

PUBLIC

MINUTES of a meeting of **CABINET** held on Thursday, 13 October 2022 at Committee Room 1, County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors S Spencer, A Dale, C Hart, N Hoy, T King, J Patten, K S Athwal and C Renwick.

Officers present: Helen Barrington (Director - Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Peter Handford (Director Of Finance & Ict), Ellie Houlston (Director Of Public Health), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Chris Henning (Executive Director - Place) and Helen Jones (Executive Director - Adult Social Care and Health).

168/22 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)

None received.

169/22 TO CONSIDER MINORITY GROUP LEADER QUESTIONS (IF ANY)

The following questions were received from Councillor J Dixon, Leader of the Labour Group) in relation to item number 8 on the agenda, Learning Disability Day Opportunities Service Redesign (minute 169/22 refers).

The questions were duly responded to during the report presentation.

- 1) In para 5.1 it says that no one will be adversely impacted by these proposed changes yet DCC is proposing to take mitigation action against these adverse impacts which is a contradiction in terms. How have DCC arrived at that conclusion and if not why are they providing extra support, travel etc if there isn't an adverse impact on individuals?
- 2) Every member of the Cabinet taking this decision has a responsibility to have read this report and understand its implications for the users affected. Can I have a reassurance that all members of the Cabinet have conscientiously read this report and are cognisant of its impact on users of our day centre services?

- 3) Are you confident that if you agree to the recommendations taken in this report, you will not be in breach of individuals' human rights?
- 4) The report makes mention that this report went through the Improvement and Scrutiny Committee. I attended that meeting as did the Cabinet member and debate was effectively and rigorously curtailed on this matter. Are you satisfied that this meets due process?
- 5) Following on from my previous question, there is no detail in the report of the number of people who have been refused access to centres or extras days. DCC say there is no waiting list, but how many people want to use it but have been told no or have been actively signposted to alternative provision which is not their first choice?
- 6) The majority of people affected by this potential decision live in a rural area. Covering transport costs does not mitigate the fact that they might not physically be able to get there, particularly in the winter months. There is no detail in the report around how long this provision of transport will last and what that looks like as a cost. Could that be provided?
- 7) Similarly transport issues may apply to staff and therefore redeployment is going to be a real issue. What measures have been put in place to support staff? And will there be job losses if this decision is taken?
- 8) One of our staff would like to ask what will happen to their role as they currently work at a day centre but do not want to be transferred to care for the elderly. As a highly trained individual, what options will they have?

170/22 TO APPROVE, AS A CORRECT RECORD, THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2022

RESOLVED:

To approve as a correct record, the minutes of the meeting held on 8 September 2022.

171/22 ANNUAL REVIEW LETTER OF THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO) 2021-22

Councillor S Spencer introduced a report, which had been circulated in

advance of the meeting, informing Cabinet of the Local Government and Social Care Ombudsman's (LGSC) Annual Review letter for the year ending 31 March 2022.

RESOLVED to:

Note the Annual Review letter of the Local Government and Social Care Ombudsman for the year ending 31 March 2022.

172/22 PERFORMANCE MONITORING AND BUDGET MONITORING/FORECAST OUTTURN 2022-23 AS AT QUARTER 1 (30 JUNE 2022)

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, that provided an update of the Council Plan performance and the Revenue Budget/forecast outturn for 2022/23, as at 30th June 2022 (Quarter 1).

RESOLVED to:

- 1) Note the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2022-23 as at 30 June 2022 (Quarter 1);
- 2) Consider whether there are any further actions that should be undertaken to improve performance where it has not met the desired level; and
- 3) Note the position on General and Earmarked Reserves.

173/22 TREASURY MANAGEMENT ANNUAL REPORT 2021-22

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, presenting the Annual Report of Treasury Management activities during 2021-22.

RESOLVED to:

Note the report on Treasury Management activities during 2021-22 and the Council's compliance with the prudential indicators set by the Council at its meeting of 3 February 2021, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

174/22 LEARNING DISABILITY DAY OPPORTUNITIES SERVICE REDESIGN

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, informing Cabinet of the response to the consultation on the future delivery of day opportunities for people with a learning disability and/or who are autistic, including the possible redesign, proposing a way forward.

