

PUBLIC

**MINUTES** of a meeting of **CABINET** held on **6 May 2014** at County Hall Matlock.

**PRESENT**

Councillor A Western (in the Chair)

Councillors D Allen, J Dixon, K Gillott, C Neill, and B Ridgway.

Councillor K P Morgan also attended the meeting.

Apologies for absence were submitted on behalf of Councillor A I Lewer.

**161/14      QUESTIONS SUBMITTED BY MEMBERS OF THE PUBLIC**

There were no public questions.

**162/14      QUESTIONS SUBMITTED BY MINORITY GROUP LEADERS**

Councillor A I Lewer had submitted the following questions, to which, in view of his apologies for absence, written responses would be provided:

**Agenda Item 7(a) – Extra Care**

How will this Authority now deliver vital and much needed improvements to DCC care homes to deliver future capacity and make them fit for the 21st century?

**Agenda Item 7(b) - Children's Centre Services**

Given the description of when savings could be realised from these options post consultation is at best vague, when does the Cabinet Member think savings will be realised?

The report does not address the vital children's centre services that are delivered in rural areas, such as outreach work to connect with farming families delivered from centres that perhaps have the lowest footfall. What assurances are there to ensure this vital work will continue and that isolated families and rural deprivation in all its forms is also addressed in this consultation?

Were options to allow alternative providers of children's centre services from the VCI sector discussed and dismissed?

**Agenda Item 7(h) – Arrangements for the Procurement of Stairlifts and Other Property Adaptations**

## PUBLIC

It is clear that due to simple demographic factors demand is increasing and waiting lists are lengthening for, in particular, stairlifts as well as other adaptations yet funding remains static: why?

**163/14      MINUTES   RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 15 April 2014 be confirmed as a correct record and signed by the Chair.

**164/14      CABINET MEMBER MEETINGS - MINUTES      **RESOLVED**** to receive the non-exempt minutes of Cabinet Member meetings as follows;

- (a) Children and Young People – 1 April 2014
- (b) Health and Communities – 2 and 15 April 2014
- (c) Council Services – 4 April 2014
- (d) Jobs, Economy and Transport – 15 April 2014

**165/14      EXTRA CARE** (Adult Social Care) Cabinet agreed to the consideration of the report as an urgent item as a result of the timing of the decision made by the Cabinet Member for Adult Social Care on 28 April 2014 which addressed the consequences of Housing 21's decision to withdraw from the extra care contract. The Acting Strategic Director – Adult Care advised Cabinet of a decision by the Cabinet Member for Adult Care on 28 April 2014 regarding the early termination of the Housing 21 extra care contract for future Phase 2 extra care sites and to agree actions to be taken to review the appropriate balance of accommodation and support to meet the needs of older people in Derbyshire.

Cabinet approval was given on 22 January 2013 to the final contractual arrangements to enter into a contract to provide up to 800 units of extra care housing across Derbyshire. The contract was in the form of a Project Development Agreement with Housing 21 and was signed on 11 April 2013. The aim of the Agreement was to achieve financial close on the first two sites at Buxton and Long Eaton subject to the necessary planning approvals and to enable the assignment, transfer and/or novation of the Project Development Agreement to the joint venture company to be established by 31 December 2014.

On 17 February 2014, Housing 21 formally notified the Council that whilst the intention had been for Housing 21 and Keepmoat to set up a joint venture company once suitable funding had been sourced and agreed for the future sites, unfortunately, the terms for such funding would make the project unviable for Housing 21. They advised that they were withdrawing from the project at this stage for the future sites due to lack of funding.

The Long Eaton site was in construction phase and due to a refusal of a previous planning application, Housing 21 was currently redesigning the

Buxton scheme to submit a new planning application. If the Buxton scheme could not be progressed to start on site by March 2015, it would not qualify for HCCA funding. Under the terms of the Project Development Agreement, it would then default to a future Phase 2 site.

Housing 21 had provided the Council with information in connection with their withdrawal from the contract and regretted that they had taken the decision. They were withdrawing because the funding arrangements that had been offered were not at a viable level due to the current financial markets. The schemes at Buxton (subject to planning approval) and Long Eaton were not affected by this decision and would go ahead as planned. They remained committed to their current operations within Derbyshire.

The information provided by Housing 21 was considered by the Cabinet Member for Adult Social Care on 28 April 2014 and an early termination of the Housing 21 extra care contract for future Phase 2 extra care sites was agreed. Whilst it was regrettable that Housing 21 had withdrawn from the contract for the future Phase 2 extra care sites resulting in an early termination of the contract, it provided the Council with an opportunity to shape the future housing and support for older people across Derbyshire, ensuring there was a good mix of high quality accommodation that was fit for the future. The Council would engage with local people across the County to get their views on what they would like to see in their areas.

