

MINUTES of a meeting of **CABINET** held on 6 November 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.

Councillor S Flitter also attended the meeting.

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

Declarations of Interest

Councillor B Lewis declared a personal interest in Agenda Item 6(c) – Archaeological Way Redevelopment as Chairman of the Creswell Heritage Trust.

Councillor Mrs C A Hart declared a personal interest in Agenda Item 6(d) – Addition to the Capital Programme 2012-13 – Long Eaton Town Centre – Footway Resurfacing and Creation of New Bus Boarding Areas as a member and Deputy Leader of Erewash Borough Council.

319/12 ITEMS RAISED BY THE MINORITY GROUPS

Councillor S Flitter raised the following:-

Agenda Item 6(a) - The Derbyshire Energy Bulk Buying Scheme – (a) What is the timescale for people to buy in to the Scheme? (b) What numbers of registered users will be needed to make the Scheme viable and attractive for residents and suppliers alike?

Agenda Item 6(b) – The Derbyshire Health and Well-being Strategy 2012-2015 – (a) The majority of respondents to this survey were professional organisations and 88% indicated that the overall Strategy was clear and easy to understand. However, so far as the detailed proposals were concerned, 50% thought that additional actions should be included. The report states that these issues are addressed elsewhere in the Strategy – where are they referred to? (b) In respect of rural issues and access to services, how does the Council propose to balance the Strategy against the financial constraints facing the Council with the needs of residents living in rural areas?

Agenda Item 6(i) – Charging Policy for Mobile Changing Places Toilet – (a) What level of security is needed for the toilet? (b) If there is no charge for

use of the toilet, how will the Council recoup costs for any damage caused and should, therefore, users have to place a bond with the Council?

Agenda Item 6(n) – Responses to the Consultation on the Proposed Closure of Derwent House Home for Older People - The Council has a timetable for the closure of its homes, but how does it wind down the business and does it still accept people to reside short-term or is it a gradual phasing out of accommodation?

320/12 MINUTES **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 16 October 2012 be confirmed as a correct record and signed by the Chairman.

321/12 CABINET MEMBER MEETINGS **RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:-

- (a) Public Health – 1 and 22 October 2012
- (b) Highways and Transport – 2 and 16 October 2012
- (c) Finance and Management – 5 and 18 October 2012
- (d) Technology and Recycling - 11 October 2012
- (e) Education – 15 October 2012
- (f) Adult Care – 16 October 2012
- (g) Leadership and Culture – 16 October 2012
- (h) Young People – 16 October 2012

322/12 THE DERBYSHIRE ENERGY BULK BUYING SCHEME

The Chief Executive sought approval to develop and implement a scheme intended to help Derbyshire residents reduce their household energy costs by bringing households together to bulk purchase their energy needs.

As the County Council had a network of community based public offices and libraries and well established communication channels such as the website and Call Derbyshire, it was well placed to reach a very wide audience and was uniquely positioned to help a successful Bulk Energy Purchase Scheme for Derbyshire residents.

The project would be developed and implemented in three phases: pre-launch activity, registration, and auction and offer. The initial tasks in developing the Scheme would be to establish a project team, engage with potential energy suppliers and establish an implementation timetable. It was stressed at this early stage that there was no guarantee that savings would be generated, as the Scheme might not attract a critical mass of registrations needed to effectively approach the market and also energy prices were subject to significant fluctuations.

In September 2012, the Government announced that it was providing funding of £5m to encourage councils and charities to support collective

energy switching schemes, although it was not known at this stage how the funding would be allocated. In the interim, it was proposed to establish a budget of £50,000 in order to develop and implement a scheme for Derbyshire residents which could be met from underspends in the 2011-12 Chief Executive's and Corporate Resources departmental budget.

RESOLVED that (1) the development and implementation of the Derbyshire Energy Bulk Buying Scheme be approved as detailed in the report; and

(2) decisions relating to matters of detail in the development and implementation of the Scheme be delegated to the appropriate Cabinet Member.

323/12 THE DERBYSHIRE HEALTH AND WELL-BEING STRATEGY 2012-15 The Strategic Director – Policy and Community Safety and Deputy Chief Executive sought endorsement for the Derbyshire Health and Well-Being Strategy 2012-15. The development of the Strategy had been a staged process with an initial consultation running between March and April 2012 on a proposed set of high level priorities. As a result, a full draft Strategy was produced which included details of specific actions needed to ensure the delivery of the high level priorities and a full consultation on the draft Strategy was undertaken between June and September 2012. The overall response to the consultation had been positive with a high degree of support for the Strategy and proposed actions and a summary of the responses was attached at Appendix A to the report.

