

PUBLIC

**MINUTES** of a meeting of **CABINET** held on 26 July 2018 at County Hall, Matlock.

**PRESENT**

Councillor B Lewis (in the Chair)

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

Also in attendance: Councillors A Western.

**Declarations of Interest**

There were no declarations of interest.

**Exempt Agenda Items 11(g) Staffing Formula for Primary Kitchens and 11(h) School Staff Redundancies 2018**

The Director of Legal Services reported that information contained in the above reports had appeared in the public domain. As a result, consideration had been given to moving the reports into the non-exempt section of the meeting. The Director of Legal Services considered however, that owing to the wider exempt information contained within the reports, they should remain in the exempt section of the meeting.

**178/18      MINORITY GROUP LEADERS' QUESTIONS**

There were no Minority Group Leader questions.

**179/18      MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 14 June 2018 be confirmed as a correct record and signed by the Chairman.

**180/18      CABINET MEMBER MEETINGS – MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Young People – 5 and 29 June 2018
- (b) Council Services – 7 and 28 June 2018
- (c) Health and Communities – 7 June 2018
- (d) Highways, Transport and Infrastructure – 14 and 26 June 2018
- (e) Strategic Leadership, Culture and Tourism – 20 June 2018

**181/18      IMPROVEMENT AND SCRUTINY REVIEW OF PERMANENT SCHOOL EXCLUSIONS** Councillor Mrs J A Twigg, Chairman of the Improvement and Scrutiny Committee - People, presented the final report of the review of permanent school exclusions, a copy of which was appended to the report.

**RESOLVED** to note (1) the report and accepted all its recommendations;

(2) that, as recommendations were implemented, progress would be monitored by the Improvement and Scrutiny Committee – People at strategic intervals according to the completed action plan to be provided to the Committee within two months of the date of this report.

**182/18      ICT STRATEGY** (Council Services) The Strategic Director – Commissioning, Communities and Policy presented the new ICT Strategy covering the period 2018-2023. A copy of the Strategy was appended to the report.

**RESOLVED** to (1) approve the ICT Strategy for 2018-2023; and

(2) agree that the Cabinet Member for Council Services receive regular updates on progress in delivering the Strategy.

**183/18      PROCUREMENT STRATEGY** (Council Services) The Strategic Director – Commissioning, Communities and Policy presented the Council's Procurement Strategy for medium-term 2018-2023. A copy of the Strategy was appended to the report.

The relationship between social value and the Council's procurement activities was fundamental and a key priority for the Council had been the need to embed the process in commissioning and procurement processes. The Council's Social Value Strategy 2017 was developed to support and embed a consistent approach across the Council.

The inclusion of a specific social value objective "to promote and deliver sustainability, local economic development, equality, diversity and additional social value objectives through our procurement activities" within the Strategy supported the delivery of social value in procurement and help embed the approach further into existing procurement and contract management processes. As such it was recommended that the Procurement Strategy be the main vehicle for progressing social value moving forward and thus removing the need for a separate Social Value Strategy.

In addition, whilst social value requirements were being used more widely across the Council, the current inclusion of social value considerations in the Authority's decision-making processes needed refinement. Procurement officers and commissioners had been encouraged to include social value considerations in all reports, even when there may be no social value on offer. This had resulted in the considerations being used inappropriately. Moving forward it was therefore recommended that the specific social value consideration currently included in decision-making reports be removed, and any social value consideration be included as part of the finance implications, as it was a statutory requirement to do so.

Additional guidance and training would be needed to ensure this requirement was met and communication on the change of approach would be required.

The Council's Financial Regulations state that the Strategy should be reviewed annually to remain consistent with the Council Plan. This Strategy would also be supported by a two-year improvement plan which would set out the actions required to deliver improvements in the Council's procurement arrangements. Performance would be monitored against this plan on an on-going basis and where appropriate the Strategy and its content would be reviewed on an annual basis with any significant changes reported to Cabinet for approval.

**RESOLVED** to approve (1) the Council's Procurement Strategy covering the period 2018-2021 and that this becomes the main vehicle for progressing the Council's social value obligations moving forward; and

(2) proposals to remove specific social value considerations from decision-making reports and agree plans to issue revised guidance on the changes moving forward.

