

# Public Document Pack



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PUBLIC

To: Members of Cabinet

Wednesday, 6 May 2020

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 14 May 2020**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting., the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

**Simon Hobbs**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)
4. To confirm the non-exempt minutes of the meeting of Cabinet held on 23 April 2020 (Pages 1 - 14)

5. To receive minutes of Cabinet Member Meetings as follows:
  - 5 (a) Young People - 7 April 2020 (Pages 15 - 18)
  - 5 (b) Highways, Transport & Infrastructure - 9 April 2020 (Pages 19 - 24)
  - 5 (c) Adult Care - 16 April 2020 (Pages 25 - 28)
  - 5 (d) Corporate Services - 16 April 2020 (Pages 29 - 30)
  - 5 (e) Strategic Leadership, Culture & Tourism - 28 April 2020 (Pages 31 - 34)
6. To consider reports as follows:
  - 6 (a) Urgent Officer Decisions (Pages 35 - 110)
  - 6 (b) Permission to procure a contract for the Supply of Skips (Pages 111 - 114)
  - 6 (c) Expansion of Glossopdale School (Pages 115 - 122)
7. Exclusion of the Public

To move "That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972"

## **PART II - EXEMPT ITEMS**

8. To receive declarations of interests (if any)
9. To consider Minority Group Leader questions (if any)
10. To confirm the exempt minutes of the meeting of Cabinet held on 23 April 2020 (Pages 123 - 124)
11. To receive the exempt minutes of Cabinet Member Meetings as follows:
  - 11 (a) Corporate Services - 16 April 2020 (Pages 125 - 126)
12. Urgent Officer Decisions - Exempt (Pages 127 - 158)

PUBLIC

**Agenda Item No.4**

**MINUTES** of a meeting of **CABINET** held on 23 April 2020.

**PRESENT**

Councillor B Lewis (in the Chair)

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

**Declarations of Interest**

There were no declarations of interest made.

**66/20 MINORITY GROUP LEADERS' QUESTIONS**

Councillor P Smith asked the following question:

Agenda Item 6(a) – Budget Monitoring 2019-20 (as at 31 December 2019)

There would appear to be a number of areas within the budget where cost savings are not being met within the financial year, some of which have already rolled over from previous years. The HTI portfolio shows significant carry forward of saving requirement on Highway Maintenance, to the tune of £2.000m, and a further £5.234m of savings required which would appear to be needing to be pushed back to beyond this current financial year. There are similar examples in the Young People budget. Could the Director of Finance and ICT please detail his current understanding of the value of expected savings requirement which will need to roll beyond this financial year, broken down by portfolio areas please?

Councillor S A Spencer, Cabinet Member for Highways, Transport and Infrastructure responded that the Council were obviously facing some very serious circumstances as a result of the Covid 19 outbreak, the costs of which were not known at this stage. The Council had submitted its claim to the Government for the recent flooding which had occurred in November and February which was in excess of £20m but as yet no formal response had been received. The Council had become expectant of the availability of the pothole fund. Whilst this funding had been announced, the detail had not been made available, although it was anticipated to be £30m. There had also been other issues including excessive expenditure on winter maintenance where there had been very challenging whether in April at the start of the financial year which had had an impact on the budget. In addition, although the Sinfin site had not cost the Council to date, it had a knock-on effect on financial planning as the Council would have expected by now to be financing the

programme differently. There were also several other financial incidentals that were contributing to the problems and the Executive Director - Economy, Transport and Environment would provide further details.

**67/20 MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 16 March 2020 be confirmed as a correct record and signed by the Chairman.

**68/20 CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Corporate Services – 5 March 2020
- (b) Highways, Transport & Infrastructure – 16 March 2020
- (c) Adult Care – 19 March 2020
- (d) Clean Growth & Regeneration – 19 March 2020
- (e) Young People – 19 March 2020
- (f) Health & Communities – 21 March 2020

**69/20 BUDGET MONITORING 2019-20 (AS AT 31 DECEMBER 2019)** (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT informed Cabinet of the Revenue Budget position as at 31 December 2019.

The report summarised the controllable budget position by Cabinet Member Portfolio as at 31 December 2019 and further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

The COVID-19 crisis would impact on the Council's 2019-20 outturn. The additional costs of the Council's response, incurred up to 31 March 2020, were not reflected in the projected outturn at 31 December 2019 and the summary provided was before these additional costs were taken into account. However, that would mean that the total projected underspend of £5.080m was likely to be reduced to reflect the additional costs associated with the Council's response to the outbreak. These costs would be reported to Cabinet in the Revenue Outturn Report 2019-20 and the Director of Finance and ICT expanded on the latest position regarding the potential impact of the COVID-19 crisis.

A Council portfolio overspend of £0.577m was forecast, after the use of £3.382m of Earmarked Reserves to support the Highways, Transport and Infrastructure and Young People portfolios. Any underspends in 2019-20 would be used to manage the budget in 2020-21. A summary of the individual portfolio positions was detailed in the report and the Director of Finance and ICT asked Members to consider the following proposals:

There was a projected year-end underspend of £3.861m. It was proposed to transfer this current projected underspend to the Adult Care Budget Saving Pump Priming Earmarked Reserve, to part fund £4.210m due to Newton Europe in 2020-21 in respect of consultancy services provided in relation to the Better Lives programme, with the balance of £0.349m to be funded by a further transfer if additional underspends became available before the end of the financial year.

The Shipley Country Park project would require external consultants to be engaged. Therefore, it was proposed to contribute £0.100m from the Property Services' underspend to establish an earmarked reserve to fund this work.

Details of the Council's Earmarked Reserves balances as at 31 December 2019 were set out in Appendix 1 to the report. In addition to these balances, £0.684m of funding to ensure compliance with the General Data Protection Regulations (GDPR) would be transferred to a newly established GDPR Earmarked Reserve as approved by Cabinet on 23 January 2020.

**RESOLVED** to (1) note the 2019-20 budget monitoring position as at 31 December 2019 before consideration of the impact of costs incurred in responding to the COVID-19 crisis;

(2) approve the establishment of a Shipley County Park Consultants Earmarked Reserve and a contribution of £0.100m from the Property Services budget into this reserve; and

(3) approve the transfer of the current projected underspend in Adult Care of £3.861m to the Adult Care Budget Saving Pump Priming Earmarked Reserve to part fund £4.210m due to Newton Europe in 2020-21, in respect of consultancy services provided in relation to the Better Lives programme, with the balance of £0.349m to be funded by a further transfer if additional underspends become available before the end of the financial year.

**70/20 CIPFA FINANCIAL MANAGEMENT CODE** (Strategic Leadership, Culture and Tourism) The Chartered Institute of Public Finance and Accountancy (CIPFA) had published The Financial Management Code (FM Code) in October 2019. The FM Code provided guidance for good and sustainable financial management in local authorities, giving assurance that authorities were managing resources effectively.

The FM Code required authorities to demonstrate that the processes they had in place satisfied the principles of good financial management, which was an essential part of ensuring that public sector finances were sustainable. The FM Code identified risks to financial sustainability and introduced a framework of assurance. This framework was built on existing successful

practices and set explicit standards of financial management. Complying with the standards set out in the FM Code was the collective responsibility of elected members, the chief finance officer and their professional colleagues in the leadership team. Complying with the FM Code would help strengthen the framework that surrounded financial decision making. By following the essential aspects of the FM Code, local authorities were providing evidence to show they were meeting important legislative requirements.

The first full year of compliance would be 2021-22. This recognised that organisations would require time to reflect on the contents of the FM Code and allowed them to use 2020-21 financial year to demonstrate how they were working towards compliance. Whilst compliance with the standards was mandatory, the FM Code did not prescribe how they should be achieved. The standards were summarised in Appendix 1 to the report.

The Council would review its current processes, procedures and governance arrangements, to understand where it was already compliant with the FM Code standards and to identify any areas of non-compliance or where compliance was weak. In order to demonstrate conformity with the FM Code's standards, a document evidencing the applicable parts of the Council's Constitution, Financial Regulations, reports and policies would be compiled. Where evidence was found to be weak, the Council would develop practices to ensure that it was fully compliant by 1 April 2021.

The Audit Committee would receive regular reports on progress towards achieving the FM Code, including proposals for additional practices where appropriate and on compliance with the FM Code's standards. An annual report would be taken to Full Council alongside the Statement of Accounts in late Autumn each year, commencing in 2022, following the first full financial year of compliance.

**RESOLVED** to note the content of the report.

## **71/20 FUTURE MANAGEMENT OF EDUCATIONAL CHARITIES**

(Strategic Leadership, Culture and Tourism) The County Council was the sole trustee for 47 charities established at various times over the past 150 years or so for educational purposes. Some were nominal in value with an annual income of only a few pounds and some were established for purposes or beneficiaries which no longer existed. In many cases, these charities were not registered and the County Council holds limited information about them which has led to them being inactive for some time.

This situation was not unique to the County Council, a fact that had been recognised by the Charity Commission and the Department for Digital Culture, Media and Sport (DCMS). To address the issue of the thousands of inactive funds which individually had small nominal incomes, but collectively

had a monetary value in the tens of millions, the Charity Commission, DCMS and the United Kingdom Community Foundations (UKCF) launched the Revitalising Trusts Programme. The aim of the programme was to assist dormant, ineffective or inactive charities and provide them with simple options to close or revitalise the charity.

The options available to trustees of charities which were no longer active were:

1. to consider transferring a charity's fund, using the Revitalising Trust Programme, to a central community fund managed by UKCF or to a local community fund managed by the local community foundation or to a charity with similar objectives depending on the governing document of the charity.
2. consider winding up a charity in line with the dissolution clause within its governing document.
3. consider amendments to the purpose of a charity in order that it can fulfil its purposes and undertake valuable charitable activities once again.

In the case of all three options advice was available from Toni Shaw, UKCF Trust Transfer Associate to guide the Council through the process of transferring a charity's funds for positive public benefit or to help the Council revitalise the objects of a charity.

The cost to the Council of administering the charities and their, in some cases, very small funds was not something that could be sustained going forward. It was more appropriate that the Council worked in partnership with organisations that had the expertise to manage the charities and their funds so that they benefit the young people of Derbyshire as was originally intended.

Officers had considered the options and believed that option 1 was the most effective way forward. This option would allow a charity's funds to be revitalised and would also enable the Council to stay involved in the distribution of grants. It would involve transferring most of the 47 charitable trusts to the local Derbyshire Community Foundation, Foundation Derbyshire, to revitalise those funds to provide benefits for the children and young people of Derbyshire. An alternative proposal had been put forward for the future management of the Heage Educational Charity which was addressed in the report.

Derbyshire Community Foundation (operating as Foundation Derbyshire (FD)) was established in 1996 and was an independent and well respected locally based charity that promoted and encouraged local philanthropy, creating funding sources for the hundreds of community groups and charities

delivering vital services across the county. The Foundation's Board Members included senior representatives from industry, law, the voluntary sector and banking in Derbyshire. To date, the Foundation had distributed over £15 million of grant funding across Derbyshire.

To date the Foundation had transferred charitable trusts worth in excess of £1.58m into bespoke named funds within its own endowment. FD provided accessible, transparent and supportive processes for applicants and provided the ability for former trustees to remain involved in decision making, if they so wished. Trustees could retain their involvement in grant making decisions, by participating in a dedicated "Named Fund Panel", which the Foundation would establish and administer on the Trust's behalf, and grants could be distributed and marketed in the name of the original charitable trust.

Following an analysis of the 47 educational charities, it had been established that 8 were for the benefit of Chesterfield College, 9 were for the benefit of current and former educational establishments in Derby City and one was for the benefit of a church Sunday school. The remaining 29 were for the benefit of various schools or former schools and education establishments in Derbyshire for their pupils and students. There were only 3 of the charities which had seen any activity in the last 5 years.

The proposal was that 43 of the charities were transferred to FD to administer. In the case of the smaller charities, their funds would be amalgamated to form larger funds to which the original beneficiaries could apply for grants, and any income which had not been taken up at the end of each year would be rolled forward into a wider education fund to which all schools and students in Derbyshire could apply for grants.

The charities of which Chesterfield College was the beneficiary would be amalgamated into a single Chesterfield College Fund for the benefit of students and former students. In the case of the Derby charities, these would similarly be amalgamated into a Derby City Learning Fund for the benefit of pupils in Derby schools, and the 3 Derby colleges charities would be amalgamated into a Derby Colleges Fund. The beneficiary schools and colleges had been consulted and no objections had been raised to the proposal.

There were 3 charities which benefit pupils and former pupils at secondary schools in Chesterfield. The largest of these was the Chesterfield School Foundation. The other 2 charities were the Pegasus Trust Fund and the Gertrude Weninger Trust Fund. The proposal was for the Pegasus Trust Fund to be administered by FD and to amalgamate both the Chesterfield School Foundation and the Gertrude Weninger Trust Fund into a Chesterfield School Trust Fund for the benefit of pupils and former pupils

under the age of 25 in accordance with the objectives of the current Chesterfield School Foundation charity scheme. The Fund would be administered by FD through a Chesterfield School Trust Fund Panel.

Further consideration would be given in due course whether to seek the Charity Commission's approval to merge the schemes of these three charities so that the pupils and former pupils of all eight secondary schools in the Borough of Chesterfield could benefit from all three funds.

The Heage Educational Charity, which primarily benefits the pupils and former pupils of Heage and Ambergate Primary Schools, and secondly, young people resident in the Parish of Ripley, had a substantial endowment. No objection had been received from either Heage or Ambergate Primary Schools to the consultation regarding the proposal that the fund should be transferred to FD. However, a request had recently been received from Ripley Town Council for the County Council to transfer the Heage Educational Charity to the Town Council to administer. The Town Council had indicated it had experience of appointing trustees to local charitable trusts, that a number of Town Councillors had experience as Chairs of local charities and not for profit organisations and that, in terms of experience of financial management, the Town Council's annual budget was £320,000 a year. Councillor Dale also referred to further correspondence from Ripley Town Council which had recently been received.

It was recognised that the Town Council provided valuable local knowledge of the needs of the local communities. However, whilst the experience gained by many of the Town Councillors from being involved in other local charities would undoubtedly be of benefit in considering applications for grants from the Heage Educational Charity in accordance with the charity's scheme, it did not necessarily mean the Town Council had experience of directly managing and investing a large permanent endowment of the size of the Heage Educational Charity, which was more than double the annual budget of the Town Council, or the internal resources to do so.

It was recommended that the Council did not agree to Ripley Town Council's request and transferred the management of Heage Educational Charity along with the other 42 charities listed in the appendix to the report to Foundation Derbyshire.

