

**MINUTES** of a meeting of **CABINET** held on 24 April 2012 at County Hall, Matlock.

**PRESENT**

Councillor A I Lewer (in the Chair)

Councillors J A Allsop, J P Harrison, Mrs C A Hart, C W Jones, B Lewis, M V Longden and K L Parkinson.

Apologies for absence were submitted on behalf of Councillor S A Spencer.

**119/12      ISSUES RAISED BY THE MINORITY GROUPS**

Councillor S Flitter raised the following:

Agenda Item 6(b) – Future of Local Public Audit – The report indicates that the appointment of an auditor has to be made by Council on the recommendation of an independent appointment panel along with many matters, both internal and external. How does this affect the County Council's Audit Committee and is there a role for the Independent Remuneration Panel?

Agenda item 6(c) – Public Sector Equality Duty - Appendix A to the report shows that between 20-30% of respondents do not agree with the statements made. Is there a trend that explains this feeling and are individual concerns followed up hopefully to a successful conclusion?

Agenda Item 6(e) – Infrastructure Planning and Developer Contributions – (1) As many of the services of the Council and much of town or infrastructure planning considers public safety in their deliberations, why does the list of strategic priority projects not include crime and disorder? (2) Whilst there is a protocol and an emphasis on cost, will there be an upper level to protect economic viability?

Agenda Item 6(g) – Derbyshire Sixth Form Funding – Transitional Support – Whilst the principle of transitional support is agreed to allow schools the time to put future plans in place, what will the process be for managing an almost certain reduction of sixth form curriculum from August 2013?

Agenda Item 6(k) – Creation of an Enhanced Resource Facility for Pupils with Autism at Tibshelf Community School – A Specialist Sports College – Is there any update on the provision of a sensory room and were any parental issues discussed in the process?

Agenda Item 6(n) Development of Uni-fi Initiative to Improve Educational Outcomes for Children in Care – There are many children who do not aspire to academia who go forward in life with more practical skills that need to be

developed. Can an indication be provided of the split between those in education and those in employment with training and what opportunities and links are available for those skills to be developed?

**120/12      MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 3 April 2012 be confirmed as a correct record and signed by the Chairman.

**121/12      CABINET MEMBER MEETINGS RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- |     |                          |                             |
|-----|--------------------------|-----------------------------|
| (a) | Education                | - 19 March 2012             |
| (b) | Regeneration             | - 21 March 2012             |
| (c) | Technology and Recycling | - 22 March 2012             |
| (d) | Finance and Management   | - 23 March and 5 April 2012 |
| (e) | Highways and Transport   | - 3 April 2012              |
| (f) | Young People             | - 3 April 2012              |

**122/12      ILKESTON RAIL STATION**      The Strategic Director – Environmental Services updated Cabinet on the preparation of a scheme to deliver Ilkeston Rail Station. Discussions were on-going to determine the level of financial support that the Government might be able to provide and revised passenger forecasts had been produced which made a strong case for the Station. Passenger numbers were expected to exceed 150,000 in the first full year of operation, producing a revenue stream which should easily cover operating costs and could potentially be used to underwrite capital funding.

Discussions with Network Rail were continuing regarding the Governance for Railway Investment Projects (GRIP) process through which changes to rail infrastructure were agreed. The next stage was important in that it fixed the design so that key elements such as platform lengths were set and the costs, therefore, became less likely to vary. This stage would also involve the submission of a planning application. The County Council had three options for the procurement of the work required for GRIP 4 and these were:

- Use of existing consultancy arrangements with URS;
- Selection via tender of another consultancy;
- Use of Network Rail's in-house consultancy;

Officers were conducting an assessment and market testing of the options and proposed to submit a further report to Cabinet with recommendations on the best option to carry the scheme forward. Discussions were continuing with Network Rail on a range of issues, details of which were presented.

**RESOLVED** that (1) the current position with regard to delivery of a new Rail Station for Ilkeston be noted; and  
(2) a further report be received with recommendations for the procurement of consultancy services for GRIP 4.

**123/12      FUTURE OF LOCAL PUBLIC AUDIT** In August 2010, the Government announced its intention to bring forward legislation to abolish the Audit Commission and put in place a new framework for local public audit. In March 2011, the Government published a consultation paper, the Future of Local Public Audit, details of which were reported to Cabinet in June 2011. The Government published its further views after considering the consultation responses received. In the main the Government felt that the consultation reiterated the design principles it had previously proposed namely;

- Localism;
- Transparency;
- Cost savings;
- Improving standards.