**184/18      FINAL EQUALITY AND DIVERSITY STRATEGY AND REVISED EQUALITY AND DIVERSITY POLICY** (Strategic Policy, Economic Development and Budget) The Strategic Director – Commissioning, Communities and Policy sought approval to adopt the final draft Equality and Diversity Strategy 2018-2021 and revised Equality and Diversity Policy following recent consultation. Copies of both the Strategy and the Policy were appended to the report.

**RESOLVED** to approve the Equality and Diversity Strategy 2018 – 2021 and revised Equality and Diversity Policy.

**185/18      REVENUE OUTTURN 2017-18** (Strategic Policy, Economic Development and Budget) The Director of Finance and ICT presented the final outturn position for 2017-18 identifying significant variations from the revised estimates and commitments already agreed against the underspend, together with proposals for further use of underspends. The allocations for further use of underspends would be held in departmental Earmarked Reserves and would only be released to departments subject to final approval by the appropriate Cabinet Member. The report also detailed the Council's General and Earmarked Reserves position. The general reserve balance was £65.033m as at 31 March 2018, although it was noted that there were commitments held against this balance.

Earmarked Reserves were held to meet unknown or unpredicted liabilities and the funds should be used for the item for which they have been set aside. Any funds no longer required were returned to the general reserve and the Council reviewed the level of Earmarked Reserves at least annually. A summary of outstanding balances on Earmarked Reserves as at 31 March 2018 was detailed in Appendix 2 to the report.

**RESOLVED** to (1) note the departmental outturn position for 2017-18;

(2) note the position on General and Earmarked Reserves;

(3) approve the transfer of £2.053m from the Young People Prior Year Underspend Earmarked Reserve back to the General Reserve;

(4) approve the allocation of underspend amounts and commitments to Portfolios;

(5) note that requests for further use of underspends would be subject of further Cabinet Member reports; and

(6) note the details of the use of the Local Growth Fund underspend.

**186/18      CODE OF PRACTICE FOR WELL MANAGED HIGHWAY INFRASTRUCTURE ASSET MANAGEMENT POLICY** (Highways, Transport and Infrastructure) The Strategic Director – Economy, Transport and Environment reported that on 1 February 2018, Cabinet agreed to receive a further report to approve a number of Highway Infrastructure Asset Management Technical Policy documents in response to the change to a risk based approach in the new Code of Practice Well-Managed Highway Infrastructure (Minute No. 37/18 refers). This report provided details of the technical policy finalised to date for which approval is sought.

**RESOLVED** to (1) approve the Highway Infrastructure Asset Management Technical Policy, as detailed in this report;

(2) delegate approval and implementation of the Highway Infrastructure Asset Management plans and strategies to the Cabinet Member for Highways, Transport and Infrastructure in conjunction with the Strategic Director – Economy, Transport and Environment; and

(3) delegate approval of reviews and updates of the Highway Infrastructure Asset Management Technical Policy, together with the supporting plans and strategies to the Cabinet Member for Highways, Transport and Infrastructure, in conjunction with the Strategic Director – Economy, Transport and Environment.

**187/18      BOLSOVER WOODLANDS ENTERPRISE - REQUEST FOR EXTENSION OF GRANT FUNDING** (Adult Care) The Strategic Director Adult Care sought approval for the Council to provide Bolsover Woodlands Enterprise Limited (BWE) with two short-term Council grants.

BWE was initially set up by Derbyshire County Council as part of the day services offer in the year 2000. It was a partnership arrangement between Adult Care and Countryside Services, providing opportunities for thirty adults with learning disability to gain work based practical experience in conservation and woodlands management.

BWE was incorporated on the 12 April 2007 and was registered as a private limited company by guarantee without share capital. Currently Bolsover Woodlands Enterprise Limited operated as an arm's length organisation from the Council which limited its independence. It was not, for example, able to apply for certain grants. The company had a management board with sixteen board members which included five registered Directors.

Bolsover Woodlands Enterprise Limited was currently dependent on the funding that it received from the Council in the form of an annual grant of £58,712, together with £89,912 of additional financial support which was currently used to fund four members of staff who were employed by the Council. The Council's grant funding was due to end on 31 March 2019. The Council and BWE Board recognised that the business model for the organisation would have to change so that the organisation could move towards becoming a self-sustaining and totally financially independent of the Council.