The County Council would be able to maintain involvement in decision making for all of the Funds by appointing a representative to each of the Panels. In addition, to ensure local involvement in decision making it was proposed that each Panel should include representatives recruited from the local communities by, for example, advertising in the local press and contacting local organisations.

The final group of 3 charities benefits pupils and former pupils at schools in Long Eaton. Enquiries suggested that there were other active charities which benefit the same groups and further work was being undertaken to establish whether the funds held by the County Council could be transferred to and administered by the trustees of those other funds. At present therefore it was not proposed to transfer those funds to Foundation Derbyshire.

It was proposed that the remaining charity, the William Pearce Foundation, established for the benefit of a Church Sunday School, should be transferred to the appropriate Parochial Church Council which was already a registered charity.

**RESOLVED** to (1) approve the transfer of the educational charities as listed in the appendix to the report, including the Heage Educational Charity, to Foundation Derbyshire to be administered as set out in the report;

(2) approve the transfer of the William Pearce Foundation to the Parochial Church Council of St Michael's Parish Church, Pleasley.

(3) authorise the Director of Legal and Democratic Services to execute all documents necessary for the purposes of the transfers;

(4) authorise the Director of Finance & ICT to transfer the funds of the charities concerned held by the County Council to Foundation Derbyshire once the legal transfers have been completed;

(5) agree and authorise the Cabinet Member for Strategic Leadership, Culture and Tourism to appoint representatives to the Fund Panels to be established by Foundation Derbyshire;

(6) note that the Council and Foundation Derbyshire will jointly recruit local individuals to serve on each of the Fund's Panels; and

(7) note that a further report will be presented to Cabinet regarding the future of the Long Eaton educational charities.

**72/20 CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 – S106 PROJECT ALLOCATIONS** (Young People) Cabinet was informed of the receipt and availability of a recent Section 106 developer contributions and approval was sought for the allocation of the contributions to projects in line with the individual Section 106 agreements. Approval was also sought that, where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

There was significant housing growth in the normal area of John Port Spencer Academy and to date, the Authority had secured £12m developer contributions by way of Section 106 agreements. Given the size of the development, the Academy Trust had employed a specialist firm to assess the current accommodation and identify the projects needed to expand the school by 300 places for 11–16 pupils and increase the post 16 provision. At present the masterplan consisted of 5 projects and the Academy Trust was now in a position to identify the S106 contributions that would be used for each of the schemes. The funds listed in Appendix A to the report, were all available to claim from South Derbyshire District Council and therefore this report sought to draw those funds down. Once all the funding was in place, a separate Cabinet report would be submitted to seek approval for the use of that funding for the individual projects.

**RESOLVED** to (1) note the availability of S106 developer contribution funding and approve the following allocation as detailed in Appendix A to the report for John Port Spencer Academy amounting to £769,975.70; and

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

**73/20 SUPPORT FOR MAINSTREAM SCHOOLS WITH SIGNIFICANT NUMBERS OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS** (Young People) Under the national funding framework mainstream primary and secondary schools (which for the purpose of this report includes academies) were expected to fund the first £6,000 of additional costs for any child with additional educational needs. Costs in excess of the £6,000 threshold were funded from the High Needs Block rather than schools' delegated budgets, subject to the approval of a GRIP (Graduated Response for an Individual Pupil) or an EHCP (Education Health and Care Plan).

The expectation that schools met the first £6,000 of additional costs created a pressure for those schools with a significant proportion of children with an approved GRIP/EHCP. These pressures could be compounded in schools which had developed a good reputation for supporting children with special needs. Schools with this reputation contend that they incur significant costs for the many children on roll whose needs, whilst not at the GRIP/EHCP level, nevertheless required additional resources which created further pressure on the school's delegated budget.

At the July 2019 meeting of the Council an amended Motion was unanimously agreed which sought to ensure that every Derbyshire SEND (Special Educational Needs & Disability) pupil got the education they were entitled to.

The 2020-21 Dedicated Schools Grant (DSG) settlement provided a £9.8m (14%) increase in High Needs Block (HNB) funding for Derbyshire, thus contributing towards meeting one of the objectives of the Motion. As an active member of the F40 group of low funded local authorities, Derbyshire would continue to press for further increases in education funding, including for high needs pupils, in future years' settlements.

As a result of the settlement the 2020-21 High Needs Block budget report to the Cabinet in March 2020 proposed an increase in the contingency fund to support schools with high proportions of pupils with SEN. Cabinet agreed that the fund should be increased to £0.500m for 2020-21 (£0.350m in 2019-20). £0.400m of the increased fund would continue to be allocated via a formula with £0.100m set aside to consider claims from schools experiencing exceptional circumstances.

The issue of SEN contingency funding was discussed at both the October 2019 and January 2020 meetings of the Schools Forum. The January meeting received a report setting out the current allocation arrangements as well as a potential alternative model for consideration.

The alternative model compared the costs of the support with a percentage of the notional SEN budget. Not all of the notional SEN budget would be included as it was recognised that a significant element of this funding would be required to support pupils with levels of SEN below the GRIP/EHCP threshold. In the event, whilst the Schools Forum recognised the logic of bringing the question of each school's resources into the calculation, they were concerned about the turbulence the new model would create. In particular there were concerns about the impact on junior schools and schools serving the most deprived areas. After a lengthy discussion the Schools Forum determined not to support the alternative model.

Given the views expressed by the Schools Forum it was recommended that the existing allocation arrangements were largely retained for 2020-21. Changes may need to be considered at a future date, perhaps following further national changes to high needs funding arising from the DfE's SEND Call for Evidence in 2019. Proposals to make significant changes would only be considered following consultation with schools and the Schools Forum.

As previously described, in 2019-20 support was targeted at schools with more than 3% of their population with an EHCP/GRIP, with 41 schools triggering support. Applying this threshold in 2020-21 87 schools would be eligible for support at a cost of £1.184m. The increases in both the number of schools qualifying for support and the number of pupils above the threshold reflected the significant increase in the number of children with an EHCP/GRIP.

The maximum allocation per individual school has been capped at £30,000, equivalent to 7.5% of the available budget. The support for only one school, Brookfield Primary School, had been limited by the application of this cap with the school's allocation being reduced from £52,258 to £30,000. The £22,258 saved would be added to the exceptional cases fund detailed in the report. Brookfield, alongside any other school, were able to submit a case for additional support over and above their formula allocation if they felt their circumstances justified this.

Given the available budget was £0.400m each school's actual allocation needed to be scaled back by 66.2% for 2020-21. A schedule of the resultant allocations was provided in Appendix 1 to the report.

Outside of the formula contingency fund, £0.100m was available to meet exceptional cases. However, schools wishing to access this resource would have to submit extensive details to support their claim.

**RESOLVED** to agree the high needs block contingency arrangements for 2020-21.

**74/20 URGENT OFFICER DECISIONS** (Corporate Services) The current challenges relating to the Covid 19 virus had necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council

The Coronavirus Act 2020 had now been implemented alongside a range of related Regulations. The Regulations included provision for virtual meetings of Council bodies including Cabinet. These regulations took effect on 4 April 2020. Members will appreciate that prior to these Regulations being introduced and Cabinet meetings resuming, it had been necessary for a range of decisions to be made. These decisions had been made under the urgent delegated powers to Executive Directors as set out in the Constitution.

A schedule of these decisions together with supporting reports by Department, was set out in Appendices 1–5 of the report. Appendix 6, circulated as a separate document, detailed exempt officer decisions, and these were included in the confidential part of the meeting papers together with the reason that they are exempt.

In the main, the decisions related to short-term temporary arrangements which were subject to regular review. This was particularly important where subsequent Government guidance had been issued, notably in areas of Adult Care. As Cabinet was now able to function by meetings being held 'remotely' the need for officers to make urgent decisions would diminish over time.

**RESOLVED** to note the urgent decisions made under delegated powers arising from the Covid-19 virus pandemic.

**75/20 TEMPORARY FUNDING FOR ADULT SOCIAL CARE PROVIDERS DURING THE COVID-19 CRISIS** (Adult Care) Shared guidance to local authority commissioners from the Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA) and the Care Provider Alliance (CPA) was made on the 13 March 2020. This was made in response to the requests from Commissioners and Providers that a national approach was needed to provide additional funding to the PVI sector.

This guidance and related LGA/ADASS communications supported Local Authorities making an additional 10% fee increase from 1 April 2020 for an initial 1 month to be reviewed on a monthly basis to assist providers with meeting the additional costs associated with Covid 19 in the adult care and health sector. It was acknowledged that providers would be variably impacted by Covid 19 but that it was better to have a standardised approach across the adult care and health sector to fund this market rather than asking each provider to submit evidence of additional costs.

The proposed actions were as follows:

- To implement an increase standard residential and nursing care home fees by 10% from 1 April 2020 for an initial 1 month

This would result in weekly increased costs for a residential placement of between £56- £58 per week for older people. For a nursing placement it would be between £60- £62.

- To increase specialist care fees by a value equivalent to standard nursing or residential fees for an initial 1 month.

The fees for specialist placements were often substantially more than the standard care home fees. The additional funding (top-up) paid for a specialist placement reflected the greater investment in staff and training to meet an individual's needs. It was not appropriate to inflate fees for these services by 10% as this would be a disproportionately greater amount than paid to care homes for older people that were experiencing many more incidents of having staff and clients with Covid-19 or similar. It was therefore suggested that providers were paid the equivalent value as standard care homes.

- To increase hourly Home Care and hourly Supported Living Fees by 10% for an initial 1 month

It was suggested that an additional payment be made equivalent to 10% of the value of all open Purchase Orders, which would give the equivalent of an hourly increase in payment from £1.57 per hour for the home care market and between £1.50 and £2.00 for supported living.

It was worth noting that there was an inherent risk that if additional payments were not made that the sustainability of individual services may be put at risk. Over half of the providers commissioned to provide care on behalf of Adult Care had made requests for funding to assist with meeting additional costs including spiralling costs of PPE and meeting the costs associated with backfilling self-isolated staff with agency workers and the additional staffing needed to care for people who were self-isolated, especially in a care home setting.

**RESOLVED** to increase payments on a monthly basis for the following service areas from 1 April 2020:

- standard residential and nursing care home fees by 10%
- specialist care fees by a value equivalent to the standard nursing or residential fees increase.
- hourly home care and hourly supported living payments by 10%

The Executive Director of Adult Social Care and Health to have delegated powers to make a decision following discussion and agreement with the Director of Finance and ICT and Cabinet Member for Adult Care to extend the additional funding agreement beyond April 2020 on a month by month basis for up to three months in response to ongoing concerns about Covid 19.

**76/20 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 meeting of Cabinet held on 16 March 2020.
3. To receive the exempt minutes of Cabinet Member meetings as follows:
  - (a) Young People – 19 March 2020
4. To consider exempt reports as follows:-

- (a) Project to Upgrade Core Business Systems (SAP) – Executive Director Commissioning, Communities and Policy (Corporate Services) (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
- (b) Urgent Officer Decisions – Appendix 6 (Corporate Services) (Contains exempt information)

PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER – YOUNG PEOPLE** held on 7 April 2020.

**PRESENT**

Cabinet Member - Councillor A Dale

Also in attendance – Councillor J Patten

**20/20**      **MINUTES**      **RESOLVED** that the minutes of the meetings of the Cabinet Member for Young People held on 3 March and 19 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

**21/20**      **CONFIRMATION OF NOMINATIONS OF SCHOOL GOVERNORS**  
**RESOLVED** to approve the nomination of the following persons to serve as Local Authority Governors:-

J Clare	-	Duffield Meadows Primary School
A Fairhurst	-	Belper, Long Row Primary School
J Moffatt	-	Crich Carr CofE Primary School
B Slade	-	Marlpool Federation of Schools
J Horton	-	Parkside Community School
K Dean	-	South Darley Primary School
S Khan	-	Dallimore Primary School
R Whatley	-	Little Eaton Primary School
J Higginbottom	-	William Levick Primary School
B Matkin	-	Rosliston Primary School

**22/20**      **HOME TO SCHOOL TRANSPORT – HAZARDOUS ROUTES**

The Cabinet Member was asked to consider a request for home to school routes to be declared 'unsafe' for the purpose of establishing eligibility to free transport to Heritage High School.

A parent of a pupil attending Heritage High School has raised concerns with regard to the safety of routes for the purposes of home to school transport from their home address in Whitwell Common and Heritage High School, the shortest available route was 2.625 miles. The routes Whitwell Common (A619) via Gapsick Lane, and Whitwell Common (A619) via Rotherham Road to Heritage High School were inspected on 14 January 2020 by the Hazardous Route Panel and it was recommended that both routes were unsafe.

Following two recent second tier transport appeals, parents raised the issue that part of the route that was assessed as safe in 2012 from Creswell to the school had changed due to new developments leading off Station Road to the school via the two mini roundabouts prior to the footpath to the school. The route Station Road

Clowne to Heritage High via the mini roundabouts, and recently built supermarkets and Wilkinson's store was also inspected by the Hazardous Route Panel on 14 January 2020 and it was recommended that the route was safe.

**RESOLVED** to approve the Hazardous Routes Panel's recommendation, that (1) the route between Whitwell Common (A619) via Gapsick Lane, and Whitwell Common (A619) via Rotherham Road to Heritage High School is hazardous for the purposes of home to school transport; and

(2) the route Station Road Clowne to Heritage High via the mini roundabouts, and recently built supermarkets and Wilkinson's store is not hazardous for the purposes of home to school transport.

**22/20      EARMARKED RESERVE FUNDING**      Derbyshire Youth Offending Service (YOS) has had a fruitful working relationship with the National Health Service (NHS), England over a number of years and in particular within the Health and Justice strand. This has included a commission for Derbyshire YOS in collaboration with Derby City YOS to provide three Wellbeing Youth Workers. These workers were currently in-post as Derbyshire County Council employees as part of the current YOS establishment. The County and City YOS have been commissioned to extend the Well Being Youth Work provision for a further year 2020-21.

Funding has already been received in the 2019-2020 financial year, of which £99,000 relates to service delivery in 2020-21. The total amount included training for the Well-Being staff to undertake Dialectical Behaviour Therapy (DBT). Funding has also been attracted to evaluate our approach to reducing re-offending by using Enhanced Caseload Management (ECM) techniques and the identification and relationship between Adverse Childhood Experiences (ACE's) and re-offending. The evaluation would be undertaken by Nottingham Trent University (NTU).