**RESOLVED** to (1) note the decision taken by the Cabinet Member for Adult Social Care to agree to the early termination of the contract with Housing 21 for Phase 2 extra care sites;

(2) agree that public engagement be carried out to get the views of local people across Derbyshire on what they would like to see in their areas; and

(3) note that there would be a further report to Cabinet following the public engagement.

**166/14**      **CHILDREN'S CENTRE SERVICES** (Children and Young People)  
The Strategic Director – Children and Younger Adults sought approval for a review of Children's Centre services which could potentially result in the closure of some Centres. Agreement was also sought to the methodology and timetable for the review, including approval to consult on the options for reducing the Children's Centre budget and the criteria that would be applied to identify Children's Centres for more in depth impact assessment work. The review would inform further work to develop a long-term model for the delivery of Children's Centre services in Derbyshire in order to maximise their impact and effectiveness. Any future proposal to close one or more Children's Centres would require full consultation in accordance with the specific legal requirements set out in the Child Care Act 2006 and associated guidance.

There were currently fifty-four Children's Centre localities within Derbyshire. Locations of the Centres varied with some on-school sites and others in shared buildings and some at purpose built venues. The review would look at ways to continue to ensure that the Council were keeping children safe and supporting families with young people to be healthy and ready to learn. It would seek to make savings whilst developing a clear and more effective Children's Centre model that would maximise the impact on narrowing the gaps between those children who achieved well at school and those who under achieved.

Options to reduce the cost of Children's Centre services included charging service users for some services; charging organisations for using the facilities; reducing the number of staff; closing some Centres thereby reducing building and staffing costs; and taking notice of provision by the voluntary community and independent sector in determining what level of service to provide to a community. Details of the proposed process and timescales for the review were set out at Appendix 1 to the report and the report also detailed the proposed criteria for the consultation.

**RESOLVED** to (1) agree that a review of Children's Centre services be undertaken which could potentially result in the closure of some Children's Centres; and

(2) agree the proposed methodology and timetable for the review, including a period of initial consultation on;

(a) the options for reducing the Children's Centre budget; and

(b) the criteria that would be applied to identify Children's Centres for more in-depth impact assessment work.

**167/14      REDUCE SMOKING IN PREGNANCY: RESULTS OF A PILOT STUDY** (Health and Communities) The Director of Public Health asked Cabinet to consider the results of a research study in Chesterfield that tested the impact of a financial incentive to help pregnant women who smoked to quit. Details of the impact of smoking in pregnancy, the situation in Derbyshire and the pilot financial incentive scheme were presented in the report.

The financial incentive scheme was a pilot study that stopped recruiting women in August 2012. As the positive outcomes became apparent, the approach to helping pregnant smokers was built into the redesign of the lifestyle services which was currently out for consultation. The proposal was to re-start the incentive scheme in Chesterfield along with the redesigned lifestyle services, between October 2014 and March 2015. Over a period of

time the scheme would then be extended to Derbyshire residents in other priority areas of the County and it was expected that this would significantly reduce the prevalence of smoking at the time of delivery in Derbyshire and would increase the likelihood of Derbyshire achieving the target prevalence of less than 11% by December 2015. As smoking in general and smoking in pregnancy were particular major contributors to local health and inequalities, this intervention would also contribute to the County Council's commitment to reduce health inequalities in its population.

**RESOLVED** to (1) note the results of a Chesterfield based public health research study which had local, national and international significance that tested the impact of a financial incentive scheme to help pregnant women who smoked to quit; and

(2) note future developments for a roll-out of the service as set out in the report.

**168/14 PROPOSED EXTENSION TO DERBYSHIRE COUNTY COUNCIL AND NATIONAL TRUST JOINT WORKING AT ELVASTON CASTLE AND COUNTRY PARK** (Council Services) The Director of Property sought approval to the recommendations of the Elvaston Castle and Country Park Working Party regarding the proposed extension to the joint working between the Council and the National Trust and to update Cabinet on the consultation process on the associated ten year draft Vision and Plan.

The intended outcome of the partnership working between the Council and the National Trust was that by the end of the current joint working in June 2014, there would be an agreed and shared vision; a package of funding bids and a procurement package for the future involvement of private and community sector interest to take forward the vision.

Since the report to Cabinet in January 2014, a public consultation process on the draft ten year Vision and Plan had been undertaken with over 1,000 comments being received. There were six key themes arising from the consultation responses, details of which were presented in the report.

