

MINUTES of a meeting of **CABINET** held on 21 March 2019 at County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors A Dale, A Foster, T King, S A Spencer and J Wharmby.

Also in attendance was Councillor A Western.

Apologies for Absence were received on behalf of Councillor C A Hart

Declarations of Interest

There were no declarations of interest made.

54/19 MINORITY GROUP LEADERS' QUESTIONS

Councillor A Western asked the following question:

Agenda Item 6(k) - Establishment of the Derby and Derbyshire Safeguarding Children Partnership.

Discussions on the new partnership arrangements have been taking place for over a year. Why have the hosting arrangements not yet been agreed? Is this another significant area of children's services to be outsourced to another local authority, as happened with the Regional Adoption Agency in 2018? Have the funding arrangements been agreed by all partner agencies, in particular Derby City Council and Derbyshire Police, who appear to be facing substantial cost increases?

Councillor A Dale, Cabinet Member for Young People, responded as follows:

This is not outsourcing, it is about bringing together our current business unit capacity so that it can more effectively support the joint Partnership arrangements. The new business support team will remain a Derbyshire and Derby City provision.

Hosting arrangements for the support team have recently been agreed. The decision could not be incorporated into the report due to the lead-in time for circulation. This timeline still puts us well in advance of most local authorities including many 'early adopters'. The requirement is to publish arrangements by the end of June and have them in place by end of September.

The hosting selection process was agreed by all safeguarding partners and was fair and transparent, consisting of a written submission, presentation and scoring process. Derbyshire put together a robust proposal for hosting in the

genuine belief that we were best placed to do so. The outcome is that Derby will host the team, and whilst we are incredibly disappointed, we respect the outcome of the process. Derby has one of the few Ofsted rated 'outstanding' boards in the country.

In relation to funding, chief officers of all four organisations agreed the funding split as 25% in the Autumn; written notification was shared confirming contribution of 25% by Derbyshire Police on 11th January 2019 and funding from CCG of 25% was confirmed in writing on 14th January 2019. Derby City Council's Cabinet approved the proposals for the new Partnership, including funding arrangements, at their March Cabinet meeting.

55/19 **MINUTES RESOLVED** that the non-exempt minutes of the meetings of Cabinet held on 28 February 2019 be confirmed as correct records and signed by the Chairman.

56/19 **CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Council Services – 21 February 2019
- (b) Health and Communities – 21 February 2019
- (c) Strategic Leadership Culture and Tourism – 26 February 2019
- (d) Highways, Transport and Infrastructure – 28 February 2019

57/19 **PROPERTY ASSET MANAGEMENT FRAMEWORK** (Council Services) Approval was sought to implement a new Property Asset Management Framework in respect of the Council's property portfolio.

Although it is not compulsory for an organisation to have a property asset management plan in place, it is widely considered to be good practice as it seeks to demonstrate that an organisation is supporting the delivery of its strategic goals or objectives through the use of its property assets.

The Council's previous adopted property asset management plan (AMP) expired in 2009. Following expiration of the AMP, the Council focussed on rationalisation of its office accommodation and, under the Council's 'Changing the Way Derbyshire Works' (CWDW), an accommodation project was introduced. This project introduced a strategy for creating efficiency savings by introducing new ways of working and rationalising the Council's office accommodation around the county.

Although the CWDW Programme came to an end in 2013, work to rationalise the Council's office accommodation continued. It was considered that a new property asset management plan was required to clarify how the Council should strategically manage its whole land and property portfolio, rather than just its office accommodation, in order to meet its corporate objectives.

A draft Property Asset Management Framework (AMF) was developed which sought to document the strategy the Council had for using and managing its land

and buildings to support its strategic outcomes and priorities. It set out the future vision of where the Council wanted to be in terms of its land and property assets and maps out the journey required to achieve that vision.

The draft AMF, which comprised five separate sections, was appended to the Strategic Director's report.

Details were also given of the draft Property Asset Management Policy objectives. The draft Property Asset Management Action Plan sets out the proposed asset management activities that the Council would undertake and projects it would deliver over the following three years.