Government had reiterated its view that the appointment of auditors should be made by full Council on the recommendation of an Independent Audit Appointment Panel which should have a majority of independent members and be chaired by an independent member. Details of how the Panel would operate were presented in the report along with the scope of proposed audits which would remain broadly as they were at present.

In March 2012, the Audit Commission announced the award of contracts for the work they currently undertook for the period 2012/13, details of which were presented in the report. The new arrangements would provide savings of £250m nationally over 5 years and would lead to fee reductions of around 40% for local bodies. The Government were happy to support the sector's preference for these big fee reductions to be locked in for five years.

**RESOLVED** that the outcomes of the consultation on the Future of Local Public Audit and the details of the external audit contracts for the period 2012/13 to 2016/17 be noted.

**124/12      PUBLIC SECTOR EQUALITY DUTY – EQUALITY OBJECTIVES** The Strategic Director – Policy and Community Safety requested Cabinet approval to adopt a set of equality objectives for the Council and to set out the next steps for measuring progress.

The Equality Act 2010 introduced new duties on public bodies including local authorities which included the specific duties for the Council to;

(1) publish information annually demonstrating how the Authority complied with its general equality duties in relation to the nine protected

equality groups of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation from 31 January 2012;

(2) adopt and publish measurable equality objectives to be reviewed every four years.

Consultation on the equality objectives had been undertaken between January and March 2012, the outcome being the following final objectives for adoption by the Council.

- a) Council services are accessible and welcoming to all communities and are capable of responding to the different needs and aspirations of our customers;
- b) Partnership working is helping to reduce health and other inequalities, reduce deprivation and support rural areas;
- c) More young people are working for the Council and being helped to gain employment;
- d) The Council is improving the life chances of vulnerable young people through its corporate parenting and education work;
- e) Vulnerable people are being protected from the harmful impact of crime and anti-social behaviour;
- f) Equality is integrated into the work of departments across the authority and the Council is able to show how it embraces its public sector equality duties;
- g) The diversity of Derbyshire is celebrated and the county is a cohesive place where people from all communities get on well together; and
- h) The Council's workforce feels valued and respected, and is reflective of the diverse communities it serves.

The approved objectives would be published and integrated into the appropriate plans and measures for helping assess progress in delivering the Council's equality objectives which would be finalised in due course. Performance would be monitored every six months and reported to Cabinet on an annual basis. It was proposed to review the objectives in 2014 when the Council was due to revise the existing Derbyshire Sustainable Community Strategy and Council Plan.

**RESOLVED** that (1) the eight equality objectives identified in the report be approved; and

(2) a report outlining progress against the objectives be presented to Cabinet in due course.

**125/12      STATUTORY APPOINTMENTS** The Strategic Director – Cultural and Community Services sought Cabinet approval for the appointment of

individual Public Analysts and Agricultural Analysts pursuant to the recent award of contracts for the provision of Public Analyst services to the Authority.

In January 2012, Cabinet approved Eurofins Public Analyst Scientific Services, Staffordshire Scientific Services and West Yorkshire Analytical Services, to supply Public Analyst services to the Authority for a period of four years. Appendix 1 to the report detailed those individuals from each of the organisations who held the requisite qualifications to act as a Public Analyst/Agricultural Analyst.

**RESOLVED** that the appointment of those individuals detailed in Appendix 1 to the report to act as Public Analysts/Agricultural Analysts on behalf of the Authority be approved.

**126/12 INFRASTRUCTURE PLANNING AND DEVELOPER CONTRIBUTIONS** The Strategic Director – Environmental Services sought approval for the publication of the Derbyshire Infrastructure Plan and Developer Contributions' Protocol.

The Draft Plan and Protocol were approved for consultation in January 2012 and the report updated Cabinet on the results of the consultation and proposed changes to the documents which were detailed in Appendix A to the report.

**RESOLVED** that (1) the Derbyshire Infrastructure Plan and Developer Contributions' Protocol be approved for publication;

(2) the intention to keep the Plan under review and to bring annual reports to Cabinet setting out any key changes to the Derbyshire Infrastructure Plan vision and Strategic Priority Projects be noted;

(3) the Strategic Director – Environmental Services be authorised to make non-policy technical changes to the Derbyshire Infrastructure Plan when required; and

(4) the intention to bring annual reports to Cabinet setting out income and expenditure relating to developer contributions as per the Developer Contributions' Protocol be noted.