The Working Party met on 28 February 2014 and discussed the potential need to extend the time period required to meet the original project outputs agreed between the Council and the National Trust. This had arisen partly because the market research process had been extended to give the Council more time to better understand what the market might be able to deliver, which in turn impacted on the timeline for a proposed stage 1 bid to the Heritage Lottery Fund, one of the original project outputs.

The County Council and National Trust Project Team had re-profiled the project timeline based on a February 2015 submission date for a planned

stage one Heritage Lottery Fund bid and this would effectively become the end date for the planned project extension. To resource the preparation of the funding bid and to the extended programme, the National Trust would require additional funding of £60,000. In addition, a number of discrete elements of project work would require buying in specialist external advice over and above that provided by the National Trust and this would require a budget of £20,000, which it was envisaged would be managed by the Trust. Discussions continued across the Council to ensure that the project had sufficient officer capacity and input to complete the project outputs within the revised timeframe.

The Working Party met on 2 April to consider progress on the project and they recommended that Cabinet note;

- The range and depth of the consultation to date and the themes that had emerged
- That it was now proposed to finalise the ten year Vision and Plan for consideration by Cabinet in June 2014 and
- That it was proposed to extend the joint working between the Council and the National Trust from the end of June 2014 to February 2015 as detailed in the report subject to Cabinet approval and the necessary funding being agreed.

**RESOLVED** to (1) note the range and depth of the consultation to date on the draft ten year Vision and Plan and the themes that had emerged;

(2) note the proposal to bring the finalised Vision and Plan to Cabinet for approval in June 2014 following consideration of the consultation and feedback;

(3) approve the allocation of £80,000 from General Reserves for 2014/15 to fund an extension to the joint working with the National Trust; and

(4) to waive Standing Orders in Relation to Contracts to enable the joint working arrangements with the National Trust to be extended to February 2015.

**169/14      URGENT REPAIRS TO ROADS AND FOOTWAYS** (Jobs, Economy and Transport) The Strategic Director – Economy, Transport and Environment sought approval to extend the hire of Jet Patcher and Velocity Patcher as specialist machinery to repair pot holes.

In March 2014, the Cabinet Member - Jobs, Economy and Transport approved expenditure to increase resources to repair pot holes which included the hiring of the specialist machinery up to a maximum value of £100,000. The machinery was highly effective in undertaking permanent repairs to pot holes

and the award of funding from the Government's Severe Weather Recovery Scheme provided an opportunity to continue with the hire of such machines to enable first time permanent repairs. It was estimated that the cost of the machine hire would not exceed £500,000. How the remaining funding would be utilised would be the subject of a further report to the Cabinet Member - Jobs, Economy and Transport.

The use of external contractors and the specialist machinery was considered essential and should be implemented as soon as possible and permission had therefore been sought to waive call-in in respect of this decision. Councillor K D Lauro, Chair of the Improvement and Scrutiny Committee – Places had agreed that it was reasonable to agree to this request.

**RESOLVED** to (1) approve the expenditure to be incurred for the continued hire of the Jet Patcher/Velocity Patcher specialist highway repairs machinery to a value of £500,000;

(2) approve the waiving of Standing Orders in Relation to Contracts to enable the machinery to be hired from specialist suppliers for a further ten weeks;

(3) note that the cost of the hire of the machines would be funded from the £2,946,577 allocation under the Severe Weather Recovery Scheme; and

(4) approve that call-in in respect of the decisions in this report be waived.

**170/14 GULLY CLEANSING CONTRACTS - AMBER VALLEY, BOLSOVER AND EREWASH DISTRICTS** (Jobs, Economy and Transport)  
The Strategic Director – Economy, Transport and Environment sought Cabinet approval to carry out a procurement exercise for the provision of cyclic gully cleaning operations in Amber Valley, Bolsover and Erewash districts, further details of which were presented in the report.

**RESOLVED** to approve the procurement exercise to be carried out for the gully cleansing service in the Amber Valley, Bolsover and Erewash districts for a further two years on an annual basis.

**171/14 DENTAL PUBLIC HEALTH IN DERBYSHIRE** (Health and Communities)  
The Director of Public Health updated Cabinet on Local Authority responsibilities for dental public health and made recommendations for on-going funding, contracting and commissioning arrangements.

Oral health was a key marker of the general health of a community and dental diseases were largely preventable and effective prevention contributed

to improvements in the health of the population and helped reduce both health and oral health inequalities. The major risk factors for poor oral health were in themselves key Public Health issues including diet, tobacco and alcohol consumption, further details of which were presented in the report.

