

PUBLIC

MINUTES of a meeting of **CABINET** held on Thursday, 14 November 2024 at Committee Room 1, County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

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

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director of Legal and Democratic Services), Chris Henning (Executive Director - Place), Ellie Houlston (Director of Public Health), Mark Kenyon (Director of Finance), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Alison Noble (Director - Early Help & Safeguarding), Simon Stevens (Executive Director - Adult Social Care and Health) and Alec Dubberley (Head of Democratic and Registration Services).

160/24 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)

None received.

161/24 TO CONSIDER MINORITY GROUP LEADER QUESTIONS (IF ANY)

The following questions had been submitted by Councillor J Dixon, Leader of the Labour Group:

Agenda item 6 – Proposed Redesign of Residential Care and Day Opportunities for Older People

“The paper proposes that the Council exit the residential care market completely, in spite of rising costs in the private sector of up to £400 a week in some areas on top of Derbyshire's standard cost of a care home place. Costs of private care have created a projected overspend of almost £40 million in the current financial year. Cabinet will be aware from the recent Ombudsman case which the council lost, that where a care bed cannot be offered at the council's rate, then the council is liable for the full cost of private sector provision. In other areas the cessation of council provision has led to further increases in private care costs. What cost estimates have been made and how can Cabinet be assured that closing 280 care beds and completely exiting the market will not create further huge cost pressures from private care which are completely unsustainable?”

Agenda item 8 – Outcome of the consultation on the cessation of Corporate services and Transformation Discretionary Grant Funding

“The consultation report makes clear that the proposals will affect the sustainability and resilience of the voluntary sector, with the damage being irreparable - some voluntary organisations said they would cease to operate and others would lose jobs. The Equality Impact Assessment shows the proposals will have a detrimental impact on older people, on those with disabilities and their carers. The cabinet report states that cabinet should consider how Council could mitigate the negative impacts of the proposals, including funding to commission future activities, council or other organisations delivering similar services in future, and accepting increased costs in other areas. Have the costs of these mitigations been calculated in light of the future reduced capacity of the voluntary sector? No estimates have been provided in the Cabinet paper, and how can Cabinet make this decision on cost grounds without this information on the additional costs that will be necessary?”

162/24 TO APPROVE, AS A CORRECT RECORD, THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 17 OCTOBER 2024

RESOLVED:

To approve, as a correct record, the minutes of the meeting held on 19 October 2024.

163/24 REDESIGN OF SHORT BREAKS AND DAY OPPORTUNITIES FOR PEOPLE WITH A LEARNING DISABILITY AND/OR WHO ARE AUTISTIC

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, providing the response to the consultation on the future delivery of short breaks and day opportunities for people with learning disabilities and/or who were autistic and the possible redesign and which included the outcome of the Equality Impact Analysis and recommendations about the preferred course of action.

RESOLVED to:

- 1) Approve the permanent closure of the four day centres - Alderbrook, No Limits, Outlook, and Parkwood on the basis that before proceedings with the permanent closure of any Day Centre alternative offers of support had been made to people currently using the services in accordance with the Council’s obligations under the Care Act and any other relevant legislation or guidance;
- 2) Approve the permanent closure of four short break services - Hadfield Road, Newhall Bungalow, Petersham, Victoria Street on the basis that before proceedings with the permanent closure of any Day Centre alternative offers of support had been made to people currently using the services in accordance with the

Council's obligations under the Care Act and any other relevant legislation or guidance;

- 3) Approve that once the day centres and short break services were closed, the outcomes for the buildings were considered and implemented by Property as business as usual in accordance with the Council's scheme of delegation and the limits set for disposal of freehold and leasehold interests therein;
- 4) Approve the delegation to the Director of Property in consultation with the relevant Cabinet Member to dispose of any of the properties named in the report where the freehold value exceeded £500,000 or where in the case of buildings being leased by the Council the value of the interest being surrendered was over £100,000; and
- 5) Note that a formal consultation with staff and trade unions representing staff affected by any closures would commence and every effort be made to assist employees in seeking suitable alternative roles to minimise the number of redundancies.

164/24 PROPOSED REDESIGN OF RESIDENTIAL CARE AND DAY OPPORTUNITIES FOR OLDER PEOPLE – CONSULTATION RESPONSES AND RECOMMENDATIONS

Councillor Hoy responded to the question Councillor Dixon had submitted prior to the meeting as follows:

“Whilst the costs for purchased services across the board have risen and therefore do place pressure on the Adult Social Care budget, the total value of the projected overspend on purchased services is lower than the value quoted and is a result of increasing demand for adult social care services at a time when the financial climate for all local authorities is particularly challenging. It is not accurate to say the overspend is a result of the costs of private care.

Neither is it accurate to say that the Council proposes to exit the residential care market completely. The report states that the Council is proposing to specialise in the provision of long-term care and flexible overnight and day breaks for people living with dementia and reablement services because these are the areas of need that have been identified.

The Council will continue to effectively manage local markets to ensure there is accessible and affordable care for people as it is legally obliged to. We can see through information around vacancies, national trends and through all the modelling, that there is a reduction in demand for more traditional residential care – with the demand increasing for nursing care and residential care for those with complex needs which is why the

Council is making these recommendations around the focus of the services it directly provides.”

Councillor Hoy also voiced strong concerns around the recent government announcement of allocating an extra £600m funding to local authorities for adults and children social care. This was seen as “a drop in the ocean” compared to the £2.4bn in rising costs associated with wage increases and employer national insurance contributions. It was the Council’s intention to write to the government to express its concerns for the authority and for private care providers.

The Monitoring Officer referred Members to the number of petitions and signatories received (9467 signatures) in the report. The accuracy of these numbers was queried as it was claimed that an additional paper petition “Save the Grange Care Home” with 1557 signatures had been submitted. The petition had not been received and therefore the signatures could not be verified and validated. However, it was her recommendation that the additional numbers should be taken into account by Adult Social Care and Health. The recommendation to Cabinet had been reconsidered in respect of the Grange Care Home and it was confirmed that the officer recommendation remained as set out in the report.

Cabinet members were advised to consider this additional information and treat the petition as having up to 1901 signatures when considering the report today. Members were reminded that a petition would require 7500 signatures to trigger a council debate – with this additional number, the total fell below the threshold.

Councillor N Hoy went on to introduce the report that explained the findings of the recent consultation on proposals for the future delivery of residential care and day opportunities which are directly provided by the Council for older people and which included the outcome of the Equality Impact Analysis and recommendations about the preferred course of action.

RESOLVED to:

- 1) Note the intention of the Council to focus its directly provided services upon providing specialist long term care, flexible day and overnight breaks for people with dementia and their carers, in addition to well-integrated short-term assessment and reablement services, to avoid hospital admission and maximise flow through hospitals;
- 2) Approve the cessation of long term and respite care at the following residential care homes: Briar Close, Castle Court, The Grange, Lacemaker Court (including an integrated day centre),

The Leys, New Bassett House, Rowthorne and Thomas Colledge in accordance with the following process:

- a. the homes listed be offered for sale to the open market as a going concern for a period of up to eight weeks;
 - b. where the Council received offers for any of the care homes, authority was delegated to the Executive Director for Adult Social Care, in consultation with the Director of Finance and the Director of Property, who would determine whether the criteria set out at paragraph 4.8.4 of the report had been met;
 - c. where a determination was made that the criteria had been met, the option of selling the homes as going concerns, authority be delegated to the Director of Property to pursue and make arrangements for sale, should the value exceed £500,000;
 - d. if a sale fell through, the current residents be supported to find reasonable and suitable alternative accommodation; and steps (e), (f) and (g) below would be followed;
 - e. where a determination was made by the Executive Director for Adult Social Care, in consultation with the Director of Finance and the Director of Property, that the criteria set out at paragraph 4.8.4 were not met, the current residents be supported to find reasonable and suitable alternative accommodation and the care home would permanently close;
 - f. before proceeding with the permanent closure of any of the homes, the Council would ensure that reasonable and suitable alternative arrangements had been made for all of the long-term residents at each of the homes which met the Council's duties under the Care Act 2014 and any other relevant legislation or guidance;
 - g. once any care home was permanently closed, the outcomes for the buildings were considered and implemented by Property Services as business as usual in accordance with the Council's scheme of delegation. The Director of Property, in consultation with the relevant Cabinet Member, should be able to dispose of the property where the value exceeded £500,000.
- 3) Approve the cessation of long term and respite care at Bennerley Fields, enabling the repurposing of the entire building for the provision of community support beds, on the basis that

the Council would ensure that reasonable and suitable alternative arrangements had been made for all of the residents currently living at Bennerley Fields which met the Council's duties under the Care Act 2014 and any other relevant legislation or guidance;

- 4) Approve the permanent closure of the following day centres for older people: Blackwell Day Centre, Fabrick Day Services, Jubilee Centre, Queens Court and Valley View Day Centre on the basis that before proceeding with the permanent closure of any Day Centre alternative offers of support had been made to people currently using the services in accordance with the Council's obligations under the Care Act and any other relevant legislation or guidance;
- 5) Approve that once day centres were closed, the outcomes for the buildings were considered and implemented by Property Services as business as usual in accordance with the Council's scheme of delegation. The Director of Property, in consultation with the relevant Cabinet Member, would be able to dispose of the property where the value exceeded £500,000. Should the buildings be leased by the Council, the Director of Property, in consultation with the relevant Cabinet Member, would be able to dispose of the leasehold interest should the value of the interest being surrendered was over £100,000;
- 6) Note that a formal consultation with staff and trade unions representing staff affected by any closures would commence and every effort would be made to assist employees in seeking suitable alternative roles to minimise the number of redundancies;
- 7) Approve the required program of consultation for a period of 6 weeks to explore entering into a Section 75 Agreement with Derbyshire Community Health Services, an NHS Foundation Trust, to jointly deliver a range of reablement services aimed at helping people remain independent at home for as long as possible;
- 8) Note that Cabinet would receive a further report following the conclusion of the consultation process, including an Equality Impact Analysis;
- 9) Approve the program of consultation for a period of 6 weeks on the two proposed options set out at Appendix 7 concerning the delivery of care provided at Ada Belfield, the Staveley Centre and Thomas Fields; and

10) Note that Cabinet would receive a further report following the conclusion of the consultation process, including an Equality Impact Analysis.

165/24 TREASURY MANAGEMENT ANNUAL REPORT 2023-24

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, that provided details of Treasury Management activities during 2023-24 and indicated the Council's compliance with the prudential indicators set by Council at its meeting of 15 February 2023, in accordance with the Chartered Institute of Public Finance and Accountancy's "*Treasury Management in the Public Services: Code of Practice 2021 Edition*" (the CIPFA Code).

RESOLVED to:

Note the report on Treasury Management activities during 2023-24 and the Council's compliance with the prudential indicators set by Council at its meeting of 15 February 2023, in accordance with the CIPFA Code.

166/24 OUTCOME OF THE CONSULTATION ON THE CESSATION OF ADULT SOCIAL CARE AND HEALTH AND CORPORATE SERVICES AND TRANSFORMATION DISCRETIONARY GRANT FUNDING

Councillor Hart responded to the question Councillor Dixon had submitted prior to the meetings as follows:

"The consultation report is a summary and reflection of the feedback that the Council received during the consultation period, from those who engaged with the consultation exercise. The consultation report makes it clear that respondents told us that the sustainability and resilience of the voluntary sector would be affected. Most respondents to the consultation were affiliated with an organisation currently in receipt of funding, whether that be as a volunteer worker, person who draws on care and support or a member of the organisation.

VCS organisations operate independently from the Council and should have sustainable funding models, managed by a board and a set of trustees. Charities usually utilise a range of funding sources and organisations should have strategies in place to adapt to any loss of funding across their business model.

As the report states, the Council has considered a number of options to mitigate the effects of the Cabinet decision to withdraw grants funding. Not all options are appropriate in all circumstances, and the Equalities Impact Assessments have identified mitigations where possible. However, the Council must consider the suitability of these options whilst also recognising the need to meet its savings targets.

As mentioned in the report the way in which organisations utilise these grant awards is complex and differs for each organisation. Each organisation's financial structures, income streams and priorities vary significantly, thus we are not able to accurately determine how each of them will respond to the recommendations in the Cabinet Report. Whilst some have indicated that they intend to obtain alternative funding from other sources such as the National Lottery, others may choose to continue provisions but adopt a new approach. The report does make clear that the Council has other ways in which the most vulnerable can be supported through commissioned and directly provided approaches. These are designed to prevent, reduce and delay the need for more formal support.

The Council invests round £4m annually in preventative services which includes Carer support, Low Level Services, Home from Hospital, sensory services, dementia support and much more, which are often commissioned from the voluntary and community sector. Commissioning in this way is advantageous because services can be carefully designed and managed over a longer timeframe, looking at the needs of the whole Derbyshire population, whilst also incorporating full cost recovery including reasonable core/management costs."

Councillor Hart went on to introduce the report that summarised the feedback from the recent consultation in relation to the potential cessation of Adult Social Care and Health and Corporate Services and Transformation discretionary grants and included the outcome of the equality impact assessments and recommendations regarding the allocation of discretionary grants.

RESOLVED to:

- 1) Note the outcomes of the full report on the consultation responses and detailed analysis of the feedback in Appendix 3 and the Equality Impact Analyses in Appendix 4-9;
- 2) Approve the recommendation to cease all existing discretionary grant funding arrangements set out in this report after 31 March 2025, totalling £1.106M;
- 3) Note that £25,000 of funding would be retained in the CST budget to support the Council's strategy and partnership objective; and
- 4) Note that £25,000 of funding would be retained in the CST budget to support the Council's equality objective.

167/24 ELVASTON CASTLE AND GARDENS MASTERPLAN UPDATE

Councillor T King introduced a report, which had been circulated in advance of the meeting, that sought approval for a number of

recommendations in support of a pragmatic response to a set of very complex and challenging circumstances reflecting the Council's financial pressures and deepening the partnership arrangements with Elvaston Castle and Gardens Trust to ensure a sustainable plan for the future of the Estate.

RESOLVED to approve:

- 1) The withdrawal of the Masterplan formally approved by Cabinet on 20 December 2018;
- 2) Continuing engagement with key stakeholders on future operational options for Elvaston Castle and Gardens Estate on the basis of the above decision;
- 3) The current capital budget to be held and available for the Estate to fund delivery of the Countryside Service Enterprise Plan. The plan would include improvements for visitors and a scaled back number of low-cost, low-risk developments focused on increasing visitor numbers, to reduce the current financial subsidy, and keep the Estate maintained in line with health and safety standards;
- 4) The Growth Fund of £0.050m per annum allocated to the Masterplan be transferred to the Countryside Service to fund additional staffing resource to support the delivery of the Enterprise Plan;
- 5) Granting delegated authority to the Executive Director – Place, in consultation with the Director of Legal and Democratic Services, to agree a new governance structure and collaboration agreement between the Council and Elvaston Castle and Gardens Trust; and
- 6) Allocating funding of £0.028m to Elvaston Castle and Gardens Trust for 2025-26 financial year and for each of the following two years with a 3% uplift per annum.

168/24 MARKHAM VALE UPDATE ON DEVELOPMENT PROGRESS

Councillor T King introduced a report, which had been circulated in advance of the meeting, informing of the continuing success and progress being made in bringing forward development at Markham Vale, providing an overview of economic activity over the period October 2023 to September 2024.

RESOLVED to:

- 1) Note the continuing success and progress made in bringing forward development at Markham Vale and the economic activity

that had taken place over the period October 2023 to September 2024; and

- 2) Approve the activity planned over the coming years to bring the project to completion.

169/24 PROPOSAL TO CONSULT ON THE REVISED DEVELOPER CONTRIBUTIONS PROTOCOL

Councillor C Renwick introduced a report, which had been circulated in advance of the meeting, which sought approval to consult on the revised Developer Contributions Protocol and delegate authority for amendments to be made to the draft Protocol by the Executive Director – Place in consultation with the Cabinet Member for Infrastructure and Environment in response to emerging East Midland Combined County Authority strategy.

RESOLVED to approve:

- 1) Consultation with the public and stakeholders on the revised Developer Contributions Protocol; and
- 2) Delegated authority for amendments to be made to the draft by the Executive Director – Place, in consultation with the Cabinet Member for Infrastructure and Environment, in response to emerging East Midland Combined County Authority strategy.

170/24 EAST MIDLANDS INVESTMENT ZONE – CALL FOR PROJECTS

Councillor C Renwick introduced a report, which had been circulated in advance of the meeting, providing an update on a call for investment proposals in support of the East Midlands Investment Zone. The report also sought approval in principle to the receipt of grant funding from East Midlands Combined Council Authority and for the Executive Director – Place to approve the acceptance of specific funding offers, in consultation with the Director of Finance and the Cabinet Member for Infrastructure and Environment.

RESOLVED to:

- 1) Note the call for investment proposals under the East Midlands Combined County Authority's (EMCCA) 'sprint' programmes in support of the East Midlands Investment and the short timescales within which bids needed to be prepared;
- 2) Approve in principle:

- a) the receipt of grant funding from EMCCA for the three bids submitted (Advancing Staveley Waterside, Derbyshire Connectivity North and Derbyshire Connectivity South);
 - b) the addition of projects to the capital programme and the commercial pipeline;
 - c) the carrying out of consultation where required; and
- 3) Authorise the Executive Director – Place to approve the acceptance of specific funding offers, in consultation with the Director of Finance and the Cabinet Member for Infrastructure and Environment, and to authorise any required consultation for funded projects.

171/24 ALLOCATION OF 2025-26 LOCAL TRANSPORT PLAN HIGHWAYS

Councillor C Cupit introduced a report, which had been circulated in advance of the meeting, that sought approval for a number of aspects around the 2025-26 Highways Capital Programme and to advise that confirmation of the DfT Capital funding settlement was delayed.

RESOLVED to:

- 1) Approve the indicative 2025-26 scheme list in Appendix 3 of the report based on the anticipated funding allocation from DfT. This would provide forward visibility to members and communities and enable design to commence to ensure early design and delivery of this programme;
- 2) Acknowledge that confirmation of DfT Capital Funding Settlement was delayed and approve the reporting of this at a later date once the Capital Highway Maintenance Block Grant and Integrated Transport Block Grant was confirmed by DfT following the Government's autumn 2024 spending review;
- 3) Authorise the delegation of authority to the Director for Highways, in consultation with the Cabinet Member for Highways, Assets and Transport, to accept the award and programme delivery of any additional monies received from the DfT for spend within the 2024/25 financial year, with retrospective authority to receipt the funds to be reported to Cabinet at a future meeting;
- 4) Authorise delegation to the Director for Highways to approve any changes to the programme within the tolerance of the overall budget; and
- 5) Grant permission to officers to procure all necessary goods/services required to deliver projects in the programme, in accordance with the Council's procurement protocols.

172/24 CHILDREN'S SERVICES CAPITAL ALLOCATIONS S106

Councillor A Dale introduced a report, which had been circulated in advance of the meeting, regarding Section 106 developer contributions and the correct allocation of funding.

RESOLVED to:

- 1) Note the receipt/availability of Section 106 funding and approve allocations to the projects outlined in Appendix 2;
- 2) Approve the transfer of reimbursement to Basic Need 2017-18 to 2018-19 in the sum of £152,153.79 for Langley Mill Academy;
- 3) Note the additional planning reference in relation to overall allocated Section 106 funds totalling £604,858 for Heanor Gate and the removal of previously allocated £50,000, providing a corrected allocation of £554,858.47;
- 4) Approve the transfer of reimbursed Section 106 funds in the sum of £304,097.34 for Heanor Gate from Basic Need 2016-17 to add to the continuing expansion project;
- 5) Note corrections to balances for Heanor Gate S106 Cabinet paper of 22 February 24, detailed above and in Appendix 2; and
- 6) Note the reimbursement of S106 receipt to Basic Need Capital Budgets.

173/24 DERBYSHIRE HEALTHY HOME PROJECT (DHHP) CONSULTATION RESULTS AND FUTURE RECOMMENDATION

Councillor N Hoy introduced a report, which had been circulated in advance of the meeting, informing of the outcome of the consultation and review of the Derbyshire Healthy Home Project (DHHP) and to consider the outcomes and recommendations laid out in the report.

RESOLVED to:

- 1) Note the plan to transition the ECO4 Flex Declarations administration role (Grade 8) from Adult Care to DCC Public Health to specifically support the ECO4 Flex declaration process;
- 2) Note that a comprehensive information and advice webpage would be developed to support people with energy efficiency advice and signpost to appropriate external organisations;

- 3) Agree that the Derbyshire Healthy Home offer was simplified to focus on a core offer as described in Section 5.17 of the report;
- 4) Approve the implementation of a new eligibility criteria for Derbyshire County Council funded home clearance and deep cleaning activity necessitated due to hazardous home conditions that was focused on supporting adults with eligible health and social care needs in accordance with the duties of the Care Act (2014) as outlined in paragraph 5.19 of the report;
- 5) Note that a collaborative working group involving Joined Up Care Derbyshire system partners, including District and Borough representatives, would be created with the intention of developing a shared process to address Category 2 hazards under the Housing Act 2004 Health and Housing Hazard Rating System (HHRS) to be operational from June 2026 onwards; and
- 6) Note that a formal consultation with staff and trade unions representing staff affected by the remodelling of the service would commence and every effort be made to assist employees in seeking suitable alternative roles to minimise the number of redundancies.

174/24 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 are excluded from the meeting for the remaining 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's 1 and 3 respectively of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed to them.

175/24 TO APPROVE, AS A CORRECT RECORD, THE EXEMPT MINUTES OF THE MEETING HELD ON 17 OCTOBER 2024

RESOLVED:

To approve, as a correct record, the exempt minutes of the meeting held on 17 October 2024.

176/24 INDUSTRIAL PORTFOLIO REVIEW

Councillor S Spencer introduced the report, which had been circulated in advance of the meeting, that sought approval to sell the Small Business Centres and Industrial Estate Portfolio, with the existing tenants in situ,

via auction and to remove the related income targets and expenditure budgets from Property.

RESOLVED:

To approve the recommendations as detailed in the not for publication report.

177/24 MARKHAM VALE DELEGATED DECISIONS REPORT

Councillor T King introduced a report, which had been circulated in advance of the meeting, to note the delegated decisions for the continued redevelopment of Markham Vale taken by the Executive Director – Place in conjunction with the Leader of the Council.

RESOLVED:

To approve the recommendations as detailed in the not for publication report.

The meeting finished at 3.21 pm