU on behalf of the County Council in consultation with the Cabinet Member - Health and Communities.

The MOU was designed to bind the parties to the common purpose of delivering a clinically, socially and financially sustainable health and care system that would improve the health and wellbeing of the population and address inequality. By signing the MOU, the County Council agreed to work collectively with other STP Board partners to establish an annual system plan to drive forward the necessary change. Supporting the MOU was a governance structure for the STP Board, which for the local authority, would involve representation via the Strategic Director – Adult Care and the Director of Public Health. The STP Board would be responsible for co-ordinating the arrangements set out in the MOU.

Within the supporting governance structure, the local authority would also be represented on the Provider Alliance Group, which would work to deliver integrated health and social care services. A clinical and professional reference group and partnership engagement forum would also ensure that the programme delivered sustainable patient benefits and was co-produced via engagement with clinicians and the Derbyshire population respectively.

Cabinet or Governing Bodies would provide strategic oversight and formally agree any final decisions. In addition, both Derbyshire and Derby City Health and Wellbeing Boards would provide leadership and advice to improve health and wellbeing through the development of improved and integrated health and social care services. A dispute resolution process was outlined in the MOU should issues arise and any organisation could withdraw from the agreement at any time. The MOU was intended to cover the operational timeframe for the sustainability and transformation partnership to at least March 2021, but could be extended.

The MOU would be reviewed at least annually to ensure that it remained fit for purpose and met the needs of the parties who signed the document, but further amendments might take place according to the prevailing circumstances. Should any significant amendments be made to the MOU and supporting documents, these would be reviewed and approved by the relevant Cabinet Member.

In order that the system performance managed itself to achieve its objectives, Cabinet was asked to support Derbyshire County Council representatives on the STP Board to deliver and to be held to account for that delivery by the system governance arrangements outlined in the MOU. In

addition to the more practical processes outlined in the report, the MOU also requested that each member organisations own strategic approach be aligned moving forward with the STP vision, therefore reducing and minimising areas of conflict. The delivery of the STP objectives should consequently be seen as the core business of each member organisation and each organisation signed up to the MOU would commit their resources to delivery of the STP objectives without recourse for additional resource to the local health and social care system.

The MOU supported NHS England's ambition that Sustainability and Transformation Partnerships begin to build Accountable Care Systems (ACS). An ACS was a locally integrated health system where both commissioner and provider NHS organisations, often in partnership with local authorities, chose to take on clear collective responsibility for resources and supporting population health outcomes.

The MOU outlined a governance structure that would support the development of the integrated strategic outcomes based commissioning model and also encouraged provider collaboration to drive service transformation. Through these changes, the necessary relationships, strategic alignment, organisational development and decision-making forums would emerge that would potentially allow the development of an ACS during the next eighteen months. However, all of the organisations currently involved in the Derbyshire STP acknowledged that the development of an ACS was a complex transition which required careful management. At this stage, moving to an ACS was presented in the MOU as an aspiration and a direction of travel for the whole health and social care system. In light of this, the MOU acknowledged that considerable further work was required before a final decision to become an ACS could be presented to constituent organisations for consideration or approval.

RESOLVED to (a) approve the governance arrangements outlined in the MOU for the Derbyshire STP; and

(2) agree that the Strategic Director – Adult Care, as the Lead Sustainability and Transformation Partnership Board representative for Derbyshire County Council, sign the MOU on behalf of the County Council following consultation with the Cabinet Member - Health and Communities.

309/17 DISABILITY EMPLOYMENT STRATEGY 2017-2022 (Adult Care) The Strategic Director – Adult Care sought approval of the proposed Disability Employment Strategy 2017-2022 and also for the proposal to develop a Derbyshire-wide Disability Employment Strategy to include the NHS and the Department for Work and Pensions to enable good practice to be shared and common barriers to be addressed more effectively. A copy of the Strategy was attached at Appendix 1 to the report.

RESOLVED to (a) approve the Disability Employment Strategy 2017-2022 as set out at Appendix 1 to the report and to agree that monitoring of the implementation have identified priorities and actions take place through the Employment and Skills Board;

(b) approve the proposal to develop a Derbyshire-wide Disability Employment Strategy to include the NHS and Department for Work and Pensions to enable good practice to be shared and common barriers to be addressed more affectively; and

(c) agree that each department responds to the recommendations set out in the Strategy which would form the basis of an action plan which would be further developed and monitored by cross-departmental implementation group led by Adult Care.