Until 31 March 2013, Primary Care Trusts (PCTs) were responsible for the commissioning of all dental services to meet the oral health needs of the local population. After this, statutory dental public health functions of the PCTs transferred to top-tier local authorities and responsibility for oral health improvement was now shared between local authorities and NHS England. For historic reasons the funding for oral health promotion for both Derby City and Derbyshire County Council, previously held by Derbyshire PCT, was transferred to the County Council on 1 April 2013, and it was therefore proposed that the County Council continue to commission dental health promotion services on behalf of both councils.

The oral health promotion service for Derbyshire and Derby City was provided by Derbyshire Community Health Service and formed part of the salaried Primary Care Dental Services contract held by the Derby and Derbyshire Area Team of NHS England. The contract included dental services, dental epidemiology field work and oral health promotion and the contract was for five years with an end date of 31 March 2017.

Participation in the NHS Dental Epidemiology Programme for England dental surveys would ensure compliance with the Health and Social Care (Community Health Standards) Act 2003, and the Water Act 2003 which required that Strategic Health Authorities (now Public Health England) monitor health on a four yearly basis starting in 2007/8.

Water fluoridisation schemes in Derbyshire existed in parts of Bolsover, South Derbyshire and Derbyshire Dales. Prior to April 2013, water fluoridisation schemes were commissioned by NHS Strategic Health Authorities. However the new arrangements under the Health and Social Care Act 2012, required that from April 2013 onwards, the revenue costs of water fluoridisation form part of local authority public health grants. The 2013/14 revenue costs for Derbyshire were £9,600. Public Health England was responsible for meeting the capital costs of maintaining existing schemes, for example, the replacement of equipment for operation or health and safety purposes.

**RESOLVED** to (1) approve the proposed arrangement that Derbyshire County Council undertake to commission oral health promotion services for both Derbyshire County Council and Derby City Council;

(2) continue with the current contractual and funding arrangements with the Salaried Dental Service Contract held by the Area Team and establish a



Memorandum of Understanding for the Derbyshire and Nottinghamshire Area Team to commission this service on behalf of the County Council and the City Council until 2017;

(3) remove oral health promotion from the Primary Dental Care Services contract and Derbyshire County Council to directly commission this service across Derby City and County when the current Salaried Primary Dental Service Contract came up for re-tender in 2017;

(4) establish a Memorandum of Understanding for the Derbyshire and Nottinghamshire Area Team to continue to commission and fund the Field Epidemiology Service on behalf of Derbyshire County Council;

(5) continue current funding arrangements for the cost of the Regional Dental Epidemiology Co-ordinator and Trainer and establish a Memorandum of Understanding for the Derbyshire and Nottinghamshire Area Team to commission this service on behalf of the County Council and Derby City Council; and

(6) approve funding arrangements for Derbyshire's water fluoridisation revenue costs.

**172/14     ARRANGEMENTS FOR THE PROCUREMENT OF STAIR LIFTS AND OTHER PROPERTY ADAPTATIONS** (Adult Social Care) The Acting Strategic Director – Adult Care sought approval to renew the Council's membership of the Northern Housing Consortium (NHC) to permit the Council to use the Consortium Framework Agreement for the provision of stair lifts and other property adaptations.

NHC undertake the tendering and technical monitoring process on behalf of all local authorities who were members of the NHC as this provided a cost effective and robust alternative to the Council undertaking a separate procurement exercise. The Framework Agreement had been procured by NHC for a period of four years, commencing on 1 July 2014. Contracts for the successful provider were managed jointly by the commissioner, Derbyshire Adult Care, and NHC. Equipment would be purchased by a single supplier who won the NHC framework as the top ranked, most economically advantageous provider.

Membership of the NHC would cost the Council £1,200 per annum which represented best value for money based on the cost of the contract and the cost of the Council undertaking a tender and quality monitoring process itself.

**RESOLVED** to renew membership of the NHC for a period of four years from 1 July 2014 to allow Adult Care to use the Framework Agreement for the provision of stair lifts and other property adaptations.

**173/14      FUNDING TO SUPPORT UNIVERSAL INFANT FREE SCHOOL MEALS** (Children and Young People) The Strategic Director – Children and Younger Adults sought approval to the addition of the upgrade of one school kitchen and the purchase of required heavy and light equipment to the 2014/15 Capital Programme, to meet the extra demands on the service which would result from the introduction of the Universal Free School Meal for all Key Stage 1 pupils from September 2014. As part of the process, the County Council had been allocated £1,761,052 in capital funding to enable school kitchens and dining rooms to meet the extra demands. Details of the schedule and cost breakdowns for the proposals were presented in the report.

**RESOLVED** to approve the capital expenditure on kitchen equipment and the upgrade of Heath School Kitchen at a cost of £1,081,052 to be met from the Capital Grant Funding and that this be added to the 2014/15 Capital Programme.

**174/14      CHANGES TO POLICY FOR HOME TO SCHOOL TRANSPORT FOR CHILDREN OF SIXTH FORM AND PRE-SCHOOL AGE AND YOUNG ADULTS SUBJECT TO A LEARNING DIFFICULTY ASSESSMENT FOLLOWING CONSULTATION** (Children and Young People) Cabinet considered a report of the Strategic Director – Children and Younger Adults seeking approval for changes to the Derbyshire County Council's provision of home to school transport for children of Sixth Form and young adults who were subject to a Learning Difficulty Assessment. Approval was also sought for current provision of home to school transport for pre-school aged children with special educational needs (SEN) to remain unchanged.

In January 2014, Cabinet approval was given to consult on proposed changes to SEN transport with effect from September 2013, details of which were included in the report along with the consultation undertaken and the responses received.

For pre-school aged children, it was proposed not to ask for a contribution towards transport at this time, therefore the current policy would remain unchanged.

It was proposed that SEN sixth form learners be charged a contribution towards transport, with a lower rate being charged for those who met the low income criteria for school aged pupils. The lower rate would be £233 which was two thirds of the normal rate of £349. Where the higher rate mobility component of Disability Living Allowance was received for the young person and was taken in the form of a vehicle, it would be expected that the vehicle

be used to transport the young person to their place of learning. If it was not used, the charges would apply.

Students aged 19-24, where the Council had arranged a Learning Difficulty Assessments, would be considered for transport assistance and free transport assistance to facilitate college attendance only where, in the view of the Council, it was necessary. In practice, this could mean that providing free transport for students attending courses similar to ones they had already studied would not be considered necessary.

The new proposals, further details of which were presented in the report, would commence from September 2014 with existing students being protected whilst they completed a course started in September 2013 or before.

**RESOLVED** that (1) travel assistance be provided in exceptional circumstances for SEN pre-school aged children and that no contribution be charged for this;

(2) approval be given to the proposals to charge sixth form age learners with SEN, a contribution towards transport assistance with the amount being the same as other learners of this age (currently £349 per year), with students who were on a low income paying a contribution of £233, a reduction of one third;

(3) from September 2014, only students aged 19-24 where the Council had arranged a Learning Difficulty Assessment would be considered for transport assistance and free transport assistance to facilitate college attendance and this would only be given where, in the view of the Council it was necessary; and

(4) the Independent Travel Training Scheme be considered for each student as part of the Learning Difficulty's Assessment.

**175/14      SCHOOL FUNDING ANNOUNCEMENT** (Children and Young People) The Strategic Director – Children and Younger Adults informed Cabinet of the details of the recent announcement in respect of schools' funding for 2015/16 and sought approval to consult schools and the Schools Forum on the option to distribute the additional resources. Details of the ministerial announcement, the potential implications of the settlement and the proposed consultations with schools were presented in the report.

**RESOLVED** to (1) note the proposed increase in DSG funding for 2015/16;

(2) agree to consult schools and the Schools Forum on the allocation of the increased funding as detailed in the report; and

(3) receive a further report in the summer on the outcome of the above consultation.

**176/14      EXCLUSION OF THE PUBLIC FROM THE MEETING**

**RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings.

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

1. Confirmation of the exempt minutes of the meeting of Cabinet held on 15 April 2014.
2. Receipt of the exempt minutes of Cabinet Member meetings as follows:-
  - (a) Children and Young People – 1 April 2014
  - (b) Health and Communities – 2 April 2014
  - (c) Council Services – 4 April 2014
  - (d) Jobs, Economy and Transport – 15 April 2014
3. Consideration of the report of the Strategic Director – Children and Younger Adults on the Supply and Delivery of Pre-packaged Filled Sandwiches and Rolls: EDP 23 (Schools) (Children and Young People) (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 – Children and Younger Adults on the Supply and Delivery of Fresh Produce and Potatoes: EDP 26 (Schools and Homes) (Children and Young People) (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 – Economy, Transport and Environment on the Arrangements for Delivery of Highway Laboratory Services (Jobs, Economy and Transport) (contains information relating to the financial or business affairs of any particular person, including the Authority holding that information).