**RESOLVED** to note the content of the report and to approve the creation of a reserve fund of £99,000 to fund the expenditure that will be incurred during 2020-21 for the Wellbeing Worker Salaries, additional staff training and the evaluation of the council's Enhanced Caseload Management.

**23/20      EXCLUSION OF THE PUBLIC**      **RESOLVED** that the public, including the press, be excluded from the meeting during consideration of the remaining item 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, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING**

1. To confirm the exempt Minutes of the meeting of the Cabinet Member – Young People held on 19 March 2020.

**24/20**      **EXEMPT MINUTES**      **RESOLVED** that the exempt Minutes of the meeting of the Cabinet Member for Young People held on 19 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

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PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held at County Hall, Matlock on 9 April 2020

**PRESENT**

Cabinet Member - Councillor S Spencer

Also in attendance – Councillor T Ainsworth, G Hickton and M Wall

**22/20**      **PETITION**      **RESOLVED** (1) to receive the under-mentioned petition:-

Location/Subject	Signatures	Local Member
Duffield, Melbourn Close - Request for Repairs to Pavement	28	Councillor C Short

(2) that the Executive Director – Economy, Transport and Environment investigates and considers the matters raised in the petitions.

**23/20**      **MINUTES**      **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 16 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

**24/20**      **PETITION – DUKE STREET, WHITWELL – REQUEST FOR THE INTRODUCTION OF A RESIDENTS’ PARKING SCHEME**      A petition was received on 13 February 2020 requesting that the Council revisits a previous request for the introduction of a Residents’ Parking Scheme (RPS) on Duke Street, Whitwell which was refused.

RPSs are considered by the Council from time to time at locations that form part of a large urban area with long term on-street parking taking place by non-residents. Schemes need to be considered on an area basis rather than for an individual street, such as Duke Street to ensure that any scheme which was introduced complied with the requirement of being ‘zero finance’.

The area wide approach also ensured that the risk of displacement parking from one street to an adjoining one was lessened. The majority of the vehicles parked on Duke Street were most likely to be residential parking from both Duke Street and surrounding streets, such as Welbeck Street. Duke Street was a reasonably wide, unrestricted road, capable of parking taking place on both sides of the road without

causing an obstruction problem. It was recommended that a RPS was not suitable for Duke Street, Whitwell.

**RESOLVED** that (1) the request for a Residents' Parking Scheme on Duke Street, Whitwell be refused; and

(2) the Local Member and lead petitioner be informed of the decision.

**25/20      PETITION – A6 AMBERGATE – REQUEST FOR A PEDESTRIAN CROSSING**      Following receipt of a petition requesting that a pedestrian controlled crossing be provided on the A6 Derby Road, Ambergate, investigations have been undertaken.

The Council carried out a survey using the nationally recognised PV<sup>2</sup> formula as a guide, which helps establish pedestrian activity (P) against the volume of traffic (V). However, the results of the survey did not meet the criteria for consideration of a pedestrian crossing.

It was acknowledged that there was a desire to provide a suitable crossing facility that provide the connectivity for the community to local amenities, the school and community groups, which were currently divided by the A6. A proposed re-development on the former Firs Works site at Nether Heage into residential dwellings, could have the potential to create a further increase in footfall demand from Newbridge Road to access the facilities off the A6 and require pedestrians to cross the A6.

The Council acknowledged that there could be congestion at the junction of the A6 with the A610 and that there was a personal injury collision history which showed there have been four injury collisions within the last five years. Taking these factors into account, it might be possible to signalise the junction and include pedestrian crossing phases within the traffic signal arrangements, which would be the most effective scheme of work to address the concerns of the petition and improve the traffic flows at this busy arterial road junction. The scheme would, therefore, be put forward for consideration as part of a future Works Programme funded by the Local Transport Plan. If other funding opportunities arose the scheme could be implemented subject to the necessary funding approval.

Councillor Ainsworth had received an email from a resident on Matlock Road, Ambergate who was not in support of signalising the junction and concerns were expressed relating to restricting access to driveways, increase in noise and pollution levels.

**RESOLVED** (1) to support the proposal for the consideration of a scheme to signalise the junction of the A6 with the A610, Ambergate and to include pedestrian crossing phases within the scheme, subject to future availability of a relevant capital budget; and

(2) that the Local Member and lead petitioner be informed of the decision.

## **26/20      REQUEST FOR THE USE OF ANTI-IDLING SIGNS AT DRONFIELD**

Dronfield Town Council has approached the Council seeking permission to erect anti-idling signs on lighting columns close to Dronfield Infant and Junior Schools. The request was on based on an initiative Sheffield City Council was promoting over the County boundary in South Yorkshire.

The County Council already has a statutory duty under the Education and Inspections Act 2006 to promote sustainable travel to school. In particular, the promotion of sustainable travel and transport modes on the journey to, from and between schools and other institutions.

Dronfield Town Council has demonstrated a commitment to proactively reduce exposure to air pollution outside schools in the area. Anti-idling, where engines were turned off while the vehicle was stationary, provides one possible option. However, in order to be effective in reducing air pollution exposure and providing the most effective solution, it was felt a series of other measures would be required to complement such a proposal.

It was felt that the initial approach in Derbyshire should be on a purely advisory basis as a pilot similar to other temporary poster campaigns sanctioned by the Council. The impact of this would then be monitored to determine whether it should continue annually or perhaps whether measures should be considered similar to those in Sheffield where it was legally enforced and patrolled by the Civil Parking Enforcement Officers, subject to the availability of funding. It was anticipated that there would be many schools interested in installing Anti-idling schemes. However in the short-term, it was recommended that work was concentrated in Dronfield as a pilot project and terms of reference agreed.

The County Council, in principle, was supportive of Dronfield Town Council's proposal to pilot a temporary Anti-idling scheme outside Dronfield Infant and Junior Schools for a period of three months. The signing would be of a purely advisory status with no civil enforcement being carried out and it was hoped that, due to the temporary nature of the signing, public awareness would be heightened. Engagement, however, has to be made with the County Council's School Travel Plan Co-ordinator first to ensure they were on board with a Modeshift Stars Active Travel Plan. At the same time, they need to develop a campaign using the toolkits for a Clean Air Strategy around the schools. When the County Council was satisfied that the schools were fully on board with promoting clean air around their schools, the County Council would then provide and erect the associated signs with an Anti-idling campaign.

**RESOLVED** (1) to approve a temporary Anti-idling signs pilot scheme at Dronfield Infant and Junior Schools, providing that the school engages in Modeshift Stars Active Travel Plans and adopts a Clean Air Strategy with the free toolkits available; and

(2) that the Local Members and Dronfield Town Council be informed of the decision.

## **27/20      STATEMENTS OF COMMON GROUND – DONCASTER COUNCIL**

Under Section 33A of the Planning and Compensation Act 2004, local planning authorities were under a duty to cooperate with each other and with other prescribed bodies, when local plans, (including mineral and waste local plans) were being prepared which concerned ‘strategic matters’ that crossed administrative boundaries.

In order to demonstrate effective and ongoing joint working as detailed in the National Planning Policy Framework (NPPF) it was expected that strategic policy-making authorities prepare and maintain one or more Statement of Common Ground (SoCG) to document the cross-boundary matters being addressed and progress made in cooperating to address these matters. National Planning Guidance advised that SoCG should be prepared and maintained throughout the plan-making process. By the time of draft local plan publication, SoCGs should be available on the websites of each of the responsible local planning authorities to provide transparent documentation that the collaboration has taken place.

A request for SoCG, in which the County Council was expected to enter/be signatories to, has been received from Doncaster Council on 27 February 2020. The nature of the Statement of Common Ground was the Doncaster Local Plan SoCG (February 2020). Specific details about the draft SoCG, including a summary of the strategic matters proposed to be agreed to as common ground on behalf of Derbyshire County Council and any significant issues on which there appeared to be an absence of common ground, were provided in the appendix to the report.

**RESOLVED** that Derbyshire County Council enters into a Statement of Common Ground, referred to in the appendix to the report, with Doncaster Council.

## **28/20      WATER ABSTRACTION AND IMPOUNDING (EXEMPTIONS) REGULATIONS 2017 FUNDING – REQUEST FOR CREATION OF RESERVE FUND**

A Revenue Pressure Bid was submitted in early 2019, as a result of the Environment Agency’s sudden decision to implement changes to the abstraction and impounding licensing regime introduced by the Water Resources Act 2003 (“WRA 2003”) and implemented by the 2017 Regulations, which brought the canals, previously exempt, into the licencing regime. It was not clear how many licences the County Council would be liable for, however, it appeared that around 60 licences in respect of abstraction/ impounding of water, at a cost of £1,500 per application, could be required. £100,000 of revenue funding was secured and placed in the Waterways Project cost centre for the 2019-20 financial year.

In addition, the Environment Agency indicated that measures might need to be undertaken for compliance reasons, however, the details of these would not be known until parts A and B of the licences had been submitted and reviewed.

The Waterways Project Officer engaged intensively with the Environment Agency, locally and nationally, and with the support of the Association of Inland Navigation Authorities, to clarify many of the ‘small print’ and contradictory elements of the guidance. These efforts were successful in reducing the County Council’s liability to four licences for the canals and the applications were submitted to the

Environment Agency in January 2020. Once reviewed, discussions about compliance measures could commence.

The compliance measures were at this stage still unknown and it was clear that these would not be delivered until the 2020-21 financial year. These works were essential to comply with the 2017 Regulations and it was crucial that the pressure bid funds were retained within a Reserve Fund to ensure these necessary works could be carried out.

**RESOLVED** that (1) the ongoing work to complete the County Council's Water Transfer Regulations responsibilities is noted; and

(2) a Reserve Fund to hold the remaining pressure bid funds as detailed in the report is created to safeguard them for essential compliance works in 2020-21; and

(3) a report be submitted to the Cabinet Member reviewing the holding of the Reserve Fund in 18 months.

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PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER – ADULT CARE** held on 16 April 2020 at County Hall, Matlock.

**PRESENT**

Councillor J Wharmby (in the Chair)

Also in attendance was Councillor S Swann.

Apologies for absence were received on behalf of Councillor C Dale.

**10/20** **MINUTES RESOLVED** that the minutes of the meeting held on 19 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

**11/20** **DERBYSHIRE CARERS STRATEGY 2020 – 2025 -**

According to the 2011 Census, there were around 93,000 carers in Derbyshire. Out of the top 10 districts nationally, with the highest percentage of unpaid carers, 3 districts fall within Derbyshire. It is estimated that unpaid carers deliver over 2.6m hours of care a week in Derbyshire, saving the local economy an estimated £988 every year.

Evidence from Carers UK suggests that not only are the number of carers increasing, but that carers are taking on greater responsibility for more intensive levels of care. The act of caring is known to impact upon carers' physical, mental and economic health and wellbeing, resulting in carers who are more likely to:

- have a long-term physical or mental health condition
- feel isolated or experience reduced social contact
- be concerned about finances
- have insufficient sleep and time for themselves

Nationally and locally, the increase in both life expectancy and the prevalence of caring creates the need for more effective support and service options. It is widely recognised that good support for carers benefits not only carers, by maintaining and promoting their health and well-being, but also the health and well-being of the person they care for. Supporting carers to continue caring is as fundamental to supporting strong families and communities as it is to the sustainability of the health and social care system. Supporting carers to continue caring supports economic and effective planning as well as morally, being the right thing to do.

There have been many improvements over the last three years in the way carers are supported in Derbyshire, but challenges remain. The Council and

Derby and Derbyshire Clinical Commissioning Group have therefore developed and agreed high level, shared priorities set out in the 'Derbyshire Carers Strategy 2020 - 2025'.

Engagement has been undertaken at various levels with carers, partners and providers across the Health, Social Care and Voluntary sector and included Creative Carers, Healthwatch Derbyshire, Links CVS, Derbyshire Carers Association and the National Development Team for Inclusion. Targeted engagement was also carried out with BAME, Mental Health and Learning Disability carers.

The Council completed the ADASS Carers Self-Assessment, informed by feedback from an on-line survey (completed by over 100 carers) and an engagement event (attended by over 50 carers and partners) both considered instrumental in the formation of the strategy.

The Council also took part in the biennial NHS Digital Satisfaction Survey for Adult Carers in England 2018/19 and the findings from this latest survey are also contained within the strategy.

Overall, we received a range of feedback about what is important to carers, but the key priorities carers cited were:

- **Systems and services that support carers:** Carers want to access what they need quickly and simply without going through complicated systems and processes
- **Improving carer health and wellbeing:** Carers want acknowledgment of the toll caring can take on their physical and mental health and need proactive support to maintain their health and take a break from caring
- **Accurate information which is clear and easy to find:** Carers want someone to talk to who has good knowledge and understanding of the system and can make it easier to ask the right questions, particularly around finance and accessing services.

Further priorities set out in the strategy include supporting young carers, the early identification of carers, carer employment and financial wellbeing, involving carers as experts and the support of carers through the wider community and society to make Derbyshire truly 'carer-friendly'. The overall approach is consistent with early intervention, prevention and community support.

The strategy also recognises that investment is required to meet the requirements of the Care Act (2014) and Children and Families Act (2014) to ensure that carers are not pushed to breaking point by a lack of information, advice and support.

Supporting carers remains a priority for Derbyshire's health and social care system. The priorities and actions within this strategy complement and link with the priorities of the Health and Wellbeing Board and the Joined up Care Derbyshire plan to enable the adoption of a comprehensive, whole system approach to identifying and supporting carers.

We have also taken learning from national sources so that the priorities set out in the strategy support the delivery of the Department of Health and Social Care Carers Action Plan (2018) and the objectives for carers outlined in the NHS Long Term Plan (2019), both of which have been strongly endorsed in our discussions with carers locally.

**RESOLVED** that the Cabinet Member approved the implementation of the Derbyshire Carers Strategy 2020 – 2025.

**12/20**      **EXCLUSION OF THE PUBLIC 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 WERE EXCLUDED FROM THE MEETING**

1. To confirm the exempt minutes of the meeting of the Cabinet Member for Adult Care held on 19 March 2020.

**13/20**      **EXEMPT MINUTES RESOLVED** that the exempt minutes of the meeting held on 19 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

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PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER FOR CORPORATE SERVICES** held on 16 April 2020 at County Hall, Matlock

**PRESENT**

Cabinet Member – Councillor A Foster

Also in attendance – Councillor P Murray

**10/20** **MINUTES RESOLVED** that the minutes of the meeting held on 5 March 2020 be confirmed as a correct record and signed by the Cabinet Member.