In order to progress this, the Council had commissioned Community Catalysts to review the current position of BWE and were working with the Board to establish the best way forward. Community Catalysts had recommended that the organisation should employ a dedicated Enterprise Manager that would report directly to the Board and be responsible to the Board developing a transitional structure towards establishing BWE as a Social Enterprise independent of the Council. The post would be reviewed after twelve months, and extended for a further twelve months subject to satisfactory progress being made towards making BWE self-sustaining.

Community Catalysts had recommended that in order to attract the right person with the right skill set and provide enough time to achieve the required outcomes, the post should be funded for a period of up to twenty four months. It was also recommended that the Council continued to financially support Bolsover Woodlands Enterprise Limited whilst the work takes place to fully establish the organisation as a self-sustaining Social Enterprise. This will require a further twelve month extension of the grant to cover the period from 1 April 2019 until the 31 March 2020.

An Enterprise Manager for a period of twelve months initially based upon a £40,000 pa salary including on costs, with an option for a further twelve months subject to performance. This would amount to a total financial commitment of £80,000 over two years. This funding would be paid quarterly following confirmation of recruitment to post.

It was proposed that the grant to Bolsover Woodlands Enterprise of £0.149m be extended for a further twelve months to 31 March 2020. The total additional funding required from 1 April 2018 to 31 March 2020 was £0.229m which could be met from the existing Adult Care budget.

**RESOLVED** to approve (1) the short-term funding required to enable Bolsover Woodlands Enterprise to employ an Enterprise Manager for a period of twenty-four months ; and

(2) the extension of the Council grant to Bolsover Woodlands Enterprise Limited for a further twelve months from 1 April 2019 until the 31 March 2020.

**188/18      MAINSTREAM SCHOOLS' MEMBERSHIP OF THE SCHOOLS FORUM**  
(Young People) The Strategic Director – Children's Services sought approval to revise the membership of the Schools Forum.

The Schools Forums (England) Regulations 2012 (as amended) which govern the operation of the Schools Forum, require that the Forum's membership was reviewed periodically to ensure that the allocation of mainstream school places between maintained schools and academies remained broadly representative of the position within each local authority. The current membership of the Schools Forum was presented in the report, along with an analysis of the October 2017 school census data, updated to reflect the expected changes in the status of schools which suggested that a revised distribution of places should be adopted. Details of the proposed revised membership were presented at table 3 in the report.

In addition to the above mainstream changes, four special schools and the Pupil Referral Units had signalled their intentions to become academies. Should these conversions take place, then it was proposed that one of the two special school places be assigned as an academy place. The PRUs would continue to have one place on the Forum.

Looking forward, the advent of increased levels of academisation made it likely that the number and composition of places on the Forum would need to be reviewed more frequently if the membership was to reflect the wider school/academy community. In order that future changes could be implemented efficiently, it was proposed that decisions on Schools Forum places be delegated to the Strategic Director for Children's Services in consultation with relevant Cabinet Members. One other matter, the terms of office of School Forum members runs on a four year cycle, with the current term's run until 31 August 2019. The national funding framework was largely settled for 2018-19 and 2019-20, with the next major changes likely from April 2020. The advent of the national funding formulae has made it unclear as to what role Schools Forums would play beyond April 2020, or even whether there would be a need for them going forward.

In order to ensure that the knowledge and skills of the current Forum members were retained, it was proposed that their current terms of office be extended to 31 August 2020. Retaining this experience would assist the Authority in implementing any further national changes. Should the DfE determine a continuing role for Schools Forums, then a new Forum would be established in the summer term 2020 to be operational at the start of the 2020-21 academic year.

The changes in this report, which were ultimately a matter for the Council, were discussed with the Forum at its meeting on 18 June 2018, and the Forum agreed with the proposals.

**RESOLVED** to approve (1) the mainstream Schools Forum places for September 2018 be revised as set out in Table 3 in the report;

(2) that should one or more special schools become an academy, one of the existing special school places would be designated as an academy place;

(3) that should the PRUs become an academy, the existing PRU place would be designated as an academy place;

(4) that future changes to the number and composition of places on the Forum be delegated to the Strategic Director in consultation with relevant Cabinet Members;

(5) the current terms of office be extended to 31 August 2020; and

(6) that the Forum's Constitution be amended to reflect (1)-(4) above.

