

**MINUTES** of a meeting of **CABINET** held on 5 March 2013 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, K L Parkinson and S A Spencer.

Councillors S Flitter and Ms A Western also attended the meeting.

**Declaration of Interest**

Councillor Mrs C A Hart declared a personal interest in Agenda Item 6(c) – Ilkeston Rail Station as Deputy Leader of Erewash Borough Council.

**59/13      ITEMS RAISED BY THE MINORITY GROUPS**

Councillor Ms A Western raised the following:

Agenda Item 6(aa) – Urgent Repairs to Roads and Footways – (1) The report was circulated as an urgent item. Is it legitimate that the report can be submitted as urgent? (2) Are the repairs needed over this eight week period? (3) What is the impact on the Department of this stop start policy? (4) Where is the £524k out of the £800k cost of the works coming from? and (5) What are the criteria for determining where the funding can be spent?

Agenda Item 6(f) – Youth Buildings Review – The consultation process on the New Youth Offer included a series of stakeholder events. It was agreed that feedback from these events would be provided. This has not happened and, in particular, Members with premises affected by the proposals in their Divisions have not received feedback. Could this feedback be provided?

Councillor S Flitter raised the following:

Agenda Item 6(aa) – Urgent Repairs to Roads and Footways – (a) How will the JetPatcher be used with effect over the whole of the County? and (b) Is there a plan of operation or will JetPatcher be used to react to complaints?

Agenda item 6(a) – Chronic Pain Services in Derbyshire – Are there any fast track criteria to allow patients to enter the system where post operation medication is not working?

Agenda item 6(f) – Youth Building Review – (a) Can the Council be assured that proper arrangements are in place before current activities cease? (b) Chinley Parish Council was not consulted as part of the stakeholder review. Is this correct and, if so, why were they not consulted? (c) Are there

any cumbersome issues relating to leases that will cause a problem because it is understood that discussions have been taking place for some time?

Agenda item 6(g) – Internal Apprenticeship Scheme – The Scheme is fully supported but there are concerns that there is no guarantee of work for apprentices once they have completed their training. If there is no commitment of a job at the end of the training, how will this affect the morale of apprentices?

**60/13**      **MINUTES**    **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 11 February 2013 be confirmed as a correct record and signed by the Chairman.

**61/13**      **CABINET MEMBER MEETINGS**      **RESOLVED** to receive the non-exempt minutes of Cabinet Member Meetings as follows:

- a) Finance and Management – 5 and 25 January and 8 February 2013
- b) Technology and Recycling – 31 January and 14 February 2013
- c) Adult Care – 11 February 2013
- d) Young People – 12 February 2013
- e) Regeneration – 15 February 2013
- f) Education – 18 February 2013
- g) Public Health – 18 February 2013
- h) Highways and Transport – 19 February 2013

**62/13**      **URGENT REPAIRS TO ROADS AND FOOTWAYS** (Highways and Transport)      Cabinet agreed to accept the report as an urgent agenda item in order to ensure that additional repair work to highways could commence as soon as possible. The Strategic Director – Environmental Services sought approval to spend monies in excess of the approved budget to accelerate repairs to the highway, including the use of external contractors to carry out repairs to highways, and waive Standing Orders in Relation to Contracts to enable an order to be placed for the use of the JetPatcher machine.

The highway network had suffered considerable damage as a result of adverse winter weather and flooding. Action had already been taken to address the pot-hole issue and additional resources had been deployed to reduce the back-log of necessary repairs. However, the number of pot-holes reported by the public and noted on routine inspections continued to rise and the back-log increase. In addition, the excessive number of defects was such that the standard of repair suffered and the recommendations of the national “pot-hole report” to undertake first time permanent repairs could not be met in full. The only satisfactory solution was to increase the resources allocated to such repairs.

To maximise the benefit of increased resources, it would be necessary to utilise external contractors and it would then be possible to undertake first-time permanent repairs to meet the Council’s best practice. The County

Council had undertaken a procurement exercise in 2012 and invited tenders for “patching works” to highways. Seven contractors had been accepted to undertake the works and individual contractors would be appointed to undertake works as they were identified, based on the lowest available cost, subject to finance being available. In addition, a JetPatcher machine would be available in the future to carry out repairs to pot-holes. This was a specialist machine which used a high velocity air stream both to clear any existing holes of debris and water if present, and to lay and compact material. Whilst there were other similar machines in the market, the Council had used JetPatcher previously and found it to be particularly effective.