**11/20** **EXCLUSION OF THE PUBLIC RESOLVED** to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of exempt or confidential information

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING**

1. To consider the exempt reports of the Executive Director Commissioning, Communities and Policy on:-
  - a) Surplus Properties
  - b) Quarterly Report of Delegated Approvals for Property Transactions
  - c) Acceptance of Offer – former Chesterfield Register Office and Crossways, New Beetwell Street, Chesterfield  
(contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))

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PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER FOR STRATEGIC LEADERSHIP, CULTURE AND TOURISM** held on 28 April 2020.

**PRESENT**

Cabinet Member – Councillor B Lewis

Also in attendance – Councillor R Flatley

**Declarations of interest**

Councillor B Lewis declared a personal interest in agenda item no.4 (minute no.15/20) as the Chairman of Derwent Valley Mills World Heritage Site.

**13/20** **MINUTES RESOLVED** that the minutes of the meeting held on 7 February 2020 be confirmed as a correct record and signed by the Cabinet Member.

**14/20** **CUSTOMER CHARTER** Customer Charters were common across the public and private sectors and formed part of the ‘brand promise’ an organisation makes to its customers. They were usually an integral part of a Customer Experience strategy, and the Charters themselves were generally high-level, reflecting the varied nature of services within complex organisations. Customer Charters should be backed up by a set of Service Standards, which provided the customer with detail around what they could expect from the organisation and provide measures against which both staff can deliver and customers can hold the organisation to account.

The County Council wished to revise the current Customer Charter, having reviewed examples from other organisations and engaged with the Derbyshire Citizen’s Panel Reader Panel over a three week period in 2019. Feedback had been received from over 200 residents and was largely constructive, positive and supportive of the proposed Charter.

The Customer Charter was explicitly referred to in the Commissioning, Communities and Policy Service Plan 2019-2020. The launch of the revised Customer Charter will support the process of a culture shift towards enhanced customer service and act as a forerunner to the Customer Experience Strategy.

**RESOLVED** to (1) approve the revised Customer Charter; and

(2) note the integration with the forthcoming Customer Experience Strategy and the need for Service Standards to underpin the Customer Charter.

**15/20      DERWENT VALLEY MILLS WORLD HERITAGE SITE MANAGEMENT PLAN** The Derwent Valley Mills World Heritage Site (DVMWHS) extended from Cromford, along the Derwent river valley to Derby Silk Mill. It sits within the administrative boundaries of five local authorities: Derbyshire County Council, Derbyshire Dales District Council, Amber Valley Borough Council, Erewash Borough Council and Derby City Council.

As set out in the World Heritage Convention, world inscription comes with a responsibility to ensure that the relevant sites - and surrounding landscape - are 'protected, conserved, presented and transmitted to future generations' and that there was an appropriate and comprehensive management system in place to secure good stewardship and fulfil the Convention's requirements. The Government had delegated responsibility for production of the DVMWHS Management Plan, and the oversight of its implementation, to the DVMWHS Partnership.

This revised version of the Management Plan, which was attached at Appendix 1 to the report, had been developed by the Partnership in consultation with key stakeholders, including a number of public engagement events. The purpose of the Management Plan was to uphold the DVMWHS's Inscription to:

"Maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by protecting, conserving, presenting, enhancing and transmitting its culture, economy, unique heritage and landscape in a sustainable manner."

The Vision for the Plan was distinct to the Management Plan and was informed by the overwhelming feedback from the stakeholder engagement that the DVMWHS now needs to be promoted as a cohesive and coherent whole. The Plan also expressed aims in the delivery of its purpose and vision, which included protecting and conserving the Outstanding Universal Value, promoting sustainable development and monitoring the DVMWHS to the standard required by UNESCO.

In November 2019, a draft of the Management Plan was published for consultation to which Derbyshire County Council had provided a formal consultation response, coordinated by its Planning Service, to the DVMWHS Partnership. The Final version of the Management Plan adopted all the points raised in the consultation response where they did not conflict with the DVMWHS's core purpose. It was likely that Derbyshire County Council would be approached by the DVMWHS Partnership to ensure that the Management

Plan was appropriately referenced within its core strategic documents and development plans.

Derbyshire County Council, along with the other local authorities covered by the DVMWHS and Historic England, had made a commitment to HM Government and UNESCO, through the inscription documents that were submitted to the World Heritage Committee, to the continued provision of staff time and financial resources to ensure the good stewardship of the nominated site. The Plan had now been authorised by the Chair of the DVMWHS Partnership for submission to Historic England and the Department of Digital, Culture, Media and Sport for adoption by Government, and will run from 2020 to 2025.

Councillor Lewis wished to thank all the officers concerned for the huge amount of work they had undertaken in producing the document.

**RESOLVED** to note that the Derwent Valley Mills World Heritage Site Management Plan has now been submitted to Government for adoption and that the Plan sets out the appropriate stewardship of the World Heritage Site for the next five years.

**16/20**      **EXCLUSION OF THE PUBLIC RESOLVED** to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of exempt or confidential information

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING**

1. To confirm the exempt minutes of the meeting held on 7 February 2020 (contains exempt information)

**17/20**      **MINUTES RESOLVED** that the exempt minutes of the meeting held on 7 February 2020 be confirmed as a correct record and signed by the Cabinet Member.

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**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

**Report of the Executive Director - Commissioning, Communities and  
Policy**

**Urgent Officer Decisions**

**Corporate Services**

**1. Purpose of the Report**

To ask Cabinet to note decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

**2. Information and Analysis**

The current challenges relating to the Covid 19 virus have necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council

The Coronavirus Act 2020 has now been implemented alongside a range of related Regulations. The Regulations include provision for virtual meetings of Council bodies including Cabinet. These regulations took effect on 4 April 2020.

Members will appreciate that prior to these Regulations being introduced and Cabinet meetings resuming, it has been necessary for a range of decisions to be made. These decisions have been made under the urgent delegated powers to Executive Directors as set out in the Constitution. The relevant provision is as follows-

**SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS**

*Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action*

*deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.*

A schedule of these decisions together with supporting reports by Department, is set out in Appendices 1 - 3. This includes some reports relating to decisions which were reported to the last Cabinet meeting but where the report had not been finalised. Any decisions which are exempt will be included in the confidential part of the meeting papers together with the reason that they are exempt. Appendix 4, circulated as a separate document, details exempt officer decisions.

In the main, the decisions relate to short-term temporary arrangements which are subject to regular review. This is particularly important where subsequent Government guidance has been issued notably in area of Adult Care. It intended that as Cabinet is now able to function by meetings being held 'remotely' the need for officers to make urgent decisions will diminish over time.

### **3. Financial Considerations, Human Resources Considerations and Legal Considerations**

As part of the urgent officer decision-making process, regard has been had to equality implications alongside legal, human resources and financial implications within the demanding time scales applying. However, a consolidated Equality Impact Assessment is being undertaken on all the decisions to date and will be reported to the next Cabinet meeting.

### **4. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Human Rights, equality of opportunity, health, environmental, transport, property, social value, and crime and disorder considerations.

### **5. Background Papers**

Details of officer decisions held within Departments.

### **6. Key Decision**

As indicated in reports

**7. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?**

Not applicable

**8. Officer's Recommendation**

To note decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

**Emma Alexander**  
**Executive Director – Commissioning, Communities and Policy**

## Appendix 1

### Adult Social Care Officer Decisions Index

<b>Date of Decision</b>	<b>Officer Decision</b>	<b>Cabinet Report</b>
8/4/2020	Financial Charging (ODRev1)	Adjustments to the Client Contributions Guidance to meet changes in Service due to Covid-19 (ODREP1).
22/4/2020	IDS Cash Advance (ODRev2)	Agreement to Pay Cash Advance to Independent Homecare Providers (ODREP2)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Helen Jones		Service: All care Packages
Delegated Power Being Exercised: Emergency Powers		
Subject of Decision:	To adjust the client contribution guidance to meet changes in service due to Covid-19	
Key decision?	Yes	
Decision Taken (specify precise details):	That client charging for specific scenarios will be as outlined in the attached appendix.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	A number of services have now been closed and some clients are prevented from accessing other services. In these circumstances, guidance is required to outline which charging regime applies in these different scenarios.	
Alternative Options Considered (if appropriate)	Continue to charge – agree wouldn't be appropriate, but should be covered	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	There will be a reduction in income, but this is not expected to be significant, as the number of clients who cease to receive any services is a small proportion of the total client base.	
Consultation with relevant Cabinet Member (s)	None	
Decision:	That the charging guidance is adopted.	
Signature and Date: Graham Woodhouse – 03/04/20		

**PSW Comments:**

<https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014/care-act-easements-guidance-for-local-authorities#annex-b-guidance-on-streamlining-assessments-and-reviews>

*Local Authorities should always ensure there is sufficient information and advice available in suitable formats to help people understand any financial contributions they are asked to make, including signposting to sources of independent financial information and advice.*

**APPENDIX**

**COVID-19 CHANGES TO THE CHARGING POLICY**

Situation	Action
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups) without the client accessing any replacement service	Co-funding (CoF) ceased from date of day centre closure or day centre non-attendance
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups), but the client then accesses replacement services	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups), but the client already accesses other services	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
Their care package is decreased due to shortage of care staff etc	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
Their care package is increased due to shortage of informal care at home	CoF continues unchanged
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and they <b>do not</b> currently receive a community package	Respite charge during planned period of respite. Thereafter - no charge
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and they currently receive a community package	Respite charge during planned period of respite. Thereafter - to charge as for services they would have had i.e. in a domiciliary setting (presumably what was being provided prior to respite placement) were it not for C-19; provided that charge is the lower of the two options
A client goes into emergency respite due to Covid-19	Added as an interim service with no charge to the client
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and a 3rd Party contribution is in place	Respite charge (plus top up) during planned period of respite. Thereafter - to charge as for services they would have had i.e. in a domiciliary setting (presumably what was being provided prior to respite placement) were it not for C-19; provided that charge is the lower of the two options

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

**Report of the Executive Director for Adult Social Care & Health**

**ADJUSTMENTS TO THE CLIENT CONTRIBUTION GUIDANCE TO MEET  
CHANGES IN SERVICES DUE TO COVID-19**

**ADULT SOCIAL CARE**

**1. Purpose of the Report**

To inform Cabinet of an urgent decision made by the Executive Director for Adult Social Care and Health to implement adjustments to the client contribution guidance to meet changes in service due to the COVID-19 pandemic which will be reviewable on a fortnightly basis.

**2. Information and Analysis**

Adult Social Care had to respond to the national guidance in relation to the COVID -19 pandemic by urgently temporarily closing a number of services. The services which have been closed are the subject of further reports to Cabinet. In addition, some clients are also temporarily prevented from accessing services which are continuing to be provided. Therefore, it was necessary to amend the charging scheme to reflect the temporary suspension of the services. The amended charging scheme guidance is attached at Appendices 1 and 2.

To ensure that service users were not charged for services they were unable to access, it was determined that this decision was urgent. Therefore, the decision was made by the Executive Director of Adult Social Care and Health in accordance with the specific delegations to Executive Directors detailed in Appendix 1 of the Council's Constitution and as detailed in the report to Cabinet regarding Urgent Officer Decisions.

This decision will be subject to a fortnightly review to make sure that the changed arrangements appropriately reflect operational service arrangements which are in place in line with national guidance regarding social distancing and supporting vulnerable people throughout the COVID-19 pandemic.

Alternative options have been scoped, including to continue to charge clients, which is permitted under current co-funding scheme arrangements. However, it was considered that as the clients are no longer receiving a service, in some cases because the Council is currently unable to provide one, it was determined that it was not appropriate to continue to charge for the services.

No risk assessment was carried out with regards to the ceasing of charging. However, individual risk assessments and consultation was carried out for all clients regarding the suspension of services prior to any change to their care package being implemented.

Due to the consideration being to remove a charge as a result of a service not being provided, it was not necessary to undertake a consultation exercise.

### **3. Feedback from Principal Social Worker**

The Coronavirus Act 2020 enables Local Authorities to make and apply person-centered decisions about who is most in need of care, and who might need to have care and support temporarily reduced or withdrawn in order to make sure those with highest need are prioritised. The Care Act Easements: Guidance for Local Authorities sets out how Local Authorities can use the new Care Act easements. In line with Annex B of this Guidance, Local Authorities should still ensure there is sufficient information and advice available in suitable formats to help people understand any financial contributions they are asked to make, including signposting to sources of independent financial information and advice.

### **4. Financial Considerations**

There will be an estimated reduction in Co-funding income of £6,300 per week following the closure of all day centres. Further reductions will occur if home care packages are temporarily removed from some clients, but this is not expected to be significant, as the number of clients who may cease to receive home care services is a small proportion of the total client base.

### **5. Legal Considerations**

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support actions taken to seek to reduce COVID-19 infections and reduce the transmission of the virus. An evaluation of the risks of action taken and the mitigation of these risks and an EIA are being undertaken. The decision is a proportionate and reasonable response to COVID-19 risks.

## **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Human Resources, Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## **7. Background Papers**

[Coronavirus \(COVID-19\): changes to the Care Act 2014](#)

## **8. Key Decision**

Yes

## **9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?**

No

## **10. Officer's Recommendation**

That Cabinet:

- (i) notes the adjustments agreed by the Executive Director to the client contribution guidance to meet changes in service due to the COVID-19 pandemic as outlined in Appendices 1 and 2
- (ii) Notes that this decision will be reviewed on a fortnightly basis and delegates any further decisions regarding the charging guidance to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member for Adult Care.