**189/18      CHILDREN'S SERVICES CAPITAL PROGRAMME 2017-18 – SECTION 106 PROJECT ALLOCATIONS** (Young People) The Strategic Director – Children's Services informed Cabinet of the receipt and availability of recent Section 106 developer contributions and sought approval for the allocation of those contributions to projects in line with the individual Section 106 agreements. Approval was also sought that, where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

Appendix A detailed the S106 contributions that had been received by the Authority or were available to claim from the District/Borough Councils and also detailed the schools that were to benefit from the investment, together with the planned projects.

The total was £230,401.

**RESOLVED** to (1) note the receipt/availability of S106 funding and approve allocations to the projects outlined in Appendix A; and

(2) approve that where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

**190/18      CHILDREN'S SERVICES CAPITAL PROGRAMME 2017-18 – ALLOCATIONS** (Young People) The Strategic Director – Children's Services sought approval to the Children's Services Capital Programme 2018-19 and allocations to individual projects.

A breakdown of the proposed programme was included in Appendices A (Basic Need), B (Buildings at Risk, Condition and Suitability) and C (School Condition – Capital Maintenance and Contingency) to the report.

**RESOLVED** to approve the allocations to projects set out in Appendices A, B and C to the report.

**191/18      A NEW APPROACH TO PUBLIC HEALTH AND ACHIEVING POPULATION HEALTH AND WELLBEING OUTCOMES IN 0-19 YEAR OLDS IN DERBYSHIRE** (Health and Communities) The Director of Public Health sought approval to endorse an enterprising approach in providing key public health services for the 0-19 age group and their families, including; Health Visiting and School Nursing as well as statutory functions including the National Child Measurement Programme (NCMP). Approval was also sought to achieve an integrated provider offer through integration of the current provision which was delivered by the County Council and Derbyshire Community Health Services NHS Foundation Trust (DCHS NHS-FT). This was subject to a public consultation around integrated provider arrangements underpinned by a partnership agreement between the Council and DCHS NHS-FT, whether by way of a Section 75 (S75) Agreement or any other appropriate basis for such a partnership arrangement.

There was a strong evidence base which demonstrated that effective early intervention was a cost-effective approach and events that occurred in early life affect health, wellbeing and outcomes in later life and children's life chances were most heavily predicated on their development in the first five years of life, further details of which were presented in the report. The report also detailed the Healthy Child Programme/Public Health Nursing Services in Derbyshire, current performance and outcomes, current commissioning arrangements and timelines and future planning, local drivers for change and innovation.

On 28 April 2018, Cabinet agreed a report on the review of Derbyshire County Council's services for 0-5s which recommended that services be delivered holistically and locally through local family centres and that an integrated service model be developed. The report also provided the following options to consider to enable an integrated approach:

1. Virtual integration – building better partnership working
2. In-sourcing – bringing in externally provided workforce



3. Commissioned solution – e.g. integrated offer through external provider or group of providers
4. Joint venture – use Section 75 agreement to enable unified management structure and pooled resource

The report recommended that option 4 be pursued, as the most sustainable and enterprising solution. Building on existing organisational, policy, partnership and delivery arrangements with commissioning and provider organisations would be the least disruptive option in terms of organisational change, allowing the Council and DCHS NHSFT to continue using existing mechanisms to promote better integration of services and care across public health and children's services and public health services.

It was envisaged that the development of a S75 partnership agreement might have the following potential constraints:

- The approach did not help stimulate the wider market, nor give the market the opportunity to respond to service specification and generate competition/innovation
- The span of the Council's control as formal commissioner might reduce a little, however the benefits included improved partnership working
- The approach might generate some challenge from the market. However, powers provided to local authorities and the NHS under the NHS Act 2006 supported the development of S75 agreements.