It was proposed that the Property Asset Management Framework be updated in April/May 2019 to align with the Council's new Service Plan objectives for the new financial year. An update on progress with implementation of the Property Asset Management Action Plan was to be reported to Cabinet on a six monthly basis, along with the annual Property Asset Management State of the Estate Report. The Property Asset Management Framework would be formally reviewed and updated at the end of March 2022 by the Director of Property.

RESOLVED to approve the implementation of the draft Property Asset Management Framework by the Director of Property.

58/19 CAPITAL BUDGET MONITORING TO MONTH 9 2018-2019 (Strategic Leadership, Culture and Tourism) Cabinet was informed of the latest budget monitoring position for open capital schemes.

The report reflected those schemes that were currently under way and had had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stayed within budget, and who verified the projected spend against their allocated schemes. The report contained some schemes that were open at 1 April 2018 but had been completed and closed in year. The current budget for open schemes was approximately £693m, with the latest monitoring showing a forecast overspend over the life of the projects of £0.457m. The position statement by department was attached at Appendix 1 to the Director of Finance's report.

Top Ten Capital schemes by value: A summary of the ten largest capital schemes that the Council had were set out in Appendix 2 to the Director of Finance's report. These represented approximately 49% in value of the then current capital schemes.

RESOLVED to note the current position on the monitoring of Capital schemes.

59/19 INDEPENDENT SECTOR CARE HOME FEES 2019-20 (Adult Social Care) Approval was sought for the Independent Sector Care Home Fees 2019-20.

The Council had contract arrangements in place with over 350 independent sector care homes that provide residential services to approximately 2,856 people as detailed below:

- 921 people in nursing placements where the person needed constant involvement of, or supervision of, a qualified nurse;
- 1,867 residential placements.

A further 458 people are supported in Council run Care Homes.

A comprehensive review of fee levels for independent sector care services was undertaken annually. To assist with this review representatives of the Derbyshire Care Providers Association (“the Association”) were invited to meet with Councillor Jean Wharmby, Cabinet Member for Adult Care and Julie Vollar, Service Director for Adult Care on the 14th February 2019 to set out particular business pressures affecting the care market and their costs.

The Association continued to express its view that the detailed fee analysis and consultation previously undertaken by the Council was flawed and the fee rates do not cover their actual costs. The Association had requested that the Council undertake a new study to better understand their costs.

The views shared at this meeting assisted the Council in detailing 2019-20 fee proposals as described in the report, with a copy of the paper presented by the Care Association at this meeting at Appendix 1 to the report. Adult Care had also received additional requests from other Care Home providers not represented by the Association for a fee increase to reflect inflationary pressures.

Care Home providers highlighted a number of additional cost pressures for 2019-20, as appended to the Strategic Director’s report, which included: Wage and pension pressures and nursing provision, along with the Council responses to each.

The estimated cost of this proposal to increase fee rates from 1 April 2019 was £6.147m. The costs would be met from the additional Improved Better Care Fund allocation

RESOLVED to (1) approve an increase the rate paid to independent sector residential care homes for the financial year 2019-20 by 4.80% per week;

(2) approve an increase the rate paid to independent sector nursing homes for the financial year 2019-20 by 5.43% per week;

(3) make an inflationary payment of up to 4.0% for specialist care home placements where evidence was provided of inflationary pressures;

(4) approve an updated fee rate of £39.82 per session (from £38.28 per session) for a day care placement in a care home;

(5) approve an increase to the rates for in-house day care by 4.8%;

- (6) approve an updated dementia fee rate of £44.52 per week (from £42.84); and
- (7) make an inflationary payment of up to 3% for well-performing block contracts in specific circumstances.

60/19 INDEPENDENT SECTOR HOME CARE FEES 2019-20 (Adult Social Care and Health) Approval was sought for the Independent Sector Home Care Fees 2019-20. :

There were approximately 3,500 people in receipt of home care support from up to 50 independent sector home care providers, which was equivalent to 80% of the commissioned home care market, the other 20% of long term packages being provided by the Council's in-house service.

The Derbyshire Homecare Association ("the Association") represented many of the independent home care providers. It was requested, on behalf of their members, that the Council considered an increase in fees for 2019-20 to assist with meeting costs associated with the continued promotion of the National Living Wage. Adult Care had also received additional requests from other providers not represented by the Association for a fee increase to reflect inflationary pressures.