**Helen Jones  
Executive Director – Adult Social Care & Health  
County Hall  
Matlock**

### **Appendix 1: COVID-19 CHANGES TO THE CHARGING POLICY**

Situation	Action
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups) without the client accessing any replacement service	Co-funding (CoF) ceased from date of day centre closure or day centre non-attendance
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups), but the client then accesses replacement services	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
A client is only having a day service, and this is closed (or the client follows government guidance about avoiding groups), but the client already accesses other services	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
Their care package is decreased due to shortage of care staff etc	CoF continues unchanged, unless the reduced package is less than the CoF, in which case CoF is reduced to match the cost of the reduced package
Their care package is increased due to shortage of informal care at home	CoF continues unchanged
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and they <b>do not</b> currently receive a community package	Respite charge during planned period of respite. Thereafter - no charge
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and they currently receive a community package	Respite charge during planned period of respite. Thereafter - to charge as for services they would have had i.e. in a domiciliary setting (presumably what was being provided prior to respite placement) were it not for C-19; provided that charge is the lower of the two options
A client goes into emergency respite due to Covid-19	Added as an interim service with no charge to the client
A client goes into respite care and then can't return home for a Covid-19 related reason (e.g. home in lockdown, or home care package has failed) and a 3rd Party contribution is in place	Respite charge (plus top up) during planned period of respite. Thereafter - to charge as for services they would have had i.e. in a domiciliary setting (presumably what was being provided prior to respite placement) were it not for C-19; provided that charge is the lower of the two options

**CHARGING GUIDANCE FOR HOSPITAL DISCHARGES DURING THE COVID-19 PANDEMIC****Scenario****Financial Clarification**

<b>RESIDENTIAL PLACEMENT</b>	
Client discharged to <b>DCC</b> Community Support bed for further assessment, recuperation, recovery from delirium or any other reason.	<b>Nil</b> client contribution applies for the duration of the Covid 19 pandemic. Purchase order request required although these are already funded by health so no recharge will be required.
Client discharged to an <b>external</b> residential placement for further assessment, recuperation, recovery from delirium, lack of provision, hospital pressures or any other reason.	<b>Nil</b> client contribution applies including any top-up fees. Top up fees to be treated as a specialist fee adjustment. Purchase order request should be completed stating that the whole cost (including top up) to be funded from the Covid 19 budget, rechargeable to health. However, If the placement continues on a long term basis after the pandemic has ended, client needs to be aware that any top-up would have to be met by a third party (not the client) and would have to be sustainable.
Client discharged to a short term placement in a <b>DCC HOP</b> for further assessment, recuperation, recovery from delirium, lack of provision, hospital pressures or any other reason.	<b>Nil</b> client contribution applies. Purchase order request should be completed, stating that it is re-chargeable to Health under the Covid 19 Hospital Discharge budget.
Client discharged back to existing long-term residential placement.	Pre-existing funding arrangements continue as before.
Client discharged to an alternative residential placement, because the existing provider declined to accept the person back.	Pre-existing funding arrangements continue as before, any additional costs are re-chargeable to Health under the Covid 19 Hospital Discharge budget. Purchase

	order request and cancellation of previous contract should be completed.
Client had a home care package before hospital admission and discharged to long-term residential placement	Pre-existing funding arrangements including Co-funding contribution continue as before, any additional costs are re-chargeable to Health under the Covid 19 Hospital Discharge budget. Purchase order request and cancellation of previous contract should be completed.
<b>NURSING PLACEMENT</b>	
Client discharged to a nursing placement for further assessment, recuperation, recovery from delirium, lack of provision, hospital pressures or any other reason. The discharging hospital should provide CCH with an up to date assessment of so that CHC are aware of the person's nursing needs and in agreement that a nursing placement is required.	<b>Nil</b> client contribution applies including any top-up fees. Top up fees to be treated as a specialist fee adjustment. Purchase order request should be completed stating that the whole cost (including top up) to be funded from the Covid 19 budget, rechargeable to health. However, If the placement continues on a long term basis after the pandemic has ended, client needs to be aware that any top-up would have to be met by a third party (not the client) and would have to be sustainable. Placements above the CHC contracting rate of £909.15 Will need to be agreed by CHC.
Client discharged back to existing long-term nursing placement.	Pre-existing funding arrangements continue as before.
Client who was previously in residential care discharged to a nursing placement for further assessment, recuperation, recovery from delirium, lack of provision, hospital pressures or any other reason, including long term care. The discharging hospital should provide CCH with an up to date assessment of so that CHC are aware of the person's nursing needs and in agreement that a nursing placement is required.	Pre-existing funding arrangements continue as before, any additional costs are re-chargeable to Health under the Covid 19 Hospital Discharge budget. Purchase order request and cancellation of previous contract should be completed. Placements above the CHC contracting rate of £909.15 Will need to be agreed by CHC.

Client had a home care package before hospital admission and discharged to long-term nursing placement	Pre-existing funding arrangements including Co-funding contribution continue as before, any additional costs are re-chargeable to Health under the Covid 19 Hospital Discharge budget. Purchase order request and cancellation of previous contract should be completed.
<b>HOME CARE</b>	
<b>Short Term Services</b> provided by Direct Care.	<b>NIL</b> Co-funding until the pandemic has ended. Purchase order request should be completed stating that the cost to be funded from the Covid 19 budget, rechargeable to health. If the package is moved to an independent agency during the pandemic, this will also be nil cost to the client.
<b>Interim Services</b> If there is lack of capacity within Direct Care and services are provided by either independent accredited providers or spot contract.	<b>NIL</b> Co-funding until the pandemic has ended, even if the services are identified as long term after discharge. Purchase order request should be completed stating that the cost to be funded from the Covid 19 budget, rechargeable to health.
<b>New</b> long term packages required due to long term care needs.	<b>NIL</b> Co-funding until the pandemic has ended. Purchase order request should be completed stating that the cost to be funded from the Covid 19 budget, rechargeable to health.
Restart of an existing package of home care.	Co-funding applies as before hospital admission.
Increases to an existing package of home care.	Existing Co-funding applies as before hospital admission. The cost of any increased services to be recharged to the Covid 19 budget for the duration of the pandemic. Purchase order adjustment request should be completed.

Any of the above home care scenarios, subsequent to a temporary placement from hospital.

The same financial position applies (described above) as if they were discharged directly home.

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION AND DECISION REVIEW RECORD

Officer: Helen Jones <i>*For emergency powers, this would be the Executive Director</i>		Service: Adult Social Care and Health
Delegated Power Being Exercised: Emergency Powers <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	To pay a cash advance to Independent Home Care Providers	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	Yes	
Decision Taken (specify precise details, including the period over which the decision will be in place and <b>when it will be (further) reviewed</b> ):	<p>That all providers of Home Care are given a cash advance equivalent to 4 weeks POs. Total cash advanced is £3.812m. This cash advance to be offset against future invoices following the end of the Covid-19 crisis.</p> <p>This decision is a one off and further measures have been put in place by ODR re PVI Care sector considered by SMT 16/04 and CMT 17/04. This later decision outlines proposals to delegate powers to the Executive Director of Adult Social Care and Health to make further payments on a monthly basis.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	Due to additional workload and possible reduction in admin staff, the providers may be delayed in issuing invoices which, along with possible higher running costs, could adversely affect their cashflow. This cash advance has been given to assure their continued viability.	
Alternative Options Considered (if appropriate) and reasons for rejection of other options	No other options have been considered	
Has a risk assessment been conducted- if so what are the potential adverse impacts identified and how will these be mitigated	No	

Would the decision normally have been the subject of consultation with service users and the public. If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	No
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	No
Background/Reports/Information considered and attached (including Legal, HR, Financial and other considerations as required))	<p><b>Finance:</b> It is intended that the full cash advance will be recovered at the end of the of the Covid-19 crisis, so there is a net nil cost to the authority. However, if certain providers are in financial difficulty, we may need to defer repayment for a period.</p> <p><b>PSW Comment:</b>  This decision supports Care Act 2014 duties to sustain the care market.</p>
Consultation with relevant Cabinet Member (s) – please note this is obligatory.	
Decision:	
Signature and Date:	

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

**Report of the Executive Director for Adult Social Care & Health**

**AGREEMENT TO PAY CASH ADVANCE TO INDEPENDENT HOMECARE PROVIDERS.**

**ADULT SOCIAL CARE**

**11. Purpose of the Report**

To inform Cabinet of an urgent decision made by the Executive Director for Adult Social Care and Health to give all providers of Home Care a cash advance equivalent to the value of four weeks' care package costs to provide additional support to the sector as part of the COVID-19 pandemic response. The total cash advanced is £3.812m. This cash advance will be offset against future invoices following the end of the COVID-19 crisis.

**12. Information and Analysis**

Local Private, Voluntary and Independent (PVI) Sector Home Care agencies are reporting concerns to the Council regarding increased costs associated with the response to the COVID-19 pandemic.

Further costs are also being incurred through additional staffing requirements and increased costs associated with the purchase of personal protective equipment. Also, due to an increased workload and reduction in administrative staff within small to medium sized homecare organisations, the providers are delayed in issuing invoices which, along with higher running costs, will adversely affect their cashflow. In light of the increased costs and difficulties which home care providers in the PVI sector are experiencing, there are concerns that it was becoming increasingly likely that some providers would close. This would leave elderly and vulnerable people without a home care service.

Therefore, it was determined that support needed to be provided to PVI sector home care providers urgently and the decision to offer a temporary cash advance (to be recovered following the end of the COVID-19 crisis) equivalent to the value of four weeks' Purchase Orders to all home care providers was

made by the Executive Director of Adult Social Care and Health in accordance with the specific delegations to Executive Directors detailed in Appendix 1 of the Council's Constitution.

The total cash advanced is £3.812m, but it is proposed that this will be offset against future invoices following the end of the COVID-19 crisis.

This decision to issue a cash advance supplements measures such as an increase in fees which have been put in place to assist the PVI sector.

Whilst this is a one-off advance payment, it is envisaged that further advances may be required for future payments and so it is proposed that decisions regarding future advances be delegated to the Executive Director for Adult Social Care and Health in consultation with the Cabinet Member for Adult Care.

### **13. Financial Considerations**

It is intended that the full cash advance will be recovered at the end of the of the Covid-19 crisis, so there is a net nil cost to the authority. However, if certain providers are in financial difficulty, we may need to defer repayment for a period.

### **14. Legal Considerations**

As described within the report.

In additions, section 5 of the Care Act 2014 places a duty on local authorities to promote an effective and sustainable adult care and support market as a whole. The Care and Support Statutory Guidance states that local authorities should seek to work with providers facing challenges. The Council should remain mindful that it is likely to be the most significant purchaser of care and support in its area.

This decision is likely to support providers in avoiding business failure and service interruption which is an important consideration for the Council. In the event of provider business failure, or service interruption, sections 48-51 of the Care Act 2014 imposes an additional duty on the Council to meet the needs of all individuals affected, even where no statutory duty would ordinarily arise (for example, self-funders or adults funded by other local authorities).

The Council also has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support actions taken to seek to reduce COVID-19 infections and reduce the transmission of the virus. An evaluation of the risks of action taken, the

mitigation of these risks and an EIA are being undertaken. The decision is a proportionate and reasonable response to COVID-19 risks.

The Council's Constitution provides-

*“Notwithstanding any other provision of the Constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interest of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.*

## **15. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Human Resources, Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## **16. Key Decision**

Yes

## **17. Officer's Recommendation**

Cabinet are asked to:

1. Note that all providers of home care are given a cash advance equivalent to the value of four weeks' care package costs to provide additional support to the sector as part of the COVID-19 pandemic response.
2. Note that the total cash advanced is £3.812m and that this cash advance to be offset against future invoices following the end of the COVID-19 crisis.
3. Agree that any further decisions regarding the provision of a cash advance to providers of home care be delegated to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member for Adult Care.

**Helen Jones**  
**Executive Director – Adult Social Care & Health**  
**County Hall**  
**Matlock**

**Children's Services Officer Decisions Index**

<b>Date of Decision</b>	<b>Officer Decision</b>	<b>Cabinet Report</b>
9/4/2020	<ol style="list-style-type: none"> <li>1. Emergency placement with DCC staff, related form and risk assessment.</li> <li>2. Re-approval of ex foster carers /adopters</li> <li>3. Fast track assessments – both for approved support carers and for partially completed fostering assessments (CSODR1)</li> </ol>	Changes to the Usual Fostering Agency Practice During Covid 19 Restrictions (CSREP1)

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Jane Parfremment		Service: Children's
Delegated Power Being Exercised: Executive Director - delegated Power under the emergency powers contained in the constitution		
Subject of Decision:	<ol style="list-style-type: none"> <li>1. Emergency placement with DCC staff, related form and risk assessment.</li> <li>2. Re-approval of ex foster carers /adopters</li> <li>3. Fast track assessments – both for approved support carers and for partially completed fostering assessments</li> </ol>	
Key decision?	no	
Decision Taken(specify precise details):	<ol style="list-style-type: none"> <li>1. Emergency placement with DCC staff, related form and risk assessment.</li> <li>2. Re-approval of ex foster carers /adopters</li> <li>3. Fast track assessments – both for approved support carers and for partially completed fostering assessments</li> </ol>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>The reason for this proposal is in light of the current COVID-19 situation where additional fostering placements are urgently needed.</p> <p>Both Ofsted ( weekly statements by Yvette Stanley) and DfE</p> <p><a href="https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services">https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services</a></p> <p>have indicated willingness to; ' recognise that fostering services will want to bring in more emergency foster carers to help build capacity within their services in case of additional demand. We would encourage them to do this. Whilst they will want to ensure that assessments and approvals are thorough and comply with regulations, we do not want this to be unnecessarily delayed'.</p>	
Alternative Options Considered (if appropriate)		
Background/Reports/Information considered and attached (Legal,	Report attached with HR, legal and financial implications.	

Personnel, Financial Implications etc)	
Consultation with relevant Cabinet Member (s)	Tbc
Decision:	
Signature and Date:	

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

**Report of the Executive Director for Children's Services**

**CHANGES TO USUAL FOSTERING AGENCY PRACTICE DURING  
CURRENT CV 19 RESTRICTIONS**

**1. Purpose of Report**

To update regarding approaches being taken already and to seek approval for 3 proposals designed to maximise foster placement capacity; specifically:

- Emergency placement with DCC staff, related form and risk assessment.
- Re-approval of ex foster carers /adopters
- Fast track assessments – both for approved support carers and for partially completed fostering assessments

These 3 proposals have been agreed by the Executive Director using delegated Power under the emergency powers contained in the constitution.

**2. Information and Analysis**

Fostering agency changes are required to maximise capacity in line with risk mitigation arrangements due to the CV-19 outbreak; emerging operational opportunities and challenges; Fostering and related regulations; Ofsted guidance 27.3 and 3.4.20 detailed in Messages from Yvette Stanley, Ofsted National Director Regulation and Social Care, and from Department of Education, most recently 3.4.20.

## **2.1. DCC staff offering to have children at home in an emergency**

The options are:

- a) Under Fostering Regulation 24 if know the child and thus no changes needed as can follow usual Reg. 24 approach

In relation to DCC staff it would not be appropriate to place children with carers who may be involved in litigation concerning the child or someone giving evidence in the context of care proceedings or other litigation.