**RESOLVED** to (1) agree to cease the current pre-tender engagement and planned procurement of a provider for 0-19 Public Health Nursing Services via a standard commissioning and procurement route;

(2) delegate authority to the Director of Public Health, the Strategic Director of Children's Services, the Director of Finance, the Director of Legal Services and Cabinet Member for Health and Communities to develop a business case for these services to be delivered through Section 75 agreements with NHS partners and to enable the Section 75 Agreements to be developed, along with the establishment of appropriate Governance arrangements;

(3) approve taking forward a consultation exercise on moving to a pooled budget arrangement either via a section 75 or other similar type of agreement;

(4) approve the proposed move to a 'system' based budget for Public Health Nursing and related Services via a section 75 type agreement or similar mechanism in partnership with DCHS NHS-FT;

(5) note the progress across Public Health, Children's Services and DCHS NHS-FT in moving to an integrated service model in-line with recommendations from the 0-5 review and in light of further work taking place across the 5-19 services;

(6) agree that the budget for 0-19 Public Health Nursing Services does not exceed £12m per annum;

(7) approve the transfer of delivery of the statutory national child weight management programme (NCMP) and smoking prevention activity from DCHS NHS-FT into DCC Public Health Department (including relevant budgetary requirements for delivering these functions) to be delivered as part of the 'Live Life Better Derbyshire' Service;

(8) note the intention for Public Health and Children's Services to engage with the voluntary and community sector in relation to adapting the support and empowerment model for supporting families through the local early help offer;

(9) approve that the remaining savings made (estimated to be in the region of £1m) from this new approach be invested into an integrated approach across Children's Services and Public Health to support the Early Help Offer. As this funding was via the ring-fenced Public Health grant, it would be necessary to ensure that funded activity meets the requirements and conditions of the grant;

(10) delegate approval for any further decisions required in relation to moving this new approach forward at pace to the Director of Public Health and Cabinet Member for Health and Communities;

(11) approve that variations could be made within the final sixteen months of the Public Health Nursing Contract to begin adapting the service model to meet the future requirements, subject to agreement from both parties;

(12) agree any savings made by DCHS NHS-FT from contract variations and adaptations to current service models be reinvested into supporting the formation of the integrated working across service areas at a faster pace than would not otherwise be possible without this investment;

(13) agree to accept a further update paper on progress made within the next twelve months; and

(14) note that development of Section 75 Agreements did not constitute a delegation of statutory responsibilities for this Service and the Council must continue to ensure that the relevant regulatory requirements relating to the funding stream was met and consider the regulatory impact of decisions made.

**192/18      RESPONSE TO GOVERNMENT'S CONSULTATION ON THE DEPARTMENT FOR THE ENVIRONMENT FOOD AND RURAL AFFAIRS CLEAN AIR STRATEGY 2018** (Health and Communities) The Director of Public Health sought agreement to the County Council's response to the Government's consultation on the Clean Air Strategy 2018. A copy of the proposed response was attached at Appendix 1 to the report.

**RESOLVED** to approve the response to the Clean Air Strategy 2018 consultation as detailed in Appendix 1 to the report.

**193/18      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 14 June 2018.
3. To receive the Exempt Minutes of Cabinet Member meetings as follows:-
  - (a) Young People – 5 and 29 June 2018
  - (b) Council Services – 7 and 28 June 2018
  - (c) Highways, Transport and Infrastructure – 14 and 26 June 2018
4. To consider exempt reports as follows:-
  - (a) Delivery of the Corporate Procurement Service – Strategic Director Commissioning, Communities and Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (b) Alfreton Park Community Special School – Strategic Director Commissioning, Communities and Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (c) English National Concessionary Travel Scheme Reimbursement Arrangements – Stagecoach Yorkshire and Stagecoach East Midlands – Strategic Director Economy Transport and Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (d) Urgent decision taken by the Strategic Director- Economy Transport and Environment – Award of Contract: Vehicle Management System - Strategic Director Economy Transport and Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (e) Derbyshire Dementia Support Service Award of Contract – Strategic Director Adult Care (contains information relating to the financial or

- business affairs of any particular person (including the Authority holding that information))
- (f) Establishment of a Managed Account and Payroll Services Provider List and Procurement of a Direct Payment Support Service – Strategic Director Adult Care (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (g) Staffing Formula for Primary Kitchens - Strategic Director Children's Services (contains information which is likely to reveal the identity of any individual)
  - (h) School Staff Redundancies 2018 – Strategic Director Children's Services (contains information which is likely to reveal the identity of any individual)
  - (i) Derby and Derbyshire Coroners Service - Strategic Director Commissioning, Communities and Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
  - (j) Direct Care Homecare Transformation – Strategic Director Adult Care (contains information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority and employees of the Authority)