310/17 URGENT DECISION TAKEN BY HEAD OF PAID SERVICE

(Adult Care) The Head of Paid Service reported on an urgent decision taken in accordance with the Scheme of Delegation contained in the Council's Constitution relating to the increase in the fee rate payable to independent sector providers of residential and nursing care for mental health clients.

RESOLVED to note the report.

311/17 GRANVILLE ACADEMY- APPROVAL FOR FIRE ESCAPE STAIRCASE FUNDING

(Young People) Cabinet considered a joint report of the Strategic Director – Children's Services and the Director of Property which sought to approve a further allocation of funding for the fire escape staircase works at Granville Academy.

An allocation of £48k had been made in 2017-18 from the Insurance Maintenance Programme for fire escape staircase works at the School. This had, however, proved insufficient as a number of additional costs had been encountered, particularly in relation to the complexity of the foundation design. As a result, the full cost of the scheme, including fees was now £170k, this cost being based on an additional allocation of £122k was therefore required to complete the works.

RESOLVED to approve the allocation of £122k to complete the fire escape staircase works at Granville Academy to be funded from the Children's Services 2017-18 School Condition Allocation.

312/17 THE FUTURE PROVISION OF PRIMARY EDUCATION IN

WIRKSWORTH (Young People) The strategic Director – Children's Services advised Cabinet of the housing development planned for Wirksworth and

sought approval to consult on the options for providing Primary Education in the town in the future.

Derbyshire Dales District Council had published its Local Plan which included site proposals for housing growth over the next fifteen years. This included details of sites relating to land off Middleton Road/Cromford Road and land at Middle Peak Quarry, Wirksworth which would provide an additional 771 houses. As a result of the development, an additional 154 primary pupils and 116 secondary pupils would be generated. There were two infant and one junior schools in Wirksworth at present. However, all three sites were constrained and expansion would not be possible. Details of the current numbers on role and projections for the three schools were presented in the report.

A site at “The Meadows” in Wirksworth had previously been identified for a potential new school, but the physical extent of the site would be insufficient to accommodate a new school of the scale that would be required to meet the combined numbers of existing pupils and pupils generated by the recently planned for housing growth in the town. In February 2017, the County Council identified an alternative site at Cromford Road as a possible location for the new school. In addition, during the Derbyshire Dales Local Plan process, two additional sites at Middle Peak Quarry had emerged as a possible alternatives.

The proposal was to carry out a consultation to allow the schools, parents and all local people to express a view on the options available to deliver primary education in the town. A copy of the current draft consultation document was attached at Appendix 1 to the report which provided details of the new primary school options.

RESOLVED to approve the Council undertaking a consultation to inform a decision on the future provision of primary education in Wirksworth.

313/17 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 5 October 2017.

3. To receive exempt minutes of Cabinet Member meetings as follows;
 - (a) Health and Communities-7 September 2017
 - (b) Council Services – 5 October 2017
 - (c) Strategic Leadership, Culture and Tourism – 5 October 2017
4. To consider exempt reports as follows;
 - (a) Report of the Strategic Director – Economy, Transport and Communities on the supply of BMW, Ford and Peugeot Vehicle Replacement Parts (Highways Transport and Infrastructure) (Contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
 - (b) Report of the Strategic Director – Economy, Transport and Communities on the Supply of Rapid Set Mortars (Highways, Transport and Infrastructure) (Contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
 - (c) Report of the Strategic Director – Economy, Transport and Communities on the Supply of Concrete Kerbs and Flags (Highways, Transport and Infrastructure) (Contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
 - (d) Report of the strategic Director – Economy, Transport and Communities on the Installation, Maintenance and Removal of Street-lighting Furniture, including Electricity Service and Emergency Response Works (Highways, Transport and Infrastructure) (Contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
 - (e) Report of the Director of Public Health on the Restructure of the Public Health Department including Public Health and Derbyshire Community Health Services NHS Foundation Trust Business Support Services (Health and Communities) (Contains information likely to reveal the identity of an individual).