- b) Encourage DCC staff to commence fostering assessment via Recruitment and assessment team - no changes needed.
- c) If the DCC staff member does not know the child, this would be described as 'Emergency placement not fully compliant with regs due to CV19'

This approach is consistent with the national guidance offered by Yvette Stanley Ofsted National Director Regulation and Social Care, on 27.3.20

*'we fully recognise that we are in exceptional circumstances and pragmatic decisions will need to be made in the best interests of children.*

*Please do carry out a careful risk assessment of any action you take and keep a clear record of your decisions. In the meantime we are working closely with the Department for Education as they consider what amendments to legislation are needed they may wish to make to regulation in response to the pandemic.'*

### **Proposal**

- Staff who volunteer are asked to complete brief form, preferably in advance of placement. – Appendix One (attached), which includes consent to checks being undertaken – with the minimum being a check on Mosaic, the electronic social care case recording system.
- In relation to DCC staff it would not be appropriate to place children with carers who may be involved in litigation concerning the child or someone giving evidence in the context of care proceedings or other litigation.

- These would be staff in roles which already require them to have an enhanced Disclosure and Barring Service (DBS) check.
- Overall risk assessment has been undertaken related to this change – Appendix Two (attached).

Process:

- Staff would experience no detriment in terms of their usual earnings.
- Where relevant, any impact of their normal duties would be managed within their teams.
- And would receive basic child fostering allowances for food, household expenses etc. for the period the child is with them
- No placement to be longer than 72 hours (other than bank holidays); if it needs to continue with the consent of all parties, a Regulation 24 fostering assessment would be commenced.
- Parents or those holding Parental Responsibility would be informed of the arrangement and the emergency nature of this.

## **2.2 Children placed in ‘any other arrangements’, for children over 16.**

There are circumstances for looked after young people aged 16 +, where the young person identifies potential placements that will meet their growing needs, but with carers who have not been assessed by social care under arrangements of foster care or supported lodgings. These potential carers are “connected persons” identified by the young person.

In these circumstances it is essential that a proportionate assessment is undertaken of that provider by the authority to establish the suitability of the placement, and the suitability of the care provided. Before the local authority make such placements it will need to ensure that the carers have the necessary competencies so that the support provided by the placement enables the young person to develop the skills he/she will need to make a positive transition to greater independence in the future.

Such arrangements are covered by The Children Act 1989 guidance and Regulations Volume 2: care planning, placement and case review 3.116 to 3.142 and related legislation.

## **2.3 Contacting ex foster carers /adopters to establish their willingness to be considered to be temporary foster carers**

The Fostering Social worker would complete a report based on:

- Review latest assessment and recent records on Mosaic including:

- When last assessed
- When last visited
- Is household still same and consent to checks
- Reason why they ceased to be approved.
- If the DBS check has expired, a child will not be placed without a Police National Computer check
- Contact the manager of the last responsible team to confirm that there were no concerns
- Report to Fostering Panel

This approach is consistent with the national guidance offered by Yvette Stanley Ofsted National Director Regulation and Social Care, on 3.4.20:

#### Foster carer recruitment

*We have been asked about fostering services bringing foster carers out of retirement, rather like the NHS has with doctors and nurses.*

*In terms of approving recently retired or de-registered carers, we would agree that the current regulations allow for a proportionate assessment that can take account of the existing knowledge of carers. In terms of how agencies carry out that assessment, we understand that, under the current extraordinary circumstances, they will need to make pragmatic decisions in the best interests of children. We expect agencies to carry out a careful risk assessment of any action they take and keep a clear record of the decisions made.*

#### **2.4. Increasing existing foster carers' usage**

All Foster carers have and are being spoken to explore if they can care for more children and vacancy list updated accordingly.

- a) Optimising family networks- most relevant for stable placements
  - Using delegated responsibility agreements – Children's social worker, Fostering Supervising Social worker, Foster carer agree reasonable arrangements for a child to stay elsewhere
  - Where support carer's have already been approved – explore whether they can do more/wish to be quickly assessed as foster carers – consider :
    - When last assessed
    - When last visited

- Is household still same and consent to checks
- Then to Fostering panel

## **2.5. Fast track assessments**

That where assessments are more than 50% completed with, as a minimum:

- Report
- Enhanced DBS

## **Proposal**

Both to be considered by fostering panel for consideration for recommendation for interim approval for 6 months – panel to then consider with full assessment to be presented.

## **3. Human Resources Considerations**

Employees of Derbyshire County Council are currently able to become foster carers for children in our care. The preparations outlined in the report will only be used for employees who have volunteered to become an emergency carer. The employee would undertake any duties as a Foster Carer for which they would receive the relevant allowances. Should there be a need for a placement during an employee's normal working hours they will be able to request foster carer leave.

The Trade Unions will be made aware of the proposals during the weekly briefing.

## **4. Financial Considerations**

The proposals detailed above will not overall incur additional costs as Placements with Derbyshire foster carers are the least costly form of placement; when sufficient foster placements are not available, children are likely to require a residential placement.

It should be noted that potentially:

- That there could be additional costs associated with an increased number of assessments, though these are expected to be completed by the current workforce.
- There is the possibility for possible claiming of expenses by DCC employees for equipment / other requirements to support young people, if arrangements continue long enough for it to be warranted.
- There may be costs of covering DCC staff if unable to work due to fostering responsibilities.

There could well be an overall increase in costs due to an increased number of young people that need accommodating but this would be a cost regardless of CV 19 situation if the risks and needs were such that a child needed to be in Local Authority care.

Internal fostering is the least costly type of placement and thus this is the most effective way of meeting the anticipated need during the CV 19 outbreak.

## **5. Legal Considerations**

The proposals for:

- Emergency placement with DCC staff, related form and risk assessment.
- Re-approval of ex foster carers /adopters
- Fast track assessments – both for approved support carers and for partially completed fostering assessments

are a proportionate response to managing a situation where it may be extremely difficult to provide foster placements for children from within the currently available stock of foster carers. All efforts should be made to ensure that the proposed placements are subject to police and social care checks and there should be transparency in relation to the new arrangements. Placement of children with persons involved in litigation concerning the children or siblings should be avoided.

Following the 3 proposals being agreed by the Executive Director using delegated Power under the emergency powers contained in the constitution; on 23<sup>rd</sup> April The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were laid before Parliament and enacted

24<sup>th</sup> April. These regulations support the proposals detailed. A fuller report will be submitted in due course regarding this legislation and any impact on practice.

## **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime & disorder, equality of opportunity, health, environmental, property and transport considerations.

### **Recommendation**

To agree proposals:

1. Emergency placement with DCC staff, related form and risk assessment.
2. Re-approval of ex foster carers /adopters
3. Fast track assessments – both for approved support carers and for partially completed fostering assessments

**Jane Parfremment**

**Executive Director for Children's Services**

This is for DCC staff offering to provide an emergency placement – FOR LESS THAN 72 HOURS. **If the placement is to continue – reg 24 assessment must commence.**

Do you have a current DBS – yes/no – and if yes – number?.....

**Information Required:**

1. Names and dates of birth of all living in your household:


2. Where do you live? (Full current postal address and telephone numbers plus all previous addresses in the past 10 years – this will enable out of county checks) :

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3. How many bedrooms do you have? Where would the children sleep; is it proposed that children will need to share, who will be sharing with them (names and ages required)?

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4. **Do you or any of your household have any criminal convictions or have been involved with the police. If YES please provide details.** Please be advised that checks will be done – offences, including offences committed under age 18, will be disclosed.

Date	Name	Details

5. **Have you or anyone else in your family / household had any involvement with Children's Social Care. If YES, please provide details:**

Date	Name	Details

6. **Are you and the other members of your household in good health?** Please be advised that medical references will be requested.

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7. **Do you or any of your household smoke? If so, where do you smoke?**

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8. **Does any member of the household have any special needs / behaviour difficulties, or mental health issues?** Please be advised that references will be requested.

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9. Do you have any pets, if so what pets do you have?

10. Will you work closely with Derbyshire County Council to ensure that the child/ren will be kept safe and that their needs will be met?

YES

NO

11. I consent to checks being undertaken and to my details being added (on a restricted basis) to Mosaic

Name

Signature

Date

Decision making rationale at the time of placement

See case note ..

Completed by:

Date:

To be completed by Team Manager

Completed by:

Date:

RISK ASSESSMENT FOR:

**PLACING CHILDREN WITH DCC STAFF IN AN EMERGENCY WHO ARE NOT APPROVED FOSTER CARERS**

**PART 1 : ADMINISTRATIVE DETAILS**

Section/Establishment Name: **Fostering**

Date of Assessment

3/04/2020

Date of Issue

Tbc

Assessment carried out by

Mary Wilton

Signature

**Reviews**

Review Date	Reviewed by	Date	Changes	
			Y	N
9.4.20 – ELT post SMT agreeme	MW – added re notifications to Service director and HoS for worker	9.4.20	y	

<b>Affected persons:</b> Children/Young People <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Visitors <input type="checkbox"/> Contractor <input type="checkbox"/> Others (specify) <input type="text" value="X Ofsted"/>					
Name of Manager confirming and agreeing Assessment:			SMT on 9.4.20		
Signature:					

The following sections should be completed by all staff who need to be made aware of and abide by the findings of the Risk Assessment. NB: If, as a result of a review, changes are made to the Risk Assessment the relevant box on the attached page should be completed as appropriate by the staff concerned.

Print Name	Signature	Date	Print Name	Signature	Date

RISK ASSESSMENT					
What are the hazards?	Generic Control Measures	✓ X	Person to implement	Additional Control Measures needed to reduce risk to an acceptable level	Person to implement      Date to be actioned

<p><b>PLACING CHILDREN WHO NEED A FAMILY PLACEMENT IN AN EMERGENCY WITH DCC STAFF IN THEIR OWN HOMES</b></p>	<p>Firstly -</p> <ul style="list-style-type: none"> <li>Try and place child with suitable friends or family</li> </ul> <p>Secondly-</p> <ul style="list-style-type: none"> <li>Try and place child with registered foster carers – DCC or IFA</li> </ul> <p>Thirdly - If the above options fail;</p> <ul style="list-style-type: none"> <li>Place for maximum 72 hours ( unless of bank holiday) with DCC staff with the relevant skills – based on risk assessment/knowledge available regarding the child's needs</li> </ul> <p>Following a careful risk assessment and acknowledging the placement challenges we are currently facing we need to look at the best possible way to safely care for children and young people in an emergency.</p> <p>Ofsted fully recognise that we are in exceptional circumstances and pragmatic decisions will need to be made in the best interests of children.</p> <p>Yvette Stanley, National Director for Social Care advised on 27.3.20 that;</p> <p><i>'We expect providers to assess and manage risk as best they can to keep children as safe as possible in the current circumstances.'</i></p> <p><b>The steps above should be taken in the order written. Using DCC staff should be a final option and the steps in the green section should be taken to reduce any risks.</b></p>			<p>DCC staff will have a DBS, relevant training etc.</p> <p>Where possible ensure;</p> <ul style="list-style-type: none"> <li>Prior completion of the emergency placement form</li> <li>Consideration of health risks</li> <li>Share risk assessment for child ( if completed)</li> <li>Head of service consulted prior to placement</li> </ul> <p>Notification after placement to:</p> <ul style="list-style-type: none"> <li>Assistant directors and Service director</li> <li>Fostering service if reg 24 asst will be required</li> <li>Head of service responsible for the child</li> <li>Head of service for the worker concerned</li> <li>IRO</li> </ul>		
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## Appendix 3

### Economy, Transport and Environment Officer Decisions Index


<b>Date of Officer Decision</b>	<b>Officer Decision</b>	<b>Cabinet Report</b>
24/3/2020	Countryside Services Cessation (ETEODR1)	Closure of Country Parks and Country Parks Facilities (ETEREP1)
24/3/2020	Country Parks Temporary Closure (ETEODR2)	
24/3/2020	Country Parks Closure continuation (ETEODR3)	
2/4/2020	Cancellation of Countryside Events Programme until end of June 2020 (ETEODR4)	
24/3/2020	Closure of HWRCs (ETEODR5)	Closure of Household Waste Recycling Centres due to Coronavirus (ETEREP2)
24/3/2020	Public Transport (ETEODR6)	Payment to Public Transport Providers to Address the Impact of Coronavirus (ETEREP3)
25/3/2020	Suspension of On Street Pay and Display Bays and reduced on street parking enforcement (ETEODR7)	Report to follow to the next Cabinet meeting
25/3/2020	Temporary Closure of Markham Vale Environment Centre (ETEODR8)	Temporary Closure of Markham Vale Environment Centre (ETEREP4)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Claire Brailsford	Service: Countryside Service (ETE)
Delegated Power Being Exercised: Executive Director decision in accordance with the constitution. The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."	
Subject of Decision:	Closure of Countryside Sites – namely visitor centres; shops; tramper hire and cafes and the cessation of future events and car parking charges at countryside sites.
Decision Taken(specify precise details):	<p>Closure of the following facilities:</p> <ul style="list-style-type: none"> <li>• <b>Middleton Top Countryside Information Centre</b></li> <li>• <b>High Peak Junction Countryside Information Centre</b></li> <li>• <b>Shipley Country Park Visitor Centre</b></li> <li>• <b>Elvaston Castle Country Park Visitor Centre</b></li> <li>• <b>Tapton Lock Visitor Centre</b></li> </ul> <p>The closures will include suspension of the Tramper hire scheme at these locations for the foreseeable future.</p> <p>Public toilets and changing places toilets would continue to be available at each location. They will continue to be cleaned by Corporate Resources staff.</p> <p>Despite the best efforts and measures of all café operators (franchisees) to continue to operate, it is considered necessary to partially close and only allow them to operate a "grab and go" service. This will affect the following leased/franchised Cafes:</p> <ul style="list-style-type: none"> <li>• Ramblers (Shipley Park Visitor Centre)</li> <li>• Derby Lodge (Shipley Park (Shipley Hill))</li> <li>• Wyatts (Elvaston)</li> </ul> <p>Operation of the "grab and go" service is subject to them adopting the principles shared by the Director of Public Health (</p> <ul style="list-style-type: none"> <li>• Limit social contact by limiting the number of people in the premises at any one time, place posters that ask people to maintain a 2m distance inside the premise when queuing</li> </ul>