**127/12 PAYMENTS TO COMMUNITY AND VOLUNTARY ORGANISATIONS 2012/13** The Strategic Director – Adult Care sought approval for payments to community and voluntary sector organisations for the period 2012/13. Adult Care had recognised and invested in a range of services and support that contributed towards preventing, reducing or delaying people's need for mainstream social care and over £28m was currently spent on these services which included a number provided by the community and voluntary sector.

Appendix 1 to the report detailed organisations currently in receipt of funding from Adult Care to provide specific care and support services. Adult Care and NHS Derbyshire jointly funded agreements with forty community and voluntary sector organisations in order to support individual projects or provide specific care and support services. Appendix 2 to the report detailed the providers and service descriptions.

**RESOLVED** that the proposed allocations to community and voluntary sector organisations for 2012/13 be approved as detailed in Appendices 1 and 2 to the report.

**128/12      DERBYSHIRE SCHOOL SIXTH FORM FUNDING – TRANSITIONAL SUPPORT** The Strategic Director – Children and Younger Adults sought approval to allocate resources from the 2010/2011 Dedicated Schools Grant underspend to support maintained schools with a sixth form. The Young People's Learning Agency published budgets for schools with sixth forms and proposed changes for the 2012/13 academic year which would mean that funding was set to reduce by £1.47m from August 2012. A summary of the changes at individual school level was attached at Appendix 1 to the report.

It was proposed that for the 2012/13 academic year, Derbyshire schools receive a contribution equivalent to 50% of the loss of funding resulting from the Young People's Learning Agency formula changes. The losses amounted to £0.840m and a 50% contribution would therefore cost £0.420m. A list of the schools and the allocations was attached at Appendix 2 to the report.

**RESOLVED** that the payment of transitional support to Derbyshire schools with a sixth form be approved as detailed in the report.

**129/12      CAPITAL FUNDING FOR COTMANHAY CHILDREN'S CENTRE** The Strategic Director – Children and Younger Adults requested capital funding for improvements to Cotmanhay Children's Centre. In September 2011, the Cabinet Member for Education declared the property at 49-51 Dovedale Circle, Cotmanhay surplus and agreed that it should be sold and that the proceeds would contribute to the Authority's Capital Programme. The Elected Member for Cotmanhay requested a financial gesture to be made to re-invest in the community as an acknowledgment of the County Council's commitment to local young people. It was agreed that improvements to the Children's Centre would be most beneficial and schemes to provide a shaded outdoor area and improved disabled access to the main entrance had been drawn up at a cost of £12,000.

**RESOLVED** that the project at Cotmanhay Children's Centre be approved at a cost of £12,000 to be funded using capital receipts from the sale of the property at Dovedale Circle.

**130/12      SOUTH NORMANTON NURSERY SCHOOL – PROPOSED EXTENSION**

The Strategic Director – Children and Younger Adults sought approval to a capital contribution towards a joint-funded project at South Normanton Nursery School. In 2007, the Nursery School and the Authority undertook a joint project to provide additional space for the Nursery and for the Children's Centre occupying the same building. In 2011, the Children's Centre activities were relocated to the Hub in South Normanton and the Nursery School gained full use of the building. This had enabled the Nursery School to meet the increased demand for education places for 3 year olds, but unfortunately the School did not have enough toilets to meet the School Premises Regulations for the increased number of pupils. A scheme had therefore been drawn up to provide a small extension comprising additional toilets and cloakroom space at a budget cost of £60,000.

The School was able to make a maximum contribution of £39,000 towards the cost of the project and had requested that the Authority fund the shortfall of £21,000. This cost could be contained as a charge on savings in the 2011/12 Children and Younger Adults Capital Programme.

**RESOLVED** that a contribution of £21,000 be approved towards a £60,000 project at South Normanton Nursery School to provide additional toilets and cloakroom space as a charge on the 2011/12 Children and Younger Adults Capital Programme.

**131/12      SOMERLEA PARK JUNIOR SCHOOL AND SWANWICK HALL SCHOOL – SECTION 106 AGREEMENTS**

The Strategic Director – Children and Younger Adults sought approval to the allocation of Section 106 monies in relation to a development of 145 dwellings at Quarry Road, Somercotes for which a sum of £314,083 had been received from Taylor Wimpey Plc, to be spent at schools in the vicinity. A scheme at Riddings Junior School in the sum of £100,000 had previously been agreed in October 2010.

The scheme identified at Somerlea Park Junior School was to enclose the open veranda outside four of the classrooms at an estimated cost of £105,000. This would provide significant flexibility as the classrooms were very small by current standards.

In June 2011, Cabinet approved the building of a sports hall at Swanwick Hall School at a budget cost of £2.2m. The siting of the new school building was such that the scheme now needed to incorporate the demolition of a former caretaker's house on the site which was utilised for small group SEN work. The new building would replace this with a suite of small rooms attached to the sports hall. The School was contributing £160,000 to the project and it was proposed to allocate the remaining Section 106 funding of £109,083 to provide the balance of the funding required.

**RESOLVED** that (1) a Section 106 contribution of £105,000 to the improvement scheme at Somerlea Park Junior School be approved with the project being incorporated into the Children and Younger Adults Capital Programme; and

(2) a Section 106 contribution of £109,083 towards the enhanced Sports Hall Project at Swanwick Hall School be approved, noting the School's contribution of £160,000.

**132/12      CREATION OF AN ENHANCED RESOURCE FACILITY FOR PUPILS WITH AUTISM AT TIBSHELF COMMUNITY SCHOOL – A SPECIALIST SPORTS COLLEGE** The Strategic Director – Children and Younger Adults reported on the outcome of the initial consultation and to consider whether or not to proceed with the publication of Statutory Notices to create an Enhanced Resource School provision at Tibshelf Community School – A Specialist Sports College.

Details were presented in respect of the consultation process undertaken and it was noted that the four responses received all expressed unequivocal support for the proposal whilst raising questions about the process and operation of provisions. Details of the specific issues raised and the responses were presented for Cabinet's attention.

**RESOLVED** that (1) Cabinet considered the issues raised in the initial consultation together with the responses detailed in the report; and

(2) the publication of a Statutory Notice in respect of the creation of enhanced resource provision for up to fifteen pupils at Tibshelf Community School - A Specialist Sports College, be approved.

**133/12      SCHOOL'S BROADBAND** Cabinet considered a joint report of the Strategic Director - Children and Younger Adults and the Director of Legal Services noting an urgent decision taken by the Chief Executive and to seek approval for decisions in respect of the County Council exercising its rights as a member of the emPSN Infrastructure Company and the emPSN Services Company to be delegated to the Strategic Director – Children and Younger Adults in consultation with the Cabinet Members for Education and Technology and Recycling.

It was necessary for the emPSN Infrastructure Co to enter into the Infrastructure Agreement with Kcom before 31 March 2012 in order to secure continuity of service for all schools connected with the embc network when the current contract expired on 31 October 2012. The Chief Executive therefore exercised his powers under the Council's Constitution and approved the consent to the emPSN Infrastructure Co entering into an Infrastructure Agreement with Kcom following discussions. A copy of the report of the Strategic Director to the Chief Executive was attached to the report.



The business of both emPSN Infrastructure Co and the emPSN Services Company provided for the Board of Directors to be the decision-making body, subject to the respective corporate governance rules. Details of the governance arrangements in respect of both bodies were presented in the report.

**RESOLVED** that (1) the urgent decision taken by the Chief Executive to approve the County Council's consent to the emPSN Infrastructure Co entering into an Infrastructure Agreement with Kcom Limited be noted; and

(2) delegates authority to the Strategic Director – Children and Younger Adults in consultation with the Cabinet Members for Education and Technology and Recycling, decisions in respect of the County Council exercising its rights as a member of emPSN Infrastructure Company and emPSN Services Company on the basis detailed in the report.

**134/12 FRIESLAND SCHOOL – PROPOSED REMODELLING OF SURPLUS SPACES IN SANDIACRE FRIESLAND SPORTS CENTRE** The Strategic Director – Children and Younger Adults and the Director of Property sought approval to the inclusion of an additional project in the Children and Younger Adults Capital Programme.

Friesland School shared its site with the Sandiacre Friesland Sports Centre which was operated via a joint management agreement with Erewash Borough Council. The School and the Sports Centre each had dedicated spaces within the building and other spaces were shared by agreement.

The Sports Centre had surplus squash courts and a function room with a bar area which was rarely used and discussions had been taking place between the Headteacher, the School Governors and the Leisure Centre with a view to the spaces being remodelled to provide additional accommodation for the School, particularly to enable extended services to be provided to the local community.

The proposed scheme would convert two squash courts into four large classrooms via the installation of mezzanine floors. The second part of the scheme would convert the function room and bar area into a conference facility. The total estimated cost of the project was £290,000 and the School had confirmed it could contribute £20,000 towards the project, in addition to the £80,000 funding associated with the separate remodelling project in the main school building, also to be funded by the School. The remaining funding of £270,000 could be met from the budget of £2.513m approved by Cabinet in December 2009 to support the co-location of services.

**RESOLVED** that (1) the allocation of £270,000 from the budget approved to support the co-location of services to carry out a re-modelling

project at Sandiacre Friesland Sports Centre be approved as detailed in the report;

(2) the project be incorporated in the 2011/12 Children and Younger Adults Capital Programme at a total budget cost of £290,000; and

(3) the School's contribution of £20,000 be noted.

**135/12      DEVELOPMENT OF UNI-FI INITIATIVE TO IMPROVE EDUCATIONAL OUTCOMES FOR CHILDREN IN CARE** The Strategic Director – Children and Younger Adults sought Cabinet approval for a fixed-term investment in the Uni-fi initiative to improve outcomes for children and young people in care in Derbyshire.

'Creative Councils' was a programme funded by National Endowment for Science, Technology and the Arts (NESTA) in partnership with the Local Government Association, to support local authorities to develop and implement radical innovations that met the challenges of the future. NESTA's ambitions over the next two years was to work with a small group of pioneering local authorities and their partners to implement and spread transformational approaches to meeting some of the biggest medium and long-term challenges facing local communities and local services.

Derbyshire had been selected as one of seventeen local authorities to share their ambition and vision. As part of Creative Councils, Derbyshire had received an initial grant of £30,000 and non-financial support in the form of research, support, personnel and expertise in participation from NESTA to develop thinking and establish the potential for spread to other areas. Feedback on initiatives thus far had been sought from other local authorities and substantial interest from across the country had been generated in support of the Uni-fi approach. Details of the aims and objectives of the scheme were presented in the report along with the full year cost in years 1, 2 and 3 for the project. It was proposed that one-off funding of £1.110m for the period 2012/13 to 2014/15 be set aside from the forecast 2011/12 Children and Younger Adults underspend to meet the costs of the project.

**RESOLVED** that (1) the fixed-term investment in the Uni-fi project be approved as detailed in the report; and

(2) £1.110m be allocated from the 2011/12 Children and Younger Adults underspend to meet the cost of the project.

**136/12      COMMUNITY ACTION CAPITAL GRANTS** Cabinet considered a report of the Chief Executive seeking approval of criteria for Community Action Capital Grants Scheme to support community self-help action across the County.

The aim of the scheme was to provide one-off capital grants to promote the social, economic and environmental well-being of local communities. The proposed criteria for the allocation of the grants were detailed as follows:

- Support partnerships with properly constituted local organisations to help bring communities closer together;
- Contribute to the development of multi-use capital projects such as community or sports facilities which would be used by the public over at least a 10 year period;
- Give priority to partnerships that had raised resources locally on a self-help basis towards the new project being proposed;
- Provide a minimum of £10,000 and a maximum of £250,000 towards the total capital cost detailed in a viable business plan;
- Support projects that could demonstrate sustainability in terms of future running costs; and
- Support projects that were well developed and could be started in the next 12-18 months.

Section 1 of the Localism Act 2011 conferred wide ranging powers on the Council, subject to certain express limitations, to do anything that individuals of full capacity generally may do. The power was not geographically limited and included activities undertaken for a commercial purpose, with or without charge and irrespective of whether the activity was for the benefit of the authority, its area or persons resident or present in its area. This power replaced the well being powers previously conferred on the Council by virtue of Section 2 of the Local Government Act 2000 which had now been repealed.

The proposals contained in the report were not caught by any of the express limitations contained in the Localism Act so the Council had the power to approve the proposals.

**RESOLVED** that (1) the criteria for Community Action Capital Grants Fund be agreed as detailed above;

(2) the Chief Executive develop an appropriate grant application procedure and publicity; and

(3) evaluation/monitoring reports be presented to Cabinet at appropriate intervals.

**137/12      EXCLUSION OF THE PUBLIC RESOLVED** to exclude the public from the meeting during the consideration of the following items to avoid the disclosure of exempt information.

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING**

- (1) Confirmation of the exempt minutes of the meeting of Cabinet held on 3 April 2012.
- (2) Receipt of the exempt minutes of Cabinet Member Meetings as follows:
  - (a) Education 19 March 2012
  - (b) Technology and Recycling 22 March 2012
  - (c) Finance and Management 23 March and 5 April 2012
  - (d) Highways and Transport 3 April 2012
- (3) Consideration of the report of the Strategic Director – Environmental Services on the Procurement of Vehicles (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 Property on Disabled Facilities Grant Construction Works Approval to Appoint Framework Contractors (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).