In response to question one asked by Councillor Dixon, Councillor Hoy responded that the purpose of an Equality Impact Assessment is to consider carefully the impact of any proposals on those with protected characteristics and whether mitigations can be put into place to reduce adverse impact. Through the in-depth completion of the Equality Impact Assessment, it is considered that sufficient mitigations are in place to ensure this is not adverse.

In response to question two, Councillor Hoy assured that members of the Cabinet had read the report and discussed it at great length.

In response to question three, Councillor Hoy advised that Human Rights had been taken into in depth consideration through the preparation of the Equalities Impact Assessment and legal officers were satisfied the proposed changes to the service will not infringe the Human Rights Act.

In response to question four, Councillor Hoy said that she had not received negative reports from any scrutiny committee members or officers following the recent meeting that considered the report. She added that the role and influence of the Scrutiny Committee is set out within the constitution, and this was followed in respect of this issue.

In response to question five, it was stated that during the pandemic there was a necessity to restrict access to day centres in order to ensure compliance with national legislation and guidance. To be absolutely clear, there was no waiting list, nor had the Council operated any policy of refusing access.

In response to question six, Councillor Hoy advised that transport would be provided as long as the person attended an alternative centre and that it was not possible to cost this until service users had made their choices.

With regard to questions seven and eight, Councillor Hoy advised that without knowing the exact details of staff members it was very difficult to provide a comment. She did, however, assure members that all staff that could be affected were being kept updated and the Council would

continue to fully support them. The Council highly values its dedicated, skilled staff and should cabinet agree to the proposal, everything would be done to retain them.

The Director of Legal and Democratic Services advised Cabinet that a petition of approximately 2,300 signatures had been received which asked the Council not to close all Adult Day Services in the Bolsover District. The Director explained this was important that Cabinet had an update on the current position and was able to take this into account when making the decision. It was pointed out that not all of the signatures would be counted as it could not be confirmed whether or not the signatories either lived or worked in Derbyshire and there were a number of addresses as far afield as London and Florida. Additionally, there were no contact details for the lead petitioner, which was a requirement under the petitions scheme so signatories would be contacted to agree who would act as petition organiser. The Director confirmed that the number of signatures fell below the threshold to trigger a council debate.

RESOLVED to:

- 1) Approve the redesign of day opportunities in line with the new model as outlined in the report; and
- 2) Note that a formal consultation with colleagues and trade unions representing colleagues affected by this redesign will commence and every effort be made to assist employees in seeking alternative roles to minimise the number of redundancies.

175/22 ICP JOINT COMMITTEE

Councillor C Hart introduced a report, which was circulated in advance of the meeting seeking to agree the establishment of an Integrated Care Partnership Joint Committee as part of the new Derby and Derbyshire Integrated Care System.

RESOLVED to:

- 1) Note the development of the Derby and Derbyshire Integrated Care System as part of the national NHS reform set out in the Health and Care Act 2022;
- 2) Agree to the establishment of the Integrated Care Partnership as a Joint Committee of Derbyshire County Council, Derby City Council and NHS Derby and Derbyshire Integrated Care System;

- 3) Approve the terms of reference for the Integrated Care Partnership attached to the report at Appendix 2, which also includes details of which officers and elected members will participate in the meeting from Derbyshire County Council;
- 4) Agree that the Integrated Care Partnership will be hosted by Derby City Council and the committee will utilise the procedure rules of this authority;
- 5) Note the existing health scrutiny arrangements will remain in place;
- 6) Agree the revised terms of reference for the Health and Wellbeing Board, attached as Appendix 3 to the report, subject to approval at the Health and Wellbeing Board on 6th October 2022; and
- 7) Agree that the Director of Legal and Democratic Services, utilising delegated powers, will update and amend the council constitution to include the terms of reference for the Integrated Care Partnership and revised terms of reference for the Health and Wellbeing Board.

176/22 NEW PRIMARY SCHOOL AT NEW HOUSE FARM

Councillor A Dale introduced a report, which had been circulated in advance of the meeting, advising Cabinet on the provision of a new primary school at the New House Farm housing development adjacent to Mickleover.

RESOLVED to:

- 1) Note the establishment of a new primary school at New House Farm to be delivered by the DfE;
- 2) Approve the payment of a total of £1,908,479.98 in Section 106 funds to the DfE;
- 3) Agree that future Section 106 funds as detailed in the report, received by the Council, can be paid to the DfE on receipt from the developer in accordance with the Section 151 letter.

177/22 OVERVIEW OF PREPARATION FOR DEVELOPING A NEW INTEGRATED LOCAL TRANSPORT PLAN

Councillor C Renwick introduced a report, which had been circulated in advance of the meeting that updating Cabinet on work being undertaken

to develop a new Local Transport Plan for the County.

RESOLVED to:

- 1) Note that the Department for Transport will be issuing revised guidance in early 2023 to support the development of replacement Local Transport Plans;
- 2) Note a commitment to assemble the Derbyshire transport evidence baseline and future projections and complete a review of the plans, policies and programmes that are of relevance to transport in Derbyshire;
- 3) Approve the undertaking of stakeholder and public consultation between January and March 2023 to gather information and evidence about Derbyshire's transport needs and opportunities;
- 4) Approve the acceptance of a £178,571.43 grant from Government to support additional capacity in the preparation of a new Local Transport Plan and notes the broad work areas proposed to be undertaken to support Plan preparation as set out in Appendix 1 to the report;
- 5) Note that additional capacity funding will be provided to assist the parallel work on an LTP covering the D2N2 geography; and
- 6) Delegate final approval of financial allocations to the broad work areas to the Executive Director – Place in consultation with the Cabinet Member for Infrastructure and Environment.

178/22 APPROVAL TO PROCURE GOODS AND SERVICES TO ENABLE THE DELIVERY OF THE BUS SERVICE IMPROVEMENT PLAN (BSIP)

Councillor K S Athwal introduced a report, which was circulated in advance of the meeting, seeking approval to commence the commissioning work for the Bus Service Improvement Plan Programme.

RESOLVED to:

- 1) Approve to commence the commissioning work for the Bus Service Improvement Plan (BSIP) Programme, in terms of preparing tender specifications, terms of reference, and publishing tender contracts to procure relevant goods and services, using existing Frameworks and the Council's tendering processes; and

- 2) Grant the Executive Director – Place, in consultation with the Cabinet Member – Highways, Assets and Transport, delegated powers to agree the award of BSIP contracts via existing internal and external Frameworks or by other relevant tender processes in line with the Council’s Financial Regulations, to the most cost effective and competent organisations or individuals.

179/22 CULTURAL FRAMEWORK AND CULTURAL RECOVERY FUND

Councillor B Lewis introduced a report, which had been circulated in advance of the meeting seeking approval to establish a Cultural Recovery Fund.

RESOLVED to:

- 1) Approve the transfer of £1.000m from the Covid Recovery Fund Earmarked Reserve and create a new Cultural Recovery Fund Earmarked Reserve;
- 2) Approve the proposed focus and allocation of the £1m Cultural Recovery Fund, set against the objectives within the Cultural Framework, via 10 targeted funding streams;
- 3) Approve the allocation of £415,000 from the Cultural Recovery Fund for the delivery of MAKEit – The Derbyshire Festival of Making; and
- 4) Note the creation of the proposed Grants Team and its role in supporting, administering and monitoring agreed elements of the Cultural Recovery Fund, alongside other grant schemes within the remit of the Economy and Regeneration Service.

180/22 REGENERATION PROGRAMME PIPELINE

Councillor C Renwick introduced a report, which had been circulated in advance of the meeting, updating Cabinet on the current and anticipated programme of regeneration projects.

RESOLVED to:

Approve, in principle, the acceptance of grant funding for the A61 South of Chesterfield, East Midlands Freeport (Seed Capital walking and cycling infrastructure), Staveley Town Deal (Wheels to Work) and Midlands Connect Rural Mobility Programmes Electric Vehicle Charging and Sharing projects, delegating authority to the Executive Director – Place to finalise and accept the grant agreements in consultation with

the Director of Finance and ICT.

181/22 EXCLUSION OF THE PUBLIC

RESOLVED:

That under Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed to them.

182/22 TO APPROVE, AS A CORRECT RECORD, THE EXEMPT MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2022

RESOLVED:

To approve as a correct record, the exempt minutes of the meeting held on 8 September 2022.

183/22 CONTRACT EXTENSION – CARERS INFORMATION, ADVICE, ASSESSMENT AND SUPPORT SERVICE

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, seeking approval to extend the current contract for the provisions of Carer Information Advice Assessment and Support.

RESOLVED to:

Approve the extension of the current contract for the provision of Carer Information Advice Assessment and Support service, under Protocol 10 of the Financial Regulations, for a period of twelve months until 31 March 2024.

The meeting finished at 2.50 pm