The Association had been invited to a meeting held on the 21st January 2019 with the Council to discuss the sector's views about current market conditions and inflationary pressures. The views shared at this meeting had assisted the Council in detailing 2019-20 fee proposals described in the report.

Home Care providers highlighted a number of additional cost pressures for 2019-20, as detailed in the Strategic Director's report, which included: National Living Wage, auto pension enrolment, travel time, travel payments, training, staff recruitment and retention and the increase in the Care Quality Commission registration fee, business rates and other cost increases, along with the Council responses to each.

The Council was constantly reviewing how the Home Care Market could be supported to be more efficient and effective to promote the availability of high quality safe provision. Details were given of the proposals and current service developments to enhance the market, which included the Quality Premium, standard hourly fee rate, the introduction of a new recording system: The Council was introducing a new recording and scheduling system, Direct Care, to refresh the Provider List following a procurement exercise and Hospital Discharge Incentive, along with the Provider response to each.

The proposals made in the Strategic Director's report, as summarised in Appendix 1, focused on the basic fee rates for the provision of home care. The Council also funded specialist home care services for people who lived in supported living care settings.

Supported living was an alternative to residential care, providing home care support and accommodation to people who were assessed as eligible for adult care services. In a supported living service, the housing provider and support provider were separate, and the client was a tenant with their accommodation costs being met by Housing Benefits. Accommodation was homely, not institutional, with clients contributing directly to daily tasks around their own home.

Specialist home care providers received higher hourly fee rates than those recorded above which reflected the greater investment in staff and training to meet an individual's needs. It was proposed that an increase in payments of up to 4.5% could be agreed with providers that provided specialist home care provision in supported living care settings where they could evidence that their costs had increased.

RESOLVED to approve (1) the introduction of a new flat rate home care fee for independent sector home care from 1 April 2019 of £15.00 per hour (equivalent to an increase of 4.75%);

(2) an increase in all travel/visit rates by an average of 2.89% from 1 April 2019 and move packages still on the old travel rates introduced in 2016 to the new scheme;

(3) the making of an inflationary payment of up to 4.5% for specialist home care placements where evidence is provided of inflationary pressures;

(4) the increase in the fee rate for in-house home care provision from 1 April 2019 by 4.24% to £22.32 (including travel);

(5) the removal of the sitting service fee rate; and

(6) the removal of the Non-Quality Premium rate.

61/19 CENTRAL SCHOOL SERVICES BLOCK FUNDING SETTLEMENT

2019-20 (Young People) Approval was sought to confirm the allocations to be funded from the Central School Services Block for 2019-20.

The 2019-20 Central School Services Block (CSSB) allocation was announced on 17 December 2018. This block of the Dedicated Schools Grant was introduced in 2018-19 and funded local authorities for the statutory duties that they held for both maintained schools and academies. The CSSB brought together:

- funding previously allocated through the retained duties element of the former Education Services Grant (detailed in Appendix 1 to the Strategic Director's report);
- funding for ongoing central functions; and
- historic commitments previously held within the Schools Block. The CSSB allocation for 2019-20 and the comparable 2018-19 figures, as detailed in Table 1 below:

Table 1 – CSSB Allocation 2019-20

	2019-20	2018-19
NFF multiplier – ongoing responsibilities	£29.23	£28.61
October 2018 pupil census count	97,700.00	97,138.00
Total ongoing responsibilities	£2,855,771	£2,779,000
Historic commitments	£1,737,000	£1,737,000
2019-20 Central School Services Block	£4,592,771	£4,516,000
2018-19 Central School Services Block	£4,516,000	
Increase	+£76,771	

The allocation of CSSB funding was a matter for Schools Forums rather than local authorities. Derbyshire's Schools Forum considered the allocations for 2019-20 at its meeting on 31st January 2019 and agreed the figures set out in Table 2 below.