It had been estimated that the additional resources would be needed for some two months to address the backlog and bring the network into an acceptable condition and the total cost of the work was estimated at £824,000. It was anticipated that approximately £300,000 could be spent on repairs before the end of the financial year. This would be made up of additional contractors at a cost of £250,000 and the hire of JetPatcher at an estimated cost of £50,000.

In order to move quickly, which was considered to be essential in the current circumstances, it would not be possible to seek competitive tenders for supply of the JetPatcher equipment. Preliminary enquiries of the JetPatcher machine suggested that the machine was available to hire on an output basis with immediate effect. Members were therefore requested to waive Standing Orders in relation to contracts to permit the placing of an order for the hire of JetPatcher.

Similarly, Councillor Mrs J A Twigg, Chairman of the Improvement and Scrutiny Committee – Places had been requested to waive Call-In in respect of this report. Councillor Twigg had agreed that it was reasonable to agree to the request and to it to be treated as a matter of urgency in order to ensure that additional repair works to the highways could commence as soon as possible.

**RESOLVED** that (1) the expenditure to help accelerate highway repairs, including the use of external contractors as described in the report be approved;

(2) a sum of £824,000 be allocated to such repairs during an 8 week period of which £300,000 was estimated to be needed during the current financial year;

(3) Standing Orders in Relation to Contracts be waived to enable an order to be placed for the hire of a JetPatcher machine; and

(4) to note that approval had been given to waive the Call-In period in respect of this report.

**63/13 REVIEW OF CHRONIC PAIN SERVICES IN DERBYSHIRE** Cabinet was presented with the final report of the Improvement and Scrutiny Review of Chronic Pain Services in Derbyshire. The

Improvement and Scrutiny Committee – People had completed the review which looked at the management and delivery of chronic pain services across Derbyshire including an examination of the systems within Derbyshire for assessing, referring, treating and managing chronic pain. The review also looked at the role of Primary and Secondary Care Services and the role of Commissioners. A Member Working Group had been established to conduct the review and a final report had been produced identifying the reviews findings and also its recommendations.

**RESOLVED** to receive the Improvement and Scrutiny Report on Chronic Pain Services in Derbyshire and to note its recommendations.

**64/13**      **CYCLE ACCESS TO CHESTERFIELD STATION** (Highways and Transport) The Strategic Director – Environmental Services recommended to Cabinet the allocation of Contingency Funding previously held against Ilkeston Rail Station to form the local contribution to a project to provide improved cycle access to Chesterfield Rail Station.

At its meeting of 26 September 2012, Cabinet considered a report detailing an offer of grant funding for a project to provide improved cycle access to Chesterfield Station. Funding of £525,100 was available from the Local Sustainable Transport Fund as part of a national project to improve access to rail stations. Cabinet agreed in principle to the receipt of this grant and that a local contribution of up to £500,000 could be met from the Integrated Transport Capital Allocations. It was anticipated at that time that the source of this contribution would be the Highways and Transport Capital Programme for 2013/14, to be brought forward through the Environmental Services Department Service Plan for 2013-14 Refresh. There was however, now an alternative source of funding available. The County Council's contribution had now been confirmed at £512,000 and it was recommended that this be met from the 2009/10 financial year and allocated to the Local Sustainable Transport Fund Access to Stations Project. This would allow other projects to be advanced through the Environmental Services Department Service Plan 2013/14 Refresh, making use of Integrated Transport Grant Funding.

**RESOLVED** that (1) the use of up to £512,000 of Integrated Transport funds remaining from the 2009-10 programmes to provide the local contribution to the Local Sustainable Transport Fund (Access to Stations) project be approved; and

(2) the scheme be included in the 2012-13 Capital Programme.

**65/13**      **ILKESTON RAIL STATION** (Highways and Transport) The Strategic Director – Environmental Services updated Cabinet on the preparation of a scheme to deliver Ilkeston Rail Station and to seek approval to the County Council's financial contributions to its preparation and construction.

