

MINUTES of a meeting of **CABINET** held on 26 September 2012 at County Hall, Matlock.

PRESENT

Councillor A I Lewer (in the Chair)

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

Councillor S Flitter also attended the meeting.

Apologies for absence were submitted on behalf of Councillor C W Jones.

Declarations of Interest

Councillor S Flitter declared a personal interest in Agenda item 10(h) – Matlock Highfields School – Notified Site, as a member of Matlock Town Council. Councillor Flitter withdrew from exempt section of the meeting.

274/12 ITEM RAISED BY THE MINORITY GROUPS

Councillor S Flitter raised the following:-

Agenda Item 6(a) – Complaints and Compliments Overview 2011-12 – The report refers to the “tie breaker” in respect of normal area schools and this was also raised by the Ombudsman. How is a school’s normal area defined?

Agenda Item 6(b) – Olympic Games 2012 – How will the County Council, working alongside Derbyshire Sport, keep the momentum of the successes especially as the “hype” over the Games declines and how will it start to link with other potential future major events?

Agenda Item 6(c) – Creative Derbyshire – More detail was requested on the 144 businesses that had been supported and the 12 development programmes. In addition, how will the County Council reach those who are not part of any group accessing this sort of information?

Agenda Item 6(f) – Permit Schemes for Street Works and Works for Road Purposes – The aim of the permit scheme is to reduce disruption on our highways and, in turn, aid the co-ordination of works but how can the Council be assured that this will work?

Agenda Item 6(i) – Derbyshire Annual Economic Report 2012 and Economic Review (September 2012) – In terms of local economic performance, can the County Council outline its plans for support for rural areas of Derbyshire noting that tourism is vital but that employment in the sector is often part-time, seasonal and low paid?

275/12 **MINUTES** **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 4 September 2012 be confirmed as a correct record and signed by the Chairman.

276/12 **CABINET MEMBER MEETINGS** **RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Education – 3 August and 3 September 2012
- (b) Finance and Management – 24 August and 6 September 2012
- (c) Adult Care – 28 August 2012
- (d) Public Health - 3 September 2012
- (e) Leadership and Culture – 4 September 2012

277/12 **COMPLAINTS AND COMPLIMENTS OVERVIEW 2011/12**

Cabinet considered a report of the Chief Executive on the complaints received and processed in accordance with the Council's Corporate Complaints Procedure during 2011-12 and the Local Government Ombudsman's Annual Review Letter. The report also included information on compliments received by the Council.

During 2011/12, the Council dealt with 830 complaints which represented a 6% increase from 2010/11. The percentage of complaints upheld was 20% and 19% were partially upheld and 51% were not upheld. Further details of complaints by departments and their outcomes were presented for Cabinet's attention. The Local Government Ombudsman issued an Annual Review Letter for each local authority, setting out key reflections on the complaints dealt with over the year. The Annual Review Letter and the Local Authority Report for Derbyshire for the year ended 31 March 2012 were attached at Appendix A to the report. For the period ending 31 March 2012, the Ombudsman received 89 enquiries and complaints relating to the County Council which compared to 83 the previous year.

The recording of compliments allowed the County Council to understand the areas where it was performing well and identify practices and procedures that could be preserved or applied to other departments. As such, they were an important source of feedback from the general public and service users. During 2011-2, the Council received 1419 compliments which was an increase of 13% on the previous year. Details of the compliments received by departments were presented in the report.

RESOLVED that (1) the key issues relating to the Complaints Procedure, the monitoring of complaints and changes to service which had resulted from complaints received be noted; and

(2) a report on the progress and developments on complaints and compliments be received following the end of the 2012-13 monitoring period.

278/12 OLYMPIC GAMES 2012 The Strategic Director – Cultural and Community Services informed Cabinet of the wealth of activity in Derbyshire surrounding the Olympic and Paralympic Games, and gave an indication of the legacy which the Games would leave for Derbyshire communities, individuals and businesses. The report detailed the seven key themes underpinning the Olympic legacy for Derbyshire and details were presented in respect of the Olympic Torch Relay, the Olympic Milestones, other London 2012 cultural activities in Derbyshire and also the activities of the Derbyshire 2012 Group.

RESOLVED that the report be noted.

279/12 CREATIVE DERBYSHIRE The Strategic Director – Cultural and Community Services informed Cabinet of the Creative Derbyshire programme of support for artists and arts businesses in the County. Creative Derbyshire was a bespoke programme of support for local creative businesses and artists, running from December 2010 to 2013. The programme sat under the umbrella of the Arts Derbyshire organisation with major funding coming from the Arts Council England, the County Council and all eight district and borough councils. Details were presented in respect of the key achievements to date and the impacts and future plans of the programme. It was noted that the programme needed to be in a position whereby organisations that were bidding competitively for resources to support economic development or business support included Creative Derbyshire as the local delivery agent for the creative sector.

RESOLVED that (1) the report be noted, and

(2) Creative Derbyshire be considered as a delivery partner in any future funding applications to support the creative economy of the County.

280/12 CREATION OF AN ENHANCED RESOURCE FACILITY FOR PUPILS WITH AUTISM AT TIBSELF COMMUNITY SCHOOL – A SPECIALIST SPORTS COLLEGE The Strategic Director – Children and Younger Adults reported on the outcome of the publication of statutory notices to create an Enhanced Resource provision at Tibshelf Community School – A Specialist Sports College and to consider whether or not to proceed to implement the proposal.

Details of the consultation process undertaken were presented in the report. It was noted that Cabinet had agreed to undertake an informal consultation on the proposal at its meeting on 22 November 2011 and had received a report on the outcomes of the consultation on 3 April 2012. Seven responses had been received, all of which were supportive, with no objections to the proposals being received. Cabinet had approved the publication of a statutory notice on 28 June 2012. During the period for representations following the publication of the notice, no further comments and no objections had been received. It was concluded, therefore, that there was support for the proposal to create an Enhanced Resource school provision for pupils with Autistic Spectrum Disorder at Tibshelf Community School – A Specialist Sports College.

RESOLVED that, having considered the outcome of the publication of statutory notices, the proposals for the creation of an Enhanced Resource provision for pupils with Autistic Spectrum Disorder at Tibshelf Community School – A Specialist Sports College be approved, with such proposals being implemented by 6 November 2013 to coincide with the opening of the new Tibshelf School building.

281/12 OFFER OF GRANT FUNDING FOR CYCLE ACCESS TO CHESTERFIELD RAILWAY STATION The Strategic Director – Environmental Services advised Cabinet of an offer of grant funding which would help provide one of the key elements of Chesterfield's Strategic Cycling Network and approval, in principle, was sought to the acceptance of the grant and to local contributions and to agree arrangements for the administration of the project over its duration.

At its meeting on 11 October 2011, Cabinet had received a report into two projects which had been submitted without success to the Local Sustainable Transport Fund (LSTF) administered by the Department of Transport. The projects were for the delivery of cycling trails linking Matlock and Buxton and the other for a package of measures focussed on Chesterfield. It was disappointing that the projects had been refused support and no further direct applications from the County Council could be made to the LSTF unless further funding rounds were announced. A further opportunity had however, arisen to take advantage of the Fund as part of a joint project, subject to agreement that local contributions could be made. This followed a successful submission for LSTF support for Access to Stations led by Bedford Borough Council in association with the Sustainable Transport Charity, Sustrans.

Details of the new cycle trail were presented in the report. It would provide a connection between several cycle route sections which had been created over recent years without the need to pass through the town centre, as well as opening up opportunities for cycle access to retail and leisure

facilities. This represented what must be regarded as the most important section of the strategic network still to be completed and LSTF support would enable this to be completed sooner than would otherwise have been possible. Grant funding totalling £525,100 was available from LSTF over the period up to 31 March 2015. In order to draw upon this, it was necessary to demonstrate that local contributions would be made. The total cost of the project was estimated at this stage to be £1m providing a continuous off-road link between the Station and the Ravenside Retail Park. The local contribution of just under half of the total would require a similar commitment of resources to that which was taking place at present on local cycling networks, but because this fell into future financial years, it had not yet been considered as part of the Service Plan approval process. The project would be managed by the County Council and delivered as part of its own capital schemes programme, with the grant funding available to be claimed against incurred costs.

In order to secure the grant funding available, which would allow the project management and design work to be advanced, the County Council needed to confirm to its partners in the project that it would be able to make the local contributions to guarantee its delivery. Cabinet was, therefore, requested to confirm its agreement in advance of the Service Plan Refresh 2013-14, that local contributions to the Access to Stations Project could be met from Integrated Transport Allocations. Cabinet was also requested to agree in principle the acceptance of grant funding from the LSTF and that the Cabinet Member for Highways and Transport be authorised to deal with the matters relating to the administration of the project, other than local contributions, over its duration.

RESOLVED to (1) agree in advance of the Service Plan Refresh for 2013-14, that local contributions up to £0.5m to the Access to Stations Project could be met from the Integrated Transport capital allocations;

(2) agree in principle to the receipt of grant from the local Sustainable Transport Fund; and

(3) authorise the Cabinet Member for Highways and Transport to deal with matters relating to the administration of the Access to Stations Project, other than local capital contributions, over its duration.

282/12 PERMIT SCHEME FOR STREET WORKS AND WORKS PURPOSES The Strategic Director – Environmental Services sought agreement that the County Council would seek to introduce a permit scheme for street works, agree the broad scope of such a scheme and the process to be followed towards its adoption.

Highway networks were fundamental to Derbyshire's economy and to the well-being of its population, carrying large numbers of people by public and private transport and delivering goods and services. Highways also served as distribution networks for essential supplies of water, power and communications. When they required renewal and repair, significant disruption could be caused creating difficulty for all users.

The recent review of the highways and transport functions in the Environmental Services Department had brought about the introduction of a Roadworks Centre to more effectively co-ordinate the highway works of the County Council which was a key element in the Authority's drive to improve the co-ordination of all disruptions on the County Council's highways.

Similarly, as part of the Derbyshire Local Transport Plan 2011-26, the County Council identified as part of its core business management of the highway network, that it would seek improvements to the co-ordination of street works. The co-ordination of street works already fell within the scope of work carried out by the Environmental Services Department and, under the New Roads and Street Works Act (NRSWA) 1991, there was a system of notification for works carried out by the utility companies. The County Council, as highway authority, was required to register the description, timing and location of its own proposed works which allowed the timing and duration of works to be co-ordinated to some extent and enabled the Authority to reduce impacts upon network users.

The incentives for those affecting the network to seek efficiencies were, however, quite limited under the NRSWA process. In recognition of this, the Traffic Management Act 2004 enabled the introduction of permit schemes operating through a process of applications being made to the local highway authority for a permit to carry out work. This could improve the degree to which the highway authority could control activities in the highway giving it influence over the duration and over the information provided to the public, and to strengthen the ability to influence the timing. It also allowed, through penalties for contraventions of the scheme, direct financial incentives for the scheme promoter to minimise disruption. Under a permit scheme it was unlawful for anybody to undertake work in the highway without a permit, meaning that the County Council would also have to apply for permits for all of its own work, although there would be no fee payable. The core objective of a permit scheme would be to reduce the disruption to network users caused by all activities and it was self-evident that if the overall duration of works was reduced this could have benefits for the utility companies themselves, network users, residents, businesses, carbon emissions and local air quality. There was evidence from monitoring of permit schemes introduced by other authorities that a successful scheme could achieve this.

Further work would need to be carried out on how its impacts could be measured. There were three broad options for the adoption of a scheme:-

- A stand-alone Derbyshire scheme
- A joint scheme with one or more other highway authorities sharing facilities for its administration
- A common scheme, consistent with those of other authorities.

Regulations made under the Traffic Management Act 2004 set out the process to be followed towards the adoption of a scheme which was initiated by the development of a business case. A three month period of consultation with Statutory Undertakers, local authorities, the emergency services, the Secretary of State and any other persons the County Council considered appropriate, was required, with the possibility that a scheme subsequently revised in any material way would require a further round of consultation, although for a shorter period. At the conclusion of the consultation process an application for the legal order required for the scheme must be made to and considered by the Secretary of State for Transport. A realistic introduction date for a permit scheme, therefore, would be 1 October 2013.

RESOLVED to (1) agree that the County Council proceed towards the introduction of a permit scheme for street works;

(2) authorise the Strategic Director – Environmental Services in consultation with the Cabinet Member for Highways and Transport to deal with the preparation of a permit scheme, including consultation processes; and

(3) agree to receive a further report following consultation on the recommended permit scheme and to authorise the remaining steps in the process for the adoption of the scheme.

283/12 COUNCIL TAX LOCAL SUPPORT SCHEMES CONSULTATION

The Director of Finance provided Cabinet with details of the Council Tax Support Scheme consultation being undertaken by the district/borough councils within the County.

The Government announced in its Comprehensive Spending Review 2010, that support for Council Tax from April 2013 would be reduced by 10%. Consultation proposals on the localisation of Council Tax benefits were initially published by the Department for Communities and Local Government in August 2011. The Welfare Reform Bill and the Local Government Finance Bill included the necessary legislative provisions to enable Local Council Tax Benefit Schemes from 2013/14. Essentially, therefore, every billing authority would be responsible for devising and consulting upon a local scheme to support vulnerable people with their Council Tax.

The Council had held a number of meetings with representatives from the district and borough councils as well as the Fire and Rescue and Police Authorities to discuss proposals for local schemes. All authorities within the County had agreed to make a financial contribution to the purchase of software to allow district/borough councils to model the financial impact of any local schemes. Each of the billing authorities was likely to devise numerous options for benefit reductions and reduced discounts in order to bridge the funding gap. Billing authorities were required to consult with all major stakeholders which included the precepting authorities.

To date, the Council had received proposals from seven of the billing authorities within the County, the remainder were expected shortly. In light of the tight timescales, the County Council had been asked to respond to each billing authority's proposal within two/three weeks and the Director of Finance had responded to the urgency of these consultations using the principles contained in the Cabinet report of 24 July 2012.

Each of the schemes being proposed generally followed similar principles in that they followed the principles of the existing Council Tax Benefit Schemes, aiming to protect certain vulnerable groups and use a range of discounts and reductions to bridge the funding gap and ensure that the introduction of the scheme was cost neutral.

RESOLVED to note that the consultation processes were underway and that the Director of Finance had responded on the Council's behalf in consultation with the Cabinet Member for Finance and Management.

284/12 BUDGET MONITORING 2012-13 The Director of Finance provided Cabinet with an update of the latest budget monitoring positions. The report summarised the controllable budget position by department and monitoring reflected the position as at 30 June 2012. However, officers had provided additional updates to the Director of Finance to take the position up to the period ending 31 July 2012. The position partly reflected the carry forward of budgets from 2011-12 as the details regarding the use of underspends had not been finalised at the time of the reports. However, departments were able to use any underspends from 2011-12 to help manage their budget reductions in 2012-13. Cabinet Members had received more detailed reports on the position in respect of their Portfolios. Details were presented in the report and in Appendix 1, of the position by department. Overall there was an overspend of £3.806m.

RESOLVED that the budget monitoring position as at 30 June 2012 be noted.

285/12 DERBYSHIRE ANNUAL ECONOMIC REPORT 2012 AND ECONOMIC REVIEW (SEPTEMBER 2012)

The Strategic Director – Policy and Community Safety presented to Cabinet the Derbyshire Annual Economic Report 2012 and the new format for reporting economic intelligence on a quarterly basis to help shape policy development and delivery. Copies of the Derbyshire Annual Economic Report 2012 and the Derbyshire Economic Review (September 2012) were presented at Appendices 1 and 2 to the report, respectively.

RESOLVED that (1) the Annual Economic Update 2012 and the Economic Review (September 2012) be noted and the format of the Economic Review be approved; and

(2) private and voluntary sectors note the reports and the information available through the Derbyshire Observatory and encourage departments to both validate and contribute to the information published and made available to assist policy making across Derbyshire.

286/12 INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) STRATEGY

The Director of Transformation sought Cabinet approval to adopt a new Information and Communication Technology Strategy covering the period 2012-13. The new Strategy sought to recognise that effective ICT was critical to delivery of high quality and value for money public services and had been developed with input from all service departments and ensured that the Council's ICT provision continued to develop to support the objectives in the Council Plan. The Strategy document set out a clear vision and described a set of key principles that underpinned the ICT services provided. Linked to the Strategy was a Delivery Plan which would be updated annually in line with Departmental Service Plan objectives and associated ICT requirements. A copy of the Strategy was attached as an Appendix to the report.

RESOLVED that the Information and Communication Technology Strategy covering the period 2012-15 be approved.

287/12 CHILDREN AND YOUNGER ADULTS CAPITAL PROGRAMME – JOINT FUNDING INITIATIVE FOR SCHOOLS

The Strategic Director – Children and Younger Adults sought approval for approval for a further schedule of joint funded proposals submitted by schools to be funded from the budget approved in the 2012/13 Children and Younger Adults Capital Programme. Fifteen projects had been approved at a total cost of £521,500 at previous Cabinet meetings and a further list of schemes had now been assessed with the following projects submitted for approval.

School	Project	Total cost	LA Contribution
Alfreton Nursery	Toilet refurbishment	£18,500	£9,250

School			
Chesterfield, Cavendish Junior	Hall floor refurbishment	£13,300	£6,650
Chapel-en-le-Frith CE Primary	Playground resurfacing & refurbishment	£17,000	£8,500
Creswell CE Infant & Nursery	Playground resurfacing	£10,000	£5,000
Pilsley Primary (Chesterfield)	Replacement fencing	£11,200	£5,600
Poolsbrook Primary	Replacement doors, windows & external works	£20,500	£10,250
Stanley St. Andrew's CE Primary	Window replacements and other repairs	£15,000	£7,500
William Allitt School	Window replacements	£106,300	£53,150
	Totals	£211,800	£105,900

RESOLVED that approval be granted to the list of jointly funded projects as detailed above, with funding split equally between the schools and the Authority, thus resulting in a charge of £105,900 against the approved allocation of £2.5m in the 2012-13 Children and Younger Adults Capital Programme.

288/12 EXCLUSION OF THE PUBLIC RESOLVED to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information contained in the following summary of proceedings:-

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

- (1) To confirm the exempt minutes of Cabinet held on 4 September 2012.
- (2) Receipt of exempt minutes of Cabinet Member meetings as follows:-
 - (a) Education – 13 August and 3 September 2012
 - (b) Finance and Management – 6 September 2012
 - (c) Adult Care – 28 August 2012
- (3) Consideration of the report of the Strategic Director - Finance on the Arkwright Society – Grant Award Guarantee (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 Strategic Director – Environmental Services on the Procurement of Bus Ticketing Data Analysis Software and Associated Services (Contains information relating to the financial or

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

- (5) Consideration of the report of the Strategic Director – Environmental Services on the addition to the Capital Programme 2012-13, Glossop-Howard Town Mill Development Replacement of Traffic Signals – Norfolk Square (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (6) Consideration of the report of the Strategic Director – Environmental Services on the proposed Passenger Boat Service on the Cromford Canal (Contains information relating to financial or business affairs of any particular person, including the Authority holding that information).
- (7) Consideration of the report of the Strategic Director – Environmental Services on the Procurement of a Specialist Weather Forecasting Service (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (8) Consideration of the report of the Strategic Director – Environmental Services on the Award of Home to School Transport Contract (PTU140) (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (9) Consideration of the report the Strategic Director – Environmental Services on the Award of Passenger Transport Contracts (PTU141) (Contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
- (10) Consideration of the joint report of the Strategic Director – Children and Younger Adults and the Director of Property on Matlock Highfields School – Notified Site (Contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).
- (11) Consideration of the report of the Strategic Director – Children and Younger Adults on Management Restructuring, Safeguarding and Specialist Services (Contains information likely to reveal the identity of any individual).