Table 2 – Proposed Central School Services Block spend

	2019-20	2018-19
Item	£m	£m
<u>Ongoing responsibilities</u>		
Admissions	0.538	0.527
Schools Forum	0.041	0.040
Former ESG Retained duties	1.620	1.588
Licences – determined by DfE	0.602	0.561
Sub-total – ongoing commitments	2.784	2.716
<u>Historic commitments</u>		
Contribution to combined budgets	1.737	1.737
Total	4.521	4.453

The £1.737m contribution to combined budgets figure was allocated to Derbyshire on the basis of historic spend and represented the contribution to the Children's Services early help offer. Looking forward, the DfE had signalled that LAs' historic allocations within the CSSB would start to be reduced from 2020-21. The decision of the Forum to use the income to support the early help offer in 2019-20, and the risk to future grant levels from national changes, were anticipated in the early help proposals agreed by Cabinet on 31 January 2019.

RESOLVED to note (1) the Central School Services Block settlement for 2019-20;

(2) the decisions of the Schools Forum on 31st January 2019; and

(3) to confirm the Central School Services Block budgets for 2019-20 as set out in Table 2 above.

62/19 **EARLY YEARS FUNDING SETTLEMENT 2019-20** (Young People) Approval was sought for the Early Years Block funded budgets within the Dedicated Schools Grant (DSG) for 2019-20.

The indicative Early Years Dedicated Schools Grant (DSG) allocations for 2019-20 were announced by the DfE on 17 December 2018. The report looked at the potential allocations and the implications for both providers and the Authority for the following year. A summary of the published allocation was provided in Table 1 below:

Table 1 – Early Years Settlement 2019-20

Item	2019-20	2018-19	
Early Years Block:			
No.3 & 4 year-olds – universal prov'n (PTE – part time equiv)	10,149.37	10,590.53	
Universal entitlement – 3 & 4 year-old hourly rate	£4.39	£4.40	
Sub-total (£m)	25.397	26.561	
Maintained Nursery School (MNS) Grant (£m)	1.086	1.178	a
Total universal 3 & 4 year-old funding (£m)	26.483	27.739	
No. 3 & 4 year-olds – add'l 15 hours for working parents (PTE)	3,730.66	4,341.60	
Additional entitlement - 3 & 4 year-old hourly rate	£4.39	£4.40	

Total additional hours funding (£m)	9.335	10.889	
Other Early Years allocations:			
Funding for disadvantaged 2 year-olds (£m)	4.630	4.840	
Early Years Pupil Premium (£m)	0.284	0.326	
Early Years Disability Access Fund (£m)	0.145	0.157	
Sub-total – Other EY allocations	5.059	5.323	b
TOTAL EARLY YEARS BLOCK (£m)	40.877	43.951	c
TOTAL for pass-porting test	34.732	37.450	=c-b-a

Details of the Proposed Early Years Delegated Allocations 2019-20, the Proposed Early Years Single Funding Formula (EYSFF) multipliers 2019-20 and the Early Years Central Budgets 2018-19 & 2019-20 indicative spend were included in the Strategic Director's report.

RESOLVED to (1) note the Early Years block settlement for 2019-20;

(2) approve the EYSFF multipliers set out in Table 3b. from April 2019;

(3) confirm central early years spending as £1.737m for 2019-20;

(4) agree to utilise DSG reserves to cover the anticipated shortfall; and

(5) note the potential actions that may be required to ensure overall early years spend is contained with the grant level for 2020-21.

63/19 HIGH NEEDS BLOCK FUNDING SETTLEMENT 2019-20 (Young People) Approval was sought for the High Needs Block (HNB) funded budgets within the Dedicated Schools Grant (DSG) for 2019-20.

The DfE announced details of the High Needs Block (HNB) settlement for 2019-20 on 17 December 2018. Derbyshire's allocation was £70.318m and a breakdown of this figure was provided in Appendix 1 to the Strategic Director's report.

Whilst these increases were welcomed, the November 2018 monitoring forecast a HNB overspend in 2018-19 of £3.408m. The additional funding approved in the settlement would reduce this shortfall and thus ease the pressure on the Council's DSG cash reserves. However, despite the additional investment, there was still an ongoing HNB shortfall in 2019-20.

In relation to initial review of budget proposals for 2019-20, details relating to ESFA funded and LA school and academy places, top-up funding [also known as Element 3], services and other centrally-held budgets, summary of allocations, measures to reduce the over-commitment and special schools de-delegation were included in the Strategic Director's report.

RESOLVED to (1) note the 2019-20 High Needs Block settlement;

(2) agree to fund the places for 2019-20 as set out in Appendix 2 in the Strategic Director's report;

(3) agree the top-up rates for 2019-20 as set out in Appendix 3 to the report;

(4) agree the central budgets as set out in Appendix 4 to the report;

(5) agree to the reductions as set out in Appendix 5 to the report; and

(6) agree to the request from the Schools Forum to de-delegate and top-slice funding from special schools' 2019-20 budgets as set out above.

64/19 CHELLASTON ACADEMY – SECTION 106 FUNDING (Young People)

Approval was sought for the allocation of Section 106 funding from housing developments in South Derbyshire to Chellaston Academy and to approve further allocations to the Children's Service Capital Programme.

Chellaston Academy had a wide normal area and covered elements of both the County and the City of Derby. It had a current capacity of 1,325 (Year Groups 7-11) and a planned admission number (PAN) of 265. In view of increasing pupil numbers, the Academy had determined an admission of 300 for the Year 7 in-take from September 2019 but required additional accommodation in order to make this higher PAN sustainable as it moved through the school. In addition, the Academy offered sixth form provision. A total of 897 dwellings had received planning permission in the normal area which was expected to generate 139 pupils in the age range 11 – 16.

The table below demonstrated the projections for the Academy and included the pupils likely to be generated by the housing.

Net Capacity	2019	2020	2021	2022	2023
1,325	1,472	1,520	1,574	1,615	1,624
Shortfall in places	-147	-195	-249	-290	-299

The Academy had prepared a capital project for the school expansion which included a sports hall and other multi-use accommodation. Derby City Council had assessed the revised net capacity and it indicated that with the new accommodation, the Academy would have a net capacity in the range of 1,928 to 2,143 and support a revised planned admission number of between 308 and 342. The proposal would be

for the PAN to be raised from 265 to 300, but on the basis that the net capacity of the school could accommodate the bulge in year 7 intakes over the next few years.

The project had been costed at £4,098,101. The S106 contributions had been agreed with developers and were detailed in the Strategic Director's report.

The proposal was to fund the project as follows:

DCC S106 Funds Held	£579,533
Derby City S106 Funds Held	£280,273
S106 Funds in hand by 21 March	£667,020
S106 Funds supported by Derby City	£73,524*
S106 Funds supported by DCC	£969,878
Basic Need from Derby City	£1,500,000*
Chellaston Academy Contribution	£27,873
Total	£4,098,101

*Subject to Derby City Council Approval

Derbyshire County Council and Derby City Council had been working together with Chellaston Academy to ensure sufficient capacity in the school's catchment area. The Academy was requesting that the outstanding County S106 contributions be funded by the Local Authority from basic need funding on the basis that it would be refunded when the contributions were received. Following the Cabinet report on 20 December 2018, the balance of basic need funding was £2,463,233. If the basic need funding was approved per this report, the balance available for future allocations would be £1,493,355. The Academy would be responsible for the procurement of the building project.

RESOLVED to approve (1) the project at Chellaston Academy subject to the approval of funding from Derby City;

(2) the allocation of £1,246,553 funding held at the point of this report to the project and;

(3) the allocation of £969,878 basic need funding to support the project in anticipation of further S106 funding.

65/19 CHILDREN'S SERVICES CAPITAL PROGRAMME 2018-19 S106

PROJECT ALLOCATIONS (Young People) Approval was sought for the allocation of contributions to projects in line with the individual Section 106 agreements and, where appropriate, procurement exercises to be undertaken to commission services and undertake works associated with the schemes.

New Primary School – Boulton Moor: A developer contribution of £3,999,170 had been received (detailed in Appendix A to the report) and would be used towards the provision of the new one form entry primary school at Boulton Moor.

A S106 contribution of £150,000 was approved by Cabinet on 14 September 2017 (minute number 253/17) in addition to funding of £1,761,590 allocated from the Capital Programme approved by Cabinet 26 July 2018 (minute number 190/18). These combined contributions gave a total current project allocation of £5,910,760. The school was to be procured through a DCC framework, subject to a future Cabinet paper.