The final Strategy had now been revised to take account of the comments received and the revisions made included the addition of a Next Steps section which gave more detail on how the Strategy would be implemented. The final Health and Well-being Strategy 2012-15 had been approved by the Derbyshire Health and Well-Being Board on 27 September 2012.

RESOLVED that the Derbyshire Health and Well-Being Strategy 2012-15 be endorsed.

324/12 ARCHAEOLOGICAL WAY REDEVELOPMENT The Strategic Director – Environmental Services sought Cabinet approval to include Archaeological Way Projects funded through the Limestone Journeys (Heritage Lottery Funded) Landscape Partnership, in the Capital Programme for 2012-13 and to approve expenditure on delivery of the project.

In September 2010, Limestone Journeys secured £1.9m from the Heritage Lottery Fund to carry out a programme of environmental improvements and community projects with the Southern Magnesian

Limestone Landscape in Derbyshire. Subsequently in August 2011, approval was given by the Cabinet Member for Highways and Transport for the County Council and Bolsover Countryside Partnership to sign the Limestone Journeys Joint Working Agreement.

The Archaeological Way was the largest project within Limestone Journeys and was aiming to create an eleven mile multi-user trail between Pleasley Pit Country Park and Creswell Crags. The proposal was aligned with the strategic developments and key principles identified in the East Derbyshire Greenways Strategy and the Rights of Way Improvement Plan adopted by the County Council. Second year Archaeological Way projects included works to resurface 124 metres of path to connect to Pleasley Village to the Meden Trail and to provide costed designs to support the external funding bids outlined in the report. This work would be 100% funded through the Heritage Lottery Fund grant up to the sum of £26,294. These works were deemed to be capital in nature, and therefore needed to be included in the 2012-13 Capital Programme.

RESOLVED that (1) the redevelopment of the Archaeological Way be included in the 2012-13 Capital Programme; and

(2) expenditure up to the value of £26,294 for resurfacing work adjacent to Pleasley Village (to improve the connection to the Meden Trail) be approved and to support design time for capital schemes that assisted the future delivery of the Archaeological Way, to be totally funded from the Heritage Lottery Fund Limestone Journeys grant.

325/12 ADDITION TO THE CAPITAL PROGRAMME 2012-13 – LONG EATON TOWN CENTRE – FOOTWAY RESURFACING AND CREATION OF NEW BUS BOARDING AREAS

The Strategic Director – Environmental Services sought Cabinet approval to include a scheme to carry out the construction of bus boarding facilities and footway resurfacing in Long Eaton town centre in the 2012-13 Capital Programme. The estimated cost of the works was £66,500.

RESOLVED that the inclusion of the scheme, funded by Erewash Borough Council, to undertake the highway improvements in Long Eaton town centre in the 2012-13 Capital Programme be approved, with this work promoted by Erewash Borough Council as part of their Sustainable Transport Project.

326/12 TECHNICAL REFORMS TO COUNCIL TAX The Director of Finance provided Members with details of the Government's consultation regarding the calculation of the Council Tax Base and proposals for exemption to the Empty Homes Premium. Details of both responses were attached as Appendices 1 and 2, respectively, to the report.

RESOLVED that the details of the consultations and the Council's response be noted.

327/12 EXTERNAL AUDIT APPOINTMENT The Director of Finance reported that KPMG had won a five year contract commencing on 1 November 2012 to be the Council's external auditor.

RESOLVED that the commencement of KPMG as the Council's appointed external auditor for a five year term from 1 November 2012 be noted.

328/12 AUTOMATIC METER READERS The Director of Property advised Cabinet of a revised approach to finance the installation of Automatic Meter Readers in Derbyshire schools.

Automatic Meter Readers enabled the automatic collection of consumption data from energy meters and transferred this data to the supplier for billing and analysis purposes and providing customers with access to half hourly data on their energy supplies and providing an accurate and timely energy profile of buildings. With consumption data sent directly to the supplier, the customer received accurate bills and estimated invoices were avoided which also helped reduce administrative burdens of resolving any invoicing issues. Improved data also assisted in setting future energy budgets for Council departments and schools.

As a participant in the Mandatory Carbon Reduction Commitment Scheme, the Council had to report annually on its carbon emissions and purchase allowances for each tonne emitted. This was set at £12 per tonne for 2011-12 emissions and would rise to £30 per tonne by 2020. For any sites where actual meter readings were not available, a 10% uplift was applied to estimated data, increasing the amount of reported carbon reduction commitment emissions, which resulted in additional allowances being purchased unnecessarily. Automatic meter readings data would ensure that reported emissions were based on accurate consumption.