The New Stations Fund had been launched on 24 January 2013 and it was to be administered by Network Rail. Initial applications for the Fund were required by 25 February 2013 which did not provide sufficient time for the report to be presented to Cabinet during preparation. The New Stations Fund provided a source of capital for station construction but required a local contribution of at least 25%. The total estimated cost up to this point had been £5m, against which the minimum contribution would be £1.125m. However, the GRIP process proposed a revised pedestrian access which could conceivably lead to an increase in costs. The Nottingham Housing Market Area had continued to protect a £1m contribution to the project which provided a substantial proportion of the match funding available. Alongside this, the Environmental Services Department Service Plan 2012-13 Refresh, identified a one-off grant of £754,000 as allocated to a combination of Ilkeston Station and carbon reduction measures, subject to a further report to Cabinet. It was now recommended that the £754,000 be allocated in full towards Ilkeston Station construction. This meant that local contributions of £1.754m would represent 35% of the estimated construction cost of £5m which was more than nominally required.

Details were also presented in respect of the provision of stopping services and the station design process.

**RESOLVED** that (1) the current position with regard to delivery of a new Rail Station for Ilkeston be noted;

(2) the allocation of £754,000 of Indicated Transport Capital Funding as the County Council contribution to funding costs and the use of funds remaining in the 2009-10 Capital Programme to cover the preparation costs be approved; and

(3) the Cabinet Member for Highways and Transport be authorised to deal with the detailed agreement with Network Rail over its involvement in the GRIP.

**66/13      PROPOSED GRANT FUNDING FOR COMMUNITY TRANSPORT FOR 2013/14** (Highways and Transport) The Strategic Director - Environmental Services sought approval for the provision of grant funding for Community Transport organisations and the Wheels to Work/Ways to Work project.

It was proposed that for 2013-14, the proposed annual payments to the eight Community Transport schemes should remain unchanged from the current level of spending. The proposed payments included a grant payment of £151,347 and a payment for participation in the flat fare Dial-A-Bus scheme of £15,000, giving a total for the scheme of £186,347. The total cost of grant payments to the Community Transport schemes for 2013-14 would be £1,490,776. This assumed that the annual contribution of £80,000 from the health sector would continue to be available.

In addition, to the well-established Community Transport organisations, there were other transport providers who helped plug the gap when neither conventional public transport nor Community Transport offered an appropriate solution. One of these was the Ways to Work/Wheels to Work project that helped people who found it difficult to get to work or training such as young people living in rural areas, or shift workers who did not have the use of a car or did not have convenient access to public transport. In 2012-13, the County Council made £25,000 available from revenue funding to support the project, together with £45,000 from the Local Transport Capital Programme. Funding was also available to the project from the Coalfields Regeneration Trust in some areas of Derbyshire, but all of this funding had now been used. In the circumstances, it was recommended that £50,000 of revenue funding should be made available in 2013-14.

**RESOLVED** that the proposed allocation of a grant to the Community Transport schemes and the Wheels to Work/Ways to Work project be approved as detailed in the report.

**67/13      THE CONTROLLED WASTE (ENGLAND AND WALES) REGULATIONS 2012** (Technology and Recycling)      The Strategic Director – Environmental Services informed Cabinet of changes to the powers that Local Authorities had in respect of making charges for waste collection and disposal as defined in the new Controlled Waste Regulations (England and Wales) 2012.

**RESOLVED** that (1) the changes to the powers that local authorities have in respect of making charges for waste collection and disposal as defined in the Controlled Waste Regulations (England and Wales) 2012 be noted;

(2) the limited impact on County Council funded establishments initially be noted with further work being endorsed and undertaken to assess and anticipate the impact on local authority funded schools in 2015 when charges for disposal might apply;

(3) the development of a proposed policy for Derbyshire for the implementation of the Regulations including appropriate consultation be authorised; and

(4) the Strategic Director – Environmental Services be authorised to work with the Waste Collection Authorities to understand and interpret the financial implications of the proposed policy.

**68/13      YOUTH BUILDINGS REVIEW** (Young People)      The Strategic Director – Children and Younger Adults informed Cabinet of the outcome of the review of the youth buildings following the endorsement of the New Youth Offer in June 2012 and approval was also sought for the recommended future use of Youth Service buildings.

The review concluded that a total of twenty-two buildings were recommended for retention for youth and wider community use. The review also found that there was a disproportionate amount of cleaning and caretaking time allocated to some buildings compared to building use. The service level agreement for the cleaning and caretaking buildings was established in 2002 and had not been subject to a review since. Building use had changed over the last ten years, whilst the cleaning and caretaking for the buildings had remained the same. This had resulted in approximately 30,498 hours of cleaning and caretaking time for approximately 10,140 hours of Youth Service delivery time. Though a small proportion of community use was included, the expenditure fell on the Youth Service budget and this needed to be addressed.

Expressions of interest in the Community Assets Transfer (CAT) were made by several voluntary, community and independent sector organisations during the youth consultation held in 2012. Further expressions of interest were made during the second round of stakeholder consultations and, with the support from Derbyshire County Council, it was envisaged that these premises could be successfully managed by the voluntary sector. These buildings would be retained for community use and would include times for running youth activities.

At stage one of the consultation, eleven buildings were identified as fit for purpose with no viable alternative and so, subject to efficiency savings being achieved from the re-negotiation of premises costs and an increase in the income generated, they would remain as part of the portfolio. Informed by stage two stakeholder consultation, a further eleven buildings would be retained subject to a 50% cost reduction in cleaning and caretaking expenditure as detailed at Appendix 1. A total of three buildings would be transferred to Corporate Property Services in order to arrange transfers through the CAT and four buildings would be declared surplus to requirements and referred to Corporate Property for disposal as detailed in Appendix 2.

It was recommended that the use of the twenty-two retained youth buildings be maximised in order to make them more cost effective. Current building usage to deliver youth activities varied between buildings which were mainly used in the evenings and, as a result, were often unused for youth activities during the day. Buildings were rarely used at weekends and the availability of buildings needed to be identified and advertised for community use. The possibility of other Council services using buildings also needed to be explored.

Any lettings to community groups needed to be in line with the Corporate Lettings Policy to be updated by Corporate Property. The income currently generated equated to 11% of gross expenditure.

It was proposed that the existing Gladys Buxton Centre be demolished and two rooms of the main Gladys Buxton Centre be refurbished into multi-

purpose rooms to accommodate youth activities. This would be the subject of a future report to Cabinet. It was proposed that consideration be given to the re-branding of youth centre buildings, as consultation had identified that the title “youth” buildings was often off-putting to other community groups. It was suggested that buildings should be given a more neutral title.

Corporate Property had advised that the total revenue savings to the Council that could be generated by disposal of the four recommended properties and the transfer of the three properties recommended for community transfer, would be in the region of £80,000. Additional savings resulting from the review of caretaking and cleaning contracts and increasing income would augment total revenue savings to around £250,000 per annum. Corporate Property had also advised that three of the four properties recommended for disposal were held leasehold and therefore would not generate a capital receipt. The potential disposal of the freehold property recommended for disposal at Aldercar Youth Centre, would if achieved generate a Capital receipt in the region of £40,000.

**RESOLVED** that (1) the retention of twenty-two youth buildings (a reduction of 24%) be approved;

(2) the three buildings identified in the report be referred to Corporate Property for CAT process;

(3) the four buildings identified be declared surplus to requirements and referred to Corporate Property for disposal;

(4) cleaning and caretaking contracts be re-negotiated;

(5) income generation targets be set and buildings re-branded for the retained youth centres to promote better use of assets; and

(6) approval in principle be given for Gladys Buxton Youth Centre to be demolished and the refurbishment of two rooms in the main centre, accommodating youth and community activities to be the subject of a future report to Cabinet.

**69/13      INTERNAL APPRENTICESHIP SCHEME/RESOURCES@ DERBYSHIRE** (Finance and Management) The Director of Human Resources updated Cabinet on the progress of the Council’s internal apprenticeship scheme and the further development of Resources@ Derbyshire to support the apprenticeship agenda in the Council.

The duration of each apprenticeship varied according to the qualification framework requirements. Upon completion of the apprenticeship there was no guarantee of permanent employment with the Council. However, it was expected that the apprentices who successfully completed their apprenticeship contract would be in a strong position to apply for and achieve employment with the Council. In order to support this, it was proposed that



the Council's apprentices would be able to apply for internal vacancies in the 3 months' period prior to them completing their apprenticeship. This would provide the apprentice with the best opportunity to obtain employment with the Council and to ensure that it retained as many apprentices as possible and benefitted from the significant resource that had been invested in developing their skills and knowledge, including knowledge of the Council.

Details of the progress on the internal apprenticeship scheme, including the three intakes of apprentices in June, September and October with 100 apprenticeships being engaged were presented. A plan for the recruitment of apprentices in June 2013 was attached at Appendix 2 to the report. Under the plan, nine apprentices would be supported to roles in Environmental Services and the Finance Division and there would be a second intake of apprentices in October with the recruitment timed at the end of the current academic year to ensure that the Council recruited at the most advantageous time.