Melbourne Infant School / Chellaston Academy: There was an amendment to be made to previously approved S106 funding in relation to Jawbone Lane, Melbourne. The total contribution of £107,940 was allocated to Melbourne Junior School (approved 31 January 2019). The contribution would be split between the infant, junior and secondary schools as follows:

Melbourne Infant School £18,190: This contribution would be used towards the provision of group spaces and reported to Cabinet at a later date.

Melbourne Junior School £24,253: This contribution would be used to repay the Capital Programme 2017/18 (approved 21 February 2017; minute number: 67/17).

Chellaston Academy £65,497: A separate report detailing the project would be submitted to Cabinet at a later date.

The contributions were S106 Developer Contributions that had been received by the Authority or were available to claim from the District/Borough Councils. Appendix A to the report summarised the funds received, those available to claim, the schools that were to benefit from the investment, together with the planned projects. The contributions were awaiting allocation. The total was £107,940 in respect of the Melbourne development (for corrected allocation as above) and £3,999,170 for Boulton Moor. Where appropriate, it may have been necessary to undertake a procurement exercise to commission services in order to undertake works associated with these schemes / budgets, and this report also sought approval to commence this process. It was noted that these procurement exercises would normally take the form of a competitive tender process, but if decided that using a Framework was the best option, a separate report would be submitted seeking approval for this.

RESOLVED to (1) note the receipt/availability of S106 funding and approve the following allocations: (a) New Primary School – Boulton Moor: £3,999,170 and (b) correction to the allocation for Melbourne Junior School - (£18,190): Melbourne Infant School; (£24,253): Melbourne Junior School and (£65,497): Chellaston Academy; and

(2) approve that, where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

66/19 ESTABLISHMENT OF THE DERBY AND DERBYSHIRE

SAFEGUARDING CHILDREN PARTNERSHIP (Young People) Approval was sought to establish new Multi-Agency Safeguarding Arrangements across the Derby City and Derbyshire County areas replacing both the Derby Safeguarding Children Board and the Derbyshire Safeguarding Children Board.

The new arrangements would be called the Derby and Derbyshire Safeguarding Children Partnership and would bring together the lead members and chief officers from the statutory agencies to oversee and scrutinise the work of a joint executive board comprising both statutory and other key partners. It would continue to be independently chaired.

The new arrangements would boost the capacity within the system to improve its scrutiny of safeguarding arrangements, retaining a distinct focus on the respective issues of Derbyshire and Derby City respectively through a structure of dedicated sub-groups for each area, whilst ensuring duplication was minimised. The arrangements would build on the excellent performance of the two separate boards, but allow for wider sharing of both learning and resources.

To support the new arrangements the report sought approval to establish a joint business unit hosted by one of the local authorities. The detail of this team was still to be finalised and as statutory timescales were tight, with implementation of the new arrangements being required by no later than 29th September 2019, it was requested that the detailed structure of the team be delegated to the relevant Directors and Cabinet Members.

The chief officer working group had established the principle of future funding on an equal contribution basis from the statutory partners. The Police, two Local Authorities and the CCGs (which includes Southern Derbyshire CCG, North Derbyshire CCG, Hardwick CCG, Erewash CCG and Tameside and Glossop CCG) contribute 25% equally after other partner contributions had been taken into account, to the funding arrangement;

RESOLVED to (1) approve the establishment of the Multi-Agency Safeguarding Arrangements (to be called the Derby and Derbyshire Safeguarding Children Partnership) to replace the two existing Safeguarding Children's Boards in line with Working Together to Safeguard Children 2018 statutory guidance and the Children and Social Work Act 2017.

(2) agree to the establishment of a joint business support team for the new partnership to be hosted by one of the local authorities. The decision on hosting arrangements to be made by the statutory partners supported by an independent analysis of who is best placed to host. The hosting arrangements and specific details of the roles and responsibilities of the team to be delegated to the Derby Director of People's Services and the Derbyshire Strategic Director of Children's Services in consultation with the relevant Cabinet Members.

(3) agree a 25% proportion (for each local authority) of the future finance arrangements.

(4) note that, since the publication of the report, the hosting arrangements had been finalised, with Derby City Council determined as the hosting authority.

67/19 INSURANCE CAPITAL MAINTENANCE POOL ALLOCATIONS IN 2019 (Young People / Council Services) Approval was sought for the jointly funded capital maintenance projects under the Insurance Capital Maintenance Pool for 2019.

The Insurance Capital Maintenance Pool (IMP) was a building capital maintenance scheme for those schools that joined for the period 2018-2021. Under the IMP, projects with a value of between £20K and £40K for primary schools and between £50K and £100K for secondary schools were jointly funded by the IMP and the Children's Services Capital Fund if the project was deemed to be a priority condition in accordance with the condition survey, or the works were considered to be urgent in nature upon the advice of the surveying team.

RESOLVED to approve (1) the projects detailed in Annex A to the report, and

(2) the expenditure of £1,110,000 from IMP and £506,000 from the Children's Services Capital Fund.

68/19 BUDGET MONITORING 2018-19 (as at 31 December 2018) (Strategic Leadership, Culture and Tourism) Cabinet was informed of the Revenue Budget position for 2018-19 as at 31 December 2018.

The Director of Finance & ICT's report summarised the controllable budget position by Cabinet Member Portfolio as at 31 December 2018. Further reports were to be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

The projected outturn compared to controllable budget was summarised in the report and this included the use of one-off funding to support the Highways, Transport & Infrastructure portfolio. Also highlighted were the main risks which could impact on the Adult Care portfolio's outturn position, which were detailed in Appendix 2 to the report.

In summary, a Council portfolio overspend of £0.498m was forecast, after the use of £1.583m of Earmarked Reserves to support the Highways, Transport and Infrastructure portfolio. Any underspends in 2018-19 were to be used to manage the budget in 2019-20.

The Debt Charges budget was projected to underspend by £1.748m. This was based on forecast interest payments, anticipated Capital Financing Requirement (CFR), a Minimum Revenue Provision (MRP) of 2.5% in keeping with the revised policy reported to Cabinet on 22 November 2016 and a £10.000m one-off reduction

in the provision to recover 'overpayments' made in previous years. This one-off reduction in MRP was reported to Council on 7 February 2018.

The Risk Management Budget was forecast to underspend by £1.642m. This would support the management of a balanced budget in future years.

Interest on balances was estimated to break even by the year-end. The interest base rate was 0.75%, however, the Council utilised a range of investments to maximise its income.

Details of the Council's Earmarked Reserves balances as at 31 December 2018 were set out in Appendix 1 to the Director of Finance & ICT's report. A review of the Council's reserves balances was reported to Cabinet on 20 September 2018.

A summary of the expected achievement of budget savings targets was provided at Appendix 3 to the report. The budget savings target for 2018-19 was £12.427m, with a further £4.136m target brought forward from previous years. The savings initiatives identified to meet this target fell short by £4.182m, therefore further proposals would need to be brought forward to ensure the Council continued to balance its budget. Of this total target of £16.563m, £10.963m was expected to be achieved by the end of the financial year. Therefore, there was a £5.600m forecast shortfall in achievement of budget savings. The resulting base budget overspend was offset to some extent by one-off underspends or was being met from one-off funding from earmarked reserves.

RESOLVED to note the 2018-19 budget monitoring position as at 31 December 2018.

69/19 COMMENCEMENT OF THE INTER AUTHORITY AGREEMENT FOR ADOPTION EAST MIDLANDS AND THE DELEGATION OF ADOPTION FUNCTIONS TO NOTTINGHAMSHIRE COUNTY COUNCIL (Children's Services)

Call-in was waived for this urgent business item with the approval of Councillor Tony Kemp, Chairman of Improvement and Scrutiny – Resources Committee. Approval was sought for the formal delegation of designated adoption functions to Nottinghamshire County Council to host and operate Adoption East Midlands.

A detailed report was presented to Cabinet on 17th May 2018 regarding the proposals for the creation of a regional adoption agency. Cabinet noted the information regarding regionalisation, considered the work and analysis undertaken and agreed the recommendations below:

- that Derbyshire joins a shared regional adoption agency, D2N2 RAA, with Derby City Council, Nottingham City Council and Nottinghamshire County Councils
- that Nottinghamshire County Council hosts the regional adoption agency on behalf of the other local authority partners.

- that subsequent decision-making for the ensuing model and business case, including approval for TUPE transfer if necessary, is delegated to the Strategic Director for Children's Services in consultation with the Cabinet Member for Young People, following consideration of a further report prepared by the strategic leads from each local authority.
- That staff from each of the four local authorities who are in scope for the regional adoption service are seconded or transferred by TUPE to the host local authority or D2N2 RAA.

The proposed model which was to be utilised for the creation of the regional adoption agency, Adoption East Midlands, involved a delegation of functions to Nottinghamshire County Council in relation to the following areas:

1. The provision of adoption advice and support in accordance with the Adoption and Children Act 2002, including the approval of adopters and the matching of adopters and children.
2. In due course, Adoption East Midlands may undertake the assessment of prospective special guardians (as defined by Section 14A of the Children Act 1989).

Derbyshire County Council was to retain responsibility for the determination as to whether a child should be placed for adoption and for seeking the appropriate court orders to support such a decision. Derbyshire County Council would also retain responsibility for non-agency adoptions (e.g. step-parent adoptions). In order to commence the arrangement as anticipated on 1st April 2019, as anticipated by all four authorities and their staff, a decision confirming the formal delegation of functions was sought.

The Strategic Director, in accordance with the permissions above, had agreed the arrangements for the TUPE transfer of 17.5 FTE members of staff (23 employees) under a TUPE arrangement, affected staff to be employed directly by the host authority on their existing terms and conditions of employment. Consultation and due diligence processes as required under TUPE legislation had been undertaken.

The Agency, which was initially referred to as D2N2 RAA (Regional Adoption Agency) was to be named 'Adoption East Midlands.'

RESOLVED to approve (1) the delegation of the Council's adoption functions to Adoption East Midlands hosted by Nottinghamshire County Council from 1st April 2019;

(2) the Strategic Director of Children's Services, in consultation with the Cabinet Member for Young People, the Director of Legal & Democratic Services and the Director of Finance, to conclude the contractual arrangements on behalf of the County Council for the provision of the delegated function from 1st April 2019, to Adoption East Midlands.

(3) note the support expected from Adoption East Midlands from 1st April 2019 to include the provision of adoption advice and support in accordance with the Adoption and Children Act 2002 and supporting regulations and guidance, including the approval of adopters and the matching of adopters with children and young people; and

(4) the Strategic Director of Children's Services, in consultation with the Cabinet Member for Young People, the Director of Legal & Democratic Services and the Director of Finance, to determine which other related functions pursuant to the Children Act 1989 and other associated legislation and guidance could be undertaken by the Adoption East Midlands following implementation on 1st April 2019.

70/19 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. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meetings of Cabinet held on 28 February 2019.
3. To receive the exempt minutes of Cabinet Member meetings as follows:
(a) Council Services – 21 February 2019
4. To consider exempt reports as follows:
(a) Contract for the Supply of Mobile Telephone Voice and Data – Strategic Director of Commissioning, Communities & Policy. (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
(b) The Implementation of the Employer Services and Member Self Service Modules of the Pension Administration System - Strategic Director of Commissioning, Communities & Policy. (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
(c) Provision of Insurance Services - Contract Award – Strategic Director of Commissioning, Communities & Policy. (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
(d) Library Service Staffing – Strategic Director of Commissioning, Communities & Policy (contains information relating to any Consultations or Negotiations, or contemplated Consultations or Negotiations, in connection with any Labour Relations matters rising

between the Authority or a Minister of the Crown and Employees of, or Office Holders under, the authority)

(e) Provision of Surface Dressing – Binder – Strategic Director – Economy, Transport & Environment (contains information relating to the financial or business affairs of a particular company (including the Authority holding that information)).

(f) Continuation of Essential Highways and Transport Consultancy Services - Strategic Director – Economy, Transport & Environment (contains information relating to the financial or business affairs of a particular company (including the Authority holding that information)).

(g) Application for the Payment of a Market Supplement to Residential Night Care Assistants – Strategic Director – Childrens Services - (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).