In September 2010, Cabinet approved the installation of Automatic Meter Readers, and to date, around 140 electricity meters and 160 gas meters had been installed within corporate properties. Subsequently at its meeting in January 2011, Cabinet approved an allocation of £500,000 from the Corporate Capital Programme 2011-12 to purchase and install Automatic Meter Readers within schools. At that time it was understood that Automatic Meter Readers could be purchased outright, however, with the on-going costs of data retrieval, it was considered that their installation within schools would be best delivered by the Utility Companies as it had been in corporate buildings, as an

extension to the utility contract. Therefore, the expenditure was revenue rather than capital in nature.

It was recommended that Children and Younger Adults Department fund the first year Automatic Meter Reader costs within schools estimated at a maximum of £125,000, to be funded from the 2011-12 Dedicated Schools Grant underspend. From year two and beyond, schools would meet Automatic Meter Reader costs through their delegated budgets.

RESOLVED that (1) the revised approach to financing Automatic Meter Readers in schools be approved;

(2) the estimated year one Automatic Meter Reader costs of £125,000 be approved to be met from the 2011-12 Dedicated Schools Grant underspend; and

(3) to note that the £500,000 allocated in the 2012 Corporate Capital Programme for schools Automatic Meter Readers was no longer required for this initiative and was, therefore, given up.

329/12 CAPITAL EXPENDITURE – NORTHWOOD HOUSEHOLD WASTE RECYCLING CENTRE

The Strategic Director – Environmental Services updated Cabinet on the cost of developing the Northwood Household Waste Recycling Centre and sought Cabinet approval for the allocation of additional capital funding for completion of the project.

In January 2011, Cabinet approved the allocation of £1.15m of capital expenditure for the construction of the new Waste Recycling Centre and the site was successfully completed and opened to the public on 12 August 2011. The site was well used and popular with the public and it had attracted positive media coverage.

Final accounts had now been completed. During construction, several problems were encountered that required additional work to meet the current construction regulations and previously unknown requirements from the Environment Agency to complete the project. These resulted in costs in excess of those previously approved. Details of the additional works and costs in the total sum of £186,000 were presented in the report.

It was proposed that the balance of the costs would be met from the Waste Management Capital Budget with £58,000 funded from the 2008-9 Waste Infrastructure Capital Grant for Infrastructure Development and £128,000 funded from the 2010-11 capital allocation allocated to the Waste Management Capital Budget.

RESOLVED that (1) the increase in the cost of providing the Northwood Household Waste Recycling Centre be noted; and

(2) the additional budget of £186,000 for the project and the associated funding sources be approved as detailed in the report.

330/12 CHARGING POLICY FOR THE MOBILE CHANGING PLACES TOILET The Strategic Director – Environmental Services requested Cabinet to consider options for a charging policy for the mobile Changing Places toilet to make it available at community events.

In order to ensure that the toilet was well used at events around the County, it was proposed to enable it to be made available at charitable and community events free of charge, with the Council funding the associated operational costs. Large community events where an entry fee was paid by the public would be charged 50% of the actual costs (£200) and large profit-making organisations would be charged 75% of the actual costs (£300).

A budget of £10,000 would make it possible for the toilet to be available at around twenty five community and charitable events per year in accordance with the criteria detailed in the report. This would be funded from existing resources with each department being charged when the actual costs were known.

RESOLVED that (1) a sum of £10,000 per year to enable the mobile Changing Places toilet to be used at events around the County in accordance with the criteria detailed in the report be approved;

(2) usage be monitored closely during the first year and a review of the funding and criteria be undertaken in twelve months' time; and

(3) consultation of user groups be undertaken over a three month period.

331/12 RISK MANAGEMENT SECURITY PROJECTS – HENRY BRADLEY NURSERY AND INFANT SCHOOL, BRIMINGTON The Director of Finance sought approval to a proposed risk management project at Henry Bradley Nursery and Infant School, Brimington.

The pedestrian entrance to the School was shared with access to the school car park. Although there was a pedestrian gate next to the vehicular entrance, once through the gate pedestrians had to cut across the driveway as no separate footpath existed. School risk assessments had identified the driveway as an issue for pedestrians generally, but children in particular.

The proposed solution was to install a footpath and a 1.2m fence separating pedestrians from traffic, the plan of which was detailed at Appendix 1 to the report. The quoted costs providing the outline solution was £11,015 and the project would be financed by 75% from the Council's Risk Management Capital Programme and 25% by the School out of its Devolved Formula Capital money.