	<ul style="list-style-type: none"> <li>• Utilise contactless payment</li> <li>• Hand washing and hand sanitiser available</li> <li>• Ask anyone with symptoms i.e. persistent cough or fever/high temp not to enter the premises</li> </ul> <p>Please note the café at Black Rocks run by Derbyshire Wildlife Trust (DWT) is operating on the same basis.</p> <p>To cancel future events, immediate ones to be cancelled are:</p> <p><b><u>ELVASTON CASTLE COUNTRY PARK</u></b></p> <p>Fri 10 April – Elvaston Golden Egg Trial</p> <p>Sun 26 April and Sun 9 Aug 12noon-4pm.. National Garden Scheme (NGS) Open Days</p> <p><b><u>SHIPLEY COUNTRY PARK</u></b></p> <p>Sun 5 April – Sun 19 April (except Sun 12 April) - Odd Egg Trail</p> <p>Sun 12 April – Hopping Mad</p> <p><b><u>HIGH PEAK JUNCTION &amp; MIDDLETON TOP</u></b></p> <p>Sat 11 April Sun 12 April and Mon 13 April - High Peak Jct Railway Workshop Open Days</p> <p>Sunday 12 and Mon 13 April – Middleton Top Engine House Open Days</p> <p>Sunday 12 and Mon 13 April – Leawood Pump Operating Days</p> <p>To temporarily suspend car parking charges to enable and encourage access to the countryside.</p>
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>In line with government guidance on social distancing. Also in line with other organisations and destinations in the sector e.g. Chatsworth Estate; National Trust; Peak District National Park; National Arboretum.</p> <p>The decision to suspend car parking charges is to enable and encourage access to the countryside to provide places for people to keep active, relax and boost their physical and mental wellbeing by spending time in the fresh air and open spaces surrounded by nature. To also support the local community during these difficult times.</p>


Alternative Options Considered (if appropriate)		<p>Continuing apply car parking charges, however this would not encourage access to the countryside at the level desired.</p> <p>Allowing the café operators to continue to operate but with measures to encourage and support social distancing e.g. fewer tables in internal café areas; promoting takeaway services and encouraging customers to eat &amp; drink at outside tables.</p>
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		See attached full report.
Consultation with relevant Cabinet Member (s)		
Decision:		
<p>Signature and Date:</p>  <p>20<sup>th</sup> March 2020</p>		

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mike Ashworth	Service: Countryside Services
<p>Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below:</p> <p><b>SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS</b> Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.</p>	
Subject of Decision:	Temporary Closure of Country Parks
Key decision?	Yes. Significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire
Decision Taken(specify precise details):	<p>The temporary closure of Derbyshire County Council Country Parks.</p> <ul style="list-style-type: none"> <li>• <b>Shipley Country Park</b></li> <li>• <b>Elvaston Castle Country Park</b></li> <li>• <b>Middleton Top</b></li> <li>• <b>Black Rocks</b></li> <li>• <b>Grassmoor Country Park</b></li> <li>• <b>High Peak Junction</b></li> <li>• <b>Cromford Wharf</b></li> </ul> <p>Initially staff manned entrances and car parks to Shipley &amp; Elvaston to instruct the public we were in the process of closing the parks. Generally the public were understanding of the decision.</p> <p>Road closures comprising of either gates or barriers and/or concrete blocks have subsequently been put in place at main entrance points to prevent vehicular access. Note there are other access points e.g. pedestrian access points which have not been closed.</p> <p>At Middleton Top access to the High Peak Trial and Pennine Bridle Way has been maintained, only the car parks have been closed.</p> <p>Other car parks leading to Glapwell, Poulter &amp; Tibshelf, Grin Low, Williamthorpe and Peter Fidler countryside sites are to be closed on 23/3/20.</p>


	<p>These are car parks leading to countryside sites and trails although are not major destination sites.</p> <p>Café operators (2 at Shipley &amp; 1 at Elvaston &amp; 1 at Black Rocks) have been instructed to close.</p> <p>Instructions to be issued to tenants at Elvaston (notably ice cream &amp; coffee franchisees; wedding event organisers; dog owner groups; cricket club) that the Park is closed and no events are to be held.</p> <p>Trails and Public Rights of Way (PROW) remain open and no decision has been taken although there is ongoing liaison with the National Park (PDNPA)</p>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19.</p> <p>It has become clear during the course of the weekend 21<sup>st</sup> and 22<sup>nd</sup> March that the Derbyshire County Council Country Parks have attracted a significant number of visitors which is resulting in those attending the parks not being in compliance social distancing advice.</p> <p>In the interests of public health therefore, the temporary closure of the Country Parks is necessary to prevent access to locations which are attracting significant number of visitors.</p> <p>It is noted that some Country Parks have open access and/or multiple access points and therefore there are limitations to the practical ways in which access can be prevented, however the decision will apply to these locations as well those locations where access is via a single road or route.</p> <p>Communications are being issued to encourage residents and visitors to take exercise in open spaces near their immediate homes rather than to travel to locations which attract a range of visitors from a wider area.</p> <p>This decision is consistent with that of other councils, public bodies and visitor attractions to close access to the public, including access to gardens, country estates and country parks.</p> <p>Following the closures staff will continue to manage and maintain the parks. In the course of their duties they will patrol sites and "enforce" the closure i.e. instructing members of the public who</p>

	have accessed the sites that the sites are closed and requesting that they leave.
Alternative Options Considered (if appropriate)	The only alternative option is to leave the Country Parks open and this is not recommended due to the significant numbers of visitors which make social distancing very difficult to be achieved.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	A full report will be prepared setting out the issues and implications.
Consultation with relevant Cabinet Member (s)	<p>Cllr Barry Lewis (Leader of the Council) consulted on 22<sup>nd</sup> March and supports recommended decision.</p> <p>Cllr Spencer (portfolio holder) was contacted but unavailable in the time frame required to make the urgent decision and so the Leader of the council was consulted instead.</p>
Decision:	To close the Country Parks on a temporary basis effective from 1pm on Sunday 22 <sup>nd</sup> March 2020 for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19.
Signature and Date:  <div style="text-align: right;">23<sup>rd</sup> March 2020</div>	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Services	
<p>Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below:</p> <p>SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.</p>			
Subject of Decision:		Update on Temporary Closure of Country Parks	
Key decision?		Yes. Significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire	
Decision Taken(specify precise details):		<p>Following the decisions of 20/3/20 and 23/3/20 and the announcement of the Prime Minister on 23/03/20 that strict curbs would apply the following amendments to the temporary closure of Derbyshire County Council Country Parks requires approval.</p> <p>Country parks will remain “closed” i.e. barriers in place across car parks but importantly they will be open for local access to enable exercise. Local people can access by walking, cycling or riding.</p> <p>Trails and Public Rights of Way (PROW) remain open.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19 and to only leave home to exercise once a day.</p> <p>In the interests of public health therefore, the temporary closure of the Country Parks remains but with local access for exercise being permitted. This is necessary to prevent access to locations which were attracting significant number of visitors.</p> <p>Communications are being issued to raise awareness and understanding of the position.</p> <p>Basic litter collection services will be put in place to manage the sites.</p>	


Alternative Options Considered (if appropriate)	The only alternative option is to leave the Country Parks open and this is not recommended due to the significant numbers of visitors which make social distancing very difficult to be achieved and does not comply with the strict curbs the prime minister has put in place.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	
Consultation with relevant Cabinet Member (s)	Cllr Barry Lewis (Leader of the Council) and Cllr Spencer (portfolio holder) to be briefed by the Executive Director.
Decision:	To continue with the closure of Country Parks on a temporary basis but with local access for exercise. Effective from 9am on Tuesday 24 March 2020 for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19 and enabling the public access for exercise.
Signature and Date:  24/03/20	

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Service																																			
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Subject of Decision:		Cancellation of Countryside Events Programme until end of June 2020																																			
Decision Taken(specify precise details):		<div>1. Cancellation of all internal &amp; external events on countryside sites and destinations in May and June. Details of the affected events are listed below</div> <div><b><u>Elvaston External Events</u></b></div> <table><tr><td>30/04/20 - 03/05/20</td><td>Caravan Rally</td><td>client cancelled</td></tr><tr><td>10/05/2020</td><td>Sinfin 10K Run</td><td>client cancelled</td></tr><tr><td>15-16/05/20</td><td>Summer cinema</td><td>not booked/confirmed</td></tr><tr><td>31/05/2020</td><td>Out of the Box events</td><td>client Cancelled</td></tr><tr><td>07/06/2020</td><td>Derby 1/2 marathon</td><td>not confirmed by client</td></tr><tr><td>20/06/2020</td><td>St Giles Fest</td><td>moved date</td></tr><tr><td>27/06/2020</td><td>Wedding</td><td>not paid</td></tr><tr><td>20/06/20 - 05/07/20</td><td>Steam Rally</td><td>client Cancelled</td></tr></table> <div><b><u>Elvaston Internal Events</u></b></div> <div>None between end of April and end of June</div> <div><b><u>Shipley External Events</u></b></div> <table><tr><td>19/06/20</td><td>Midsummer 5 &amp; 10K Race</td><td>client to be contacted</td></tr><tr><td>20-21/06/20</td><td>Big Derbyshire Food Festival</td><td>client to be contacted</td></tr></table> <div><b><u>Shipley Internal Events</u></b></div> <table><tr><td>17/05/20</td><td>Mosaic Workshop</td></tr><tr><td>24/05/20</td><td>Insect Show (Joint with DANES)</td></tr></table>		30/04/20 - 03/05/20	Caravan Rally	client cancelled	10/05/2020	Sinfin 10K Run	client cancelled	15-16/05/20	Summer cinema	not booked/confirmed	31/05/2020	Out of the Box events	client Cancelled	07/06/2020	Derby 1/2 marathon	not confirmed by client	20/06/2020	St Giles Fest	moved date	27/06/2020	Wedding	not paid	20/06/20 - 05/07/20	Steam Rally	client Cancelled	19/06/20	Midsummer 5 & 10K Race	client to be contacted	20-21/06/20	Big Derbyshire Food Festival	client to be contacted	17/05/20	Mosaic Workshop	24/05/20	Insect Show (Joint with DANES)
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	<p>24-31/05/20 Self-Guided Nature Trail</p> <p>06/06/20 Solar Observing</p> <p>20/06/20 Solar Observing</p> <p><b><u>Middleton Top/HPJ External Events</u></b></p> <p>16/05/20 White Peak Marathon client to be contacted</p> <p>17/05/20 Derwent Valley Orienteers cancelled</p> <p>10/06/20 Tunnels &amp; Trails cancelled</p> <p><b><u>Middleton Top/HPJ Internal Events</u></b></p> <p>9-10/05/20 Engine House Open Day</p> <p>24-25/05/20 Engine House Open Day</p> <p>23-31/05/20 Self-Guided Nature Trail</p> <p>23/05/20 Photography Competition Opens</p> <p>06-14/06/20 HOGOF Cycle hire Promotion</p> <p>07/06/20 Engine House Open Day</p> <p><b><u>Tapton Lock External Events</u></b></p> <p>10/05/20 Spire Ultra run client to be contacted</p> <p>9-17/05/20 Chesterfield Walking Festival cancelled</p> <p>30/05/20 Canoe Club Fundraiser client to be contacted</p> <p>20/06/20 Teddy Bear Picnic Boat Trips client to be contacted</p> <p>28/6/20 Sports Endurance ride client to be contacted</p> <p><b><u>Tapton Lock Internal Events</u></b></p> <p>None between end April and end of June</p> <p><b><u>Wider Sites Events</u></b></p> <p>No Events</p> <p>2. Monitoring and review of the planned programme and external bookings beyond these dates based on the latest Government guidance and restrictions in force.</p>
Reasons for the Decision (specify all reasons for taking the decisions including where	DMT decision already taken to cancel events until the end of April 2020.

necessary reference to Council policy)	<p>The Countryside events programme is published in February on the DCC website, and hard copies are widely distributed in early March.</p> <p>Promotion of events starts with social media posts at the outset along with actively promotion through all channels for 2 months in advance of each event. Waiting until the end of April to make a decision on cancelling further events leaves no time to promote them should restrictions be relaxed.</p> <p>The cancellation of the events programme does have an impact on income. This is estimated to be around £1200 and is based on income from events for the first 3 months of the 2019-20 financial year.</p> <p>This is a sensible recommendation, balancing the current staffing resource and lead in times and would allow for clear advanced communication with the public.</p>
Alternative Options Considered (if appropriate)	
Background/Reports /Information considered and attached (Legal, Personnel, Financial Implications etc)	The Countryside service is already facing considerable loss of income through the closure of parks, shops etc. The income derived from events is small (although each event covers its costs)
Consultation with relevant Cabinet Member (s)	Executive Director to liaise with Cabinet Member.
Decision:	Cancellation of internal and external events on countryside sites until the end of June 2020
<p>Signature and Date:</p> <div style="text-align: center;">  </div> <div style="text-align: right;"> <p>2<sup>nd</sup> April 2020</p> </div>	

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

**CLOSURE OF COUNTRY PARKS AND COUNTRYSIDE SERVICE  
FACILITIES (HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To note the urgent decision taken by the Executive Director - Economy, Transport and Environment, in accordance with the Council's Constitution, to approve the closure of country parks and site facilities, and to approve both the cancellation of the events programme until the end of August 2020 in accordance with Government guidance on social distancing and the proposed compensation scheme for time lost to car park season and Tramper registration scheme users.

(2) **Information and Analysis** A series of decisions were taken in relation to the operation of country parks and facilities to limit the spread of the Covid-19 virus against a fluid situation and rapidly changing guidance from Monday 16 March 2020 onwards.

On 19 March 2020, the Executive Director - Economy, Transport and Environment approved the suspension of car parking charges, the closure of shops/information centres, franchised cafes (although it was agreed a take away service could still be offered by tenants) and the suspension of the Tramper (mobility scooter) Service.

These changes were put in place across the following sites with effect from 20 March 2020:

- Shipley Country Park
- Elvaston Castle Country Park
- Middleton Top
- Black Rocks
- Tapton Lock Visitor Centre
- High Peak Junction
- Cromford Wharf

These changes were publicised through press releases and social media, echoing Government guidance on the continued importance of exercise and social distancing.

The estimated loss of income from these measures for shops within the Countryside Service portfolio is £32,150 for April and £29,275 for May (based on 2019-20 figures). For car parking, the estimated loss of income is £54,470 for April and £41,635 for May (based on 2019-20 figures). Losses for the Trampler hire in the period are negligible as most users purchase the annual registration pass.

It became clear during the course of the 21 and 22 March weekend, that the Country Parks were attracting significant numbers of visitors which resulted in those attending the parks not being able to comply with social distancing advice.

In the interests of public health, it was deemed necessary to authorise the temporary closure of the Country Parks to prevent access to locations which were attracting significant number of visitors.

Initially, staff manned entrances and car parks to Shipley and Elvaston to instruct the public that the Council was in the process of closing the parks. Generally, the public were understanding of the decision. Road closures comprising of either gates or barriers and/or concrete blocks have subsequently been put in place at main entrance points to prevent vehicular access.