In addition, as part of the on-going strategy to ensure that all groups of young people could engage with and had access to the apprenticeship scheme, including care-leavers and other disadvantaged groups, Chesterfield College had designed the Step Forward programme to meet the needs of those young people who might need some extra support and guidance to prepare them for work, apprenticeships and other learning pathways. A copy of the Step Forward programme was attached at Appendix 3 to the report.

It was proposed that Resources@Derbyshire would recruit Business Services vacancies (Grade 4) in its geographical operating area (within ten miles of Matlock) and that this would be linked to the development of the Council's apprenticeship agenda. In future, Resources@Derbyshire would operate as two separate pools of staff. The first pool being the existing cohort of relief and annualised hours staff which had recently increased from nineteen to thirty full-time equivalents and was reducing the Council's spend on external agency business services staff. The second would be a pool of business services apprentices and this cohort would be used to resource vacancies at Grade 4 as detailed in Appendix 4.

**RESOLVED** that (1) the apprenticeship recruitment plan for 2013 as detailed at Appendix 2 to the report be noted;

(2) Grade 4 business services vacancies be recruited through Resources@Derbyshire as detailed in the report; and

(3) all apprentices employed through the ATA be eligible to apply for Council vacancies 3 months prior to the end of their apprenticeship.

**70/13      DIGITAL DERBYSHIRE** (Regeneration) The Deputy Chief Executive and Strategic Director - Health and Community Safety updated Cabinet on progress in relation to the Digital Derbyshire Local Broadband Plan and on the Government's Digital Strategy which had been published in November 2012.

The Government's Digital Strategy set out how the Government would become "digital by default" which meant digital services that were so straight forward and convenient that those who could use them would choose to do so whilst those who could not were not excluded. Further details on the Strategy were presented in the report.

Given that the Authority was now in the formal procurement process, Cabinet approval was sought to approve the launch of the draft invitation to tender and as the Council was procuring from National BDUK framework, the invitation to tender was a standard template document which had been populated with Derbyshire specific information from the Local Broadband Plan.

**RESOLVED** that (1) the progress being made to deliver the Local Broadband Plan be noted;

(2) the launch of the draft invitation to a tender be approved; and

(3) to note that the next stage in the process for Cabinet approval would be upon the completion of procurement and to seek approval to award the contract.

**71/13      DERBYSHIRE ECONOMIC TRADE AND INVESTMENT STRATEGY – DRAFT 16 POINT ACTION PLAN** (Regeneration) The Deputy Chief Executive and Strategic Director - Health and Community Safety informed Cabinet of the draft Derbyshire Economic Trade and Investment Strategy – Action Plan details of which were presented in the report. Following consultation with appropriate partners, a further report on the proposed Plan would be presented to Cabinet.

**RESOLVED** (1) that the draft Derbyshire Economic Trade and Investment Strategy – Action Plan be approved for consultation with partners; and (2) that a further report be presented to Cabinet in due course.

**72/13      EXCLUSION OF THE PUBLIC FROM THE MEETING**  
**RESOLVED** to exclude the public from the meeting during the consideration with 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) Confirmation of the Exempt Minutes of the Meeting of Cabinet held on 11 February 2013.
- 2) Receipt of the Exempt Minutes of Cabinet Member Meetings as follows:
  - a) Finance and Management – 25 January 2013
  - b) Technology and Recycling – 31 January 2013

- c) Young People – 12 February 2013
  - d) Regeneration – 15 February 2013
  - e) Education – 18 February 2013
  - f) Highways and Transport – 19 February 2013
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- 3) Consideration of the Report of the Strategic Director – Environmental Services on the Award of Passenger Transport Contracts (PTU 143) (contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
  - 4) Consideration of the Joint Report of the Strategic Director – Environmental Services and the Director of Transformation on the Replacement of Software Used by the Environmental Services Department (contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
  - 5) Consideration of the Report of the Strategic Director – Children and Younger Adults on the Transportation of School Meals – CTP 632 (contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).
  - 6) Consideration of the Report of the Director of Finance on the Local Government Pension Scheme – Pension Administration System (contains information relating to the financial or business affairs of a particular person, including the Authority holding that information).