RESOLVED that the funding of 75% of the project cost of £11,015 from the Risk Management Capital Budget be approved, the balance to be met by the Henry Bradley Nursery and Infant School, Brimington.

332/12 CHANGES TO THE SCHOOLS' FUNDING FRAMEWORK The Strategic Director – Children and Younger Adults updated Cabinet on the changes to the Schools' Funding Framework, the factors to be used in the mainstream allocation formula for 2013-14, the basis for funding additional costs of Minimum Funding Guarantee protection and to agree the categories of expenditure delegated under the formula for which budgets were to be re-pooled.

On 29 June 2012, the Secretary of State for Education published final details of the arrangements for funding schools for 2013-14. The changes which had been trailed in a Department for Education consultation in April were designed to maximise the delegations to schools, improve and simplify the funding arrangements and align the funding of academies and schools more closely. From April 2013, the Dedicated Schools Grant which funded schools and a range of school related support services would be split into three blocks; the High Needs Block, the Early Years Block and the Schools Block.

A list of the budget areas affected and the views of the 120 schools which responded to the Authority's proposals was attached at Appendix 1 to the report. Generally, schools supported the Authority's approach.

Whilst the new Framework required most of the School Block budgets to be initially delegated through the formula, there was scope for some of the allocations to be subsequently re-pooled (by schools not academies) and held centrally. The budgets which could be re-pooled were covered by regulations and the initial local authority consultation made recommendations to schools about which ones the Authority was minded to re-pool. Schools' responses were summarised at Appendix 2 to the report and again, there was significant support for the Authority's recommendations.

The final decision on whether funding should be re-pooled was a matter for each sector's school head and governor representatives on the Schools Forum rather than the County Council. The issue was discussed at the Forum meeting on 4 September and the items marked for re-pooling in Appendix 2

were supported. Cabinet was now asked to determine whether or not the Authority would agree to take responsibility for items proposed for re-pooling and given the strong support from schools and the Schools Forum, approval to the re-pooling of the budgets detailed in Appendix 1 to the report was requested.

In terms of formula simplification, authorities were allowed to use up to 12 formula factors drawn from a nationally prescribed list and the selected factors had to be used as the basis for redistributing resources already delegated to schools and for delegated new budgets. A further consultation setting out the Authority's mainstream proposals was published on 17 September 2012 and schools invited to respond by 8 October. The Schools Forum also considered the consultation and gave its views at its meeting on 9 October 2012. The emerging multipliers were presented at Table 2 in the report.

The Government recognised that moving to a simplified formula would result in significant turbulence and had taken steps therefore, to mitigate this, by use of the Minimum Funding Guarantee protection arrangements, further details of which were presented in the report.

The report also detailed the key formula points to note, the consultation responses and overall funding outcomes and issues.

RESOLVED that (1) the views of schools and the Schools Forum on the recent consultations be noted;

(2) the re-pooling of the budgets as set out in Table 1 in the report be approved;

(3) the indicators set out in Table 2 to the report be used as the basis for delegating funding to mainstream schools from April 2013;

(4) approval be given to cap schools' gains as a basis for funding the Minimum Funding Guarantee; and

(5) the on-going work to support schools affected by the changes be noted.

333/12 CHILDREN AND YOUNGER ADULTS CAPITAL PROGRAMME **– JOINT FUNDING INITIATIVE FOR SCHOOLS**

The Strategic Director – Children and Younger Adults sought 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. Twenty-five projects had been approved at a total cost of £774,200 and a third

list of schemes had now been assessed with the following projects being submitted for approval.

School	Project	Total cost	LA Contribution
Brassington Primary School	Toilet refurbishment	£15,500	£7,750
Cutthorpe Primary School	Toilet refurbishment	£12,400	£6,200
Larklands Infant & Nursery, Ilkeston	Window & door replacements	£33,800	£16,900
Parkside Junior, Ashbourne	Roofing repairs	£14,500	£7,250
Woodville Infant School	Renovation of floor	£10,200	£5,100
Granville Community School	Re-wiring of the ICT Infrastructure	£138,200	£69,100
Highfields, Matlock (Lower School site)	Toilet refurbishment and driveway re-surfacing	£105,000	£52,500
Total		£329,600	£164,800

RESOLVED that approval be granted to the joint funded projects as detailed in the report, with funding being split equally between the schools and the Authority, at a cost of £164,800 against the approved allocation of £2.5m in the 2012-13 Children and Younger Adults Capital Programme.

334/12 WILSTHORPE COMMUNITY SCHOOL – PROPOSED UPGRADING OF SPORTS FACILITIES TO INCREASE COMMUNITY INVOLVEMENT

Cabinet considered a joint report of the Strategic Director – Children and Younger Adults and the Director of Property which sought approval to the inclusion of an additional project in the 2012-13 Children and Younger Adults Capital Programme. Wilsthorpe Community School had submitted a bid seeking support from the Authority to increasing community use of its sports facilities, details of which were presented in the report.

The estimated total cost of the sport improvement project was £193,000. The School had agreed to make a contribution of £17,000 from revenue funds towards the cost of the project which left a balance of £176,000 which 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 £176,000 from the budget approved to support the co-location of services to carry out a sports refurbishment and improvement project at Wilsthorpe Community School be approved as detailed in the report;

(2) the School's contribution of £17,000 be noted; and

(3) the project be incorporated in the 2012-13 Children and Younger Adults Capital Programme at a total budget cost of £193,000.

335/17 RESPONSES TO THE CONSULTATION ON THE PROPOSED CLOSURE OF DERWENT HOUSE HOME FOR OLDER PEOPLE

The Strategic Director – Adult Care informed Cabinet of the responses to the consultation on the proposed closure of Derwent House Home for Older People in Chesterfield and the Equality Impact Assessment carried out on the proposals. The report also sought approval to proceed with the closure of the Home to allow the development of the site as extra care accommodation subject to planning permission being granted.

The report had been presented to Cabinet on 20 February 2012, setting out a revised plan for implementing a strategy for accommodation, care and support for older people in Derbyshire. The proposal centred on a £200m investment in specialist community care centres and extra care schemes with one of the key features of the plan involving the consolidation of specialist services for complex needs, including dementia, into a reduced number of specialist community care centres, giving optimal possible coverage across the County.

The report proposed the Derwent House Home for Older People as the preferred site for the development of an additional extra care scheme for the Chesterfield area. An extra care scheme on the site would be in addition to the proposed schemes in Chesterfield at both Foolow Court and the former Ashbrook Day Centre in Ashgate. The total capacity of these schemes would offer sufficient access to extra care for the local population. Harehill Court, owned by Chesterfield Churches Association, had many of the characteristics associated with an extra care scheme and gave further choice to the local people.

Consultation on the proposed closure of Derwent House ran for a twelve week period between May and August 2012. Detailed consultation had also taken place with the residents of the Home, including those attending for regular respite and day care and family carers or close friends. In addition, there had been comprehensive consultation with a wider group of stakeholders. Full details of the consultation process were detailed in Appendix 4 to the report.

RESOLVED that having given careful consideration to the outcome of the consultation on the future of the Derwent House Home for Older People and the Equality Impact Analysis;

(1) the closure of the Derwent House Home for Older People be approved to allow for the redevelopment of the site, subject to planning permission, as an extra care scheme;

(2)(a) the work with residents and family carers to commence, enabling residents to move to new accommodation within the next six months be approved;

(2)(b) the work to be carried out in accordance with the pledges made and the Major Change Guidance; and

(3) formal consultation with the staff and trade unions representing staff at the Dales Home for Older People be approved.

336/12 CONFERENCES AND SEMINARS Approval was sought for the attendance of Councillors at conferences and seminars as detailed below with appropriate allowances under the Members' Allowance Scheme being paid in all cases.

Councillor D Allen (or nominee) to attend the National Children and Adult Services Conference 2012 on 24-26 October 2012 in Eastbourne at a cost of £450.00 plus VAT.

Councillors J P Harrison, A I Lewer and A Western (or nominees) to attend the County Council's Network on 19-20 November 2012 hosted by Staffordshire County Council at a cost of £270.00 plus VAT.

Councillor K Gillott (or nominee) to attend the Children and Young People's Conference 2012 on 22 November 2012 in London at a cost of £345.00 plus VAT.

RESOLVED that the attendance at conferences and seminars as detailed in the report be noted.

337/12 EXCLUSION OF THE PUBLIC RESOLVED to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid disclosure of the kind of exempt information contained in the following summary of proceedings:

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

1 To confirm the Exempt Minutes of the meeting of Cabinet held on 16 October 2012.

2 Receipt of Exempt Minutes of Cabinet Member meetings as follows:

- (a) Highways and Transport – 2 and 16 October 2012
- (b) Finance and Management – 5 and 18 October 2012
- (c) Technology and Recycling – 11 October 2012
- (d) Education – 15 October 2012
- (e) Leadership and Culture – 16 October 2012
- (f) Young People – 16 October 2012
- (g) Public Health – 22 October 2012

3 Joint Report of the Chief Executive and the Director of Human Resources on the Human Resources Implications of the Budget Reductions (Contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Authority or a Minister of the Crown or employees of, or office holders under, the Authority).