It is noted that some Country Parks have open access and/or multiple access points, and therefore there were limitations to the practical ways in which access could be prevented. However, the decision applied to these locations, as well those locations where access was via a single road or route.

Communications were issued to encourage residents and visitors to take exercise in open spaces close to their homes, rather than to travel to locations which attract visitors from a wider area.

Franchised cafes were instructed to cease all trading and shut down, and this took full effect from Monday 23 March. Franchise tenants have been offered the deferral of rent for the months they remain closed (currently approved for April, May, June 2020). This executive decision has been approved in a separate Cabinet report.

On 20 March 2020, the Executive Director - Economy, Transport and Environment took an urgent decision to cancel the events programme (County Council and external) on all sites until the end of April 2020. This was on the

basis that it would not be possible to run County Council or external events in such a way that they would comply with guidance on social distancing. This decision was consistent with that of other councils, public bodies and visitor attractions to close access to the public, including access to gardens, country estates and country parks.

Following the closures, a reduced staff presence has continued to manage, maintain and monitor the parks. In the course of their duties, they have patrolled the sites and “encouraged” social distancing amongst local visitors.

In light of Government guidance, issued on 23 March 2020, to limit all but essential travel, it was judged that it would be prudent to cancel all events for a three month period, up to the end of June 2020, as there was no prospect that it would be possible to run events in compliance with the guidance. The Executive Director - Economy, Transport and Environment took that decision on 22 April 2020. The loss of income from the cancellation of internal events is estimated at £1,200 to the end of June 2020 (based on 2019-20 income).

Additional authority is now sought to cancel countryside service and external events on countryside sites until the end of August 2020. Current indications from central Government are that there will be no substantial relaxation in social distancing guidance and the size of permissible gatherings within the current year, making it impossible to organise events safely and within current guidance. Should there be a quantum shift in guidance, this decision could be reviewed and reversed if it was deemed safe to do so.

The cancellation of events to the end of August would affect 34 events in total (11 internal County Council events and 23 external events). The loss of income from the cancellation of these events would be £1,005 for internal events and £12,122 for external events.

The Countryside Service has received representations from a number of season ticket holders for countryside car parks and the Tramper service enquiring how the County Council intends to deal with the loss of access during the Covid-19 closure.

The closures effect 320 car park season ticket holders and 128 Tramper scheme users. It is proposed that all these users are offered an extension to their passes for the equivalent time lost at the point services are open for use again. This represents a fair compensation scheme to users and is administratively easy for the County Council to implement.

**(3) Financial Considerations** As contained in the body of the report. The total estimated loss from implementing the closures detailed for April and May 2020 is £158,730.

The offer of extensions for time lost during the closures to car park and Tramper pass holders for April and May results in a loss of income of £5,064. There is a minimal administrative cost in contacting users and offering the extension to their passes.

(4) **Legal Considerations**      The Council's Constitution provides that:

*"...notwithstanding any other provision of the Constitution, Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."*

The executive decisions detailed in the body of the report were necessary to implement rapidly changing guidance from central Government to limit the spread of the Covid-19 virus in Derbyshire.

The Council has discretionary powers to provide and manage country parks as set out in the Countryside Act 1968. Apart from public rights of way, there is generally no right of access for the public to country parks. The Council therefore has the power to effect these temporary closures.

(5) **Equality and Diversity Considerations**      The decision in relation to the suspension of the Tramper Service disproportionately impacted on the users of this service who predominately fall within protected characteristics groups. The service will be reinstated at the earliest opportunity when Government guidance deems it safe to do so.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, human resources, environmental, health, property, social value and transport considerations.

(6) **Key Decision**      Yes.

(7) **Call-In**      Is it required that call-in be waived in respect of the decisions proposed in the report? No

(8) **Background Papers**      Held on file within the Economy, Transport and Environment Department.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet:

- 9.1 Notes the urgent decisions taken by the Executive Director – Economy, Transport and Environment, in accordance with the Council's Constitution.
- 9.2 Approves the proposed compensation scheme for time lost to car park season and Tramper registration scheme users.
- 9.3 Approves the cancellation of County Council countryside and external events on countryside sites until the end of August 2020.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Waste Management Service	
Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below: SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.			
Subject of Decision:		Temporary closure of the County's Household Waste Recycling Centres	
Key decision?		Yes. Significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire	
Decision Taken (specify precise details):		<p>Temporary closure of the County's Household Waste Recycling Centres (HWRCs). This suspension is likely to be in force for several months until "business as usual" resumes. The HWRCs closed are located at:</p> <ul style="list-style-type: none"><li>• Ashbourne</li><li>• Bolsover</li><li>• Bretby</li><li>• Chesterfield</li><li>• Glossop</li><li>• Ilkeston</li><li>• Loscoe</li><li>• Northwood (Darley Dale)</li><li>• Waterswallows - near Buxton</li></ul> <p>Note: Presently all other waste facilities servicing the County Council i.e. waste transfer stations; in-vessel composting facilities and other waste disposal facilities are open and continuing to operate albeit these are not open for direct public access.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19 and to only leave home to exercise once a day, to travel to and from work where "absolutely necessary", to shop for essential items, and to fulfil any medical or care needs. Visits to HWRCs would not fall within these categories.</p> <p>On the basis of the announcement of the Prime Minister on the evening of 23 March 2020 that</p>	

	<p>people may only travel where essential it was determined that travel to a HWRC was not essential and therefore HWRCs should close with immediate effect.</p> <p>Furthermore it is important to note that closure of the HWRCs had already been considered due to difficulties in maintaining social distancing on site. The sites were experiencing high levels of traffic due to the seasonal uplift in use, plus householders carrying out lots of activities in their home (DIY, gardening etc..) and the good spring weather. This was causing concern as customers were not maintaining the 2m distance and this was increasing risk to the staff and public.</p>
Alternative Options Considered (if appropriate)	The only alternative option is to continue to operate the HWRCs with social distancing restrictions. This is not recommended as this would go against the strict curbs put in place by the Prime Minister and would arguably encourage people to make non-essential visits.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	
Consultation with relevant Cabinet Member (s)	An initial instruction was given by the Interim Assistant Director of Environment to the contractor on the evening of 23 March 2020 which was confirmed by the Executive Director on 24 March. There was little alternative for the Councils. Cllr Spencer (portfolio holder) was advised retrospectively.
Decision:	Temporary closure of the HWRCs effective from 9.15pm on Monday 23 March 2020 for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19 and meeting the non-essential travel requirements.
Signature and Date:	
24/03/20	

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 MAY 2020**

Report of the Executive Director – Economy, Transport and Environment

**CLOSURE OF HOUSEHOLD WASTE RECYCLING CENTRES DUE TO  
CORONAVIRUS (COVID-19)  
(HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To note the urgent decision taken by the Executive Director - Economy, Transport and Environment, in accordance with the Council's Constitution, to implement the immediate closure of all Derbyshire County Council's Household Waste and Recycling Centres (HWRCs), due to Covid-19.

(2) **Information and Analysis**

The Council has a statutory duty under Section 51 of the Environment Protection Act 1990 (EPA 1990) which requires Waste Disposal Authorities to provide places at which persons resident in its area access to deposit their household waste. The County Council has 9 Household Waste Recycling Centres (HWRC) within its geographical boundary.

Following the outbreak and subsequent global pandemic of the Coronavirus (COVID-19) the UK Government announced a series of measures on 23 March 2020 that were aimed at reducing the spread of Covid-19 and to protect the public from unnecessary risk of exposure. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Regulations) prohibit anyone leaving the place where they live without reasonable excuse unless they have a 'reasonable excuse to do so, for example:

- shopping for basic necessities, for example food and medicine, which must be as infrequent as possible
- to take exercise alone or with members of their household
- any medical need, including to donate blood, avoid or escape risk of injury or harm, or to provide care or to help a vulnerable person
- travelling for work purposes, but only where the public are unable to work from home

Author:

Ext:

As a Waste Disposal Authority, the County Council was faced with balancing the provision of its statutory duty under the EPA 1990 whilst complying with and supporting the government's lockdown announcement and the Regulations. It was considered that the Regulations take priority over the statutory duty to provide HWRCs and visits to HWRCs would not constitute a reasonable excuse for a member of the public to leave their home during the emergency period while the Regulations are in force.

On 24 March 2020, after giving due consideration to the government's Coronavirus guidelines the Executive Director for Economy, Transport and Environment took the decision to close the HWRCs indefinitely on the basis that travel to an HWRC facility did not fall within the essential travel criteria, during the "lock-down" period. Signs were created (see Appendix 1) and are displayed at each site during the closure.

HWRCs in Derbyshire only collect 15% of total local authority collected waste, with the Waste Collection Authorities collecting the majority of it, 85% at kerbside. In view of this the Council has endeavoured to support the Waste Collection Authorities throughout the pandemic in maintaining their kerbside collections, ensuring disposal outlets are readily available and assisting WCAs where issues have arisen in order to try and ensure householders are not required to leave their property unless it is for one of the categories under the Government guidance.

Much of the waste that goes through the recycling centres is "bulky waste" (large items such as furniture, wood and metals) and garden waste. It was considered that people should hold onto these items until the sites reopen and make efforts to compost at home, where possible.

At the time of writing this report the lockdown remains in place and the HWRCs remain closed in accordance with Government guidance and regulations. Officers are developing a recovery plan for the re-opening of HWRCs once the restrictions are lifted.

### **(3) Legal Considerations**

The Council's Constitution provides that:

*"...notwithstanding any other provision of the Constitution, the Executive Directors shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."*

The Council had to act very quickly to ensure the protection of public health and in the circumstances it was not practical to wait until the next scheduled Cabinet meeting.

Author:  
Ext:

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(4) **Key Decision**      **Yes**

(5) **Call-In**      Is it required that call-in be waived in respect of the decisions proposed in the report? **Yes**

(6) **Background Papers** Shaun Bennett – 01629 539554

(7) **OFFICER'S RECOMMENDATION**      That the urgent decision taken by the Executive Director – Economy, Transport and Environment, in accordance with the Council's Constitution, be noted.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

Author:  
Ext:

## Appendix 1

HWRC Closure Notices created and placed at each site



# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Joe Batty		Service: Economy and Regeneration
Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE		
Subject of Decision:	Support to contracted transport - amended as of 23 March 2020	
Decision Taken(specify precise details):	<p><b>See also Government Guidance issued 22 March 200 – attached</b></p> <p><b>To pay all operators who currently provide the Council with transport services, 100% of the contract value until at least the end of June 2020, irrespective of whether services are disrupted or suspended.</b></p> <p><b>This is in line with new Government advice</b></p> <p><b>This decision will supersede that taken by CMT Gold on Friday 20<sup>th</sup> March</b></p> <p><b>Contractors to be sent a ‘variation of contract’ notice – supported by Legal – to secure flexibility in the use of contractor resources over this period.</b></p> <p><b>For the avoidance of doubt, it is proposed the decision regarding concessionary fares remains in place (unless any other Govt guidance supersedes it)</b></p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	The reasons for this decision remain as per the original proposal but are now supported by Govt advice and requires the full 100% of contract value to be paid, not just 90%	
Alternative Options Considered (if appropriate)	1) Do nothing – ignoring Govt advice is not considered an appropriate option	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	See previous report which was considered and agreed at CMT Gold meeting on 20 <sup>th</sup> March 2020	
Consultation with relevant Cabinet Member (s)	Not yet advised	
Decision:	Report	

Signature and Date:

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned to the left of the date.

23<sup>rd</sup> March 2020

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

**PAYMENT TO COUNTY COUNCIL TRANSPORT PROVIDERS TO  
ADDRESS IMPACT OF CORONAVIRUS (COVID-19) (HIGHWAYS,  
TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To note the urgent decision taken by the Executive Director - Economy, Transport and Environment initially on 20 March 2020 and superseded by a further decision on 23 March 2020. That decision was to pay all operators who currently provide the Council with transport services 100% of the contract value, until at least the end of June 2020, irrespective of whether services are disrupted or suspended.

(2) **Information and Analysis** The private hire coach and taxi sector is critical in supporting the Council's transport function in the areas of home to school, special needs and demand responsive travel. In addition, commercial operators are funded by the Council to provide 'supported services' in areas where bus patronage is insufficient to warrant a self-sustained/fully commercial service, but where the route is considered essential for 'travel to work' or 'travel to learn' purposes. The Council has a total of around £35m committed expenditure (per annum) across these services, including around £10m of concessionary fare payments (statutory).

The transport sector is exceptionally vulnerable to changes in the economy and shocks, such as COVID-19, have had a devastating impact already with day excursions, airport runs, school and day care runs being cancelled. As of 19 March 2020, almost all bus operators and many taxi firms advised of the precarious nature of the business and indicated they will be unlikely to stay in business and survive the crisis without financial support. Since this time, public transport patronage has dropped by 95% in some instances. Other issues that have informed the proposal include: the limited availability of Public Service Vehicle (PSV) drivers; the little/lack of capacity in the wider transport market to respond to demand as/when it arises; the continued costs being faced by bus operators to maintain 'O Licences'; and the high level of self-employment within the sector (particularly taxis).

## Proposal

Based on the above, and the critical role that transport infrastructure plays in supporting the wider economy, it is recognised that maintaining a level of funding support to those operators under contract to the Council is critical to economic sustainability in the long term, particularly in relation to the following areas of service delivery:

- Derbyshire Connect
- Mainstream Home to School
- Special Educational Needs Home to School
- Adult Care Services
- Contracted and Commercial Local Bus Services

It was initially proposed (and agreed) by the Executive Director – Economy, Transport and Environment on 20 March 2020, that 90% of contract value would be paid to contracted transport operators to help support continued survival of the sector. However, Government issued national advice on 22 March 2020 (PPN 02/20), which superseded this decision and required that 100% of the contract value be paid (see attached Appendix 1 for details of Government advice note). Therefore, a further decision was made by the Executive Director on 23 March 2020, in line with the Government advice, to pay transport contractors 100% of their contract value for services provided to the Council, irrespective of whether those services are disrupted or suspended.

It was also agreed that transport contractors would be issued with a 'variation of contract' notice to secure flexibility in the use of contractor resources over this period.

**(3) Financial Considerations** The Council has a total of around £35m committed expenditure (per annum) across these services, including around £10m worth of concessionary fare payments (statutory); the period of mid-March to end of June 2020 would equate to approximately 25% of this expenditure (£8,750,000).

Any potential saving against this planned expenditure (e.g. as a result of loss of bus service or reduced patronage) would be a financial 'windfall', but there are wider considerations linked to the social and economic value of helping bus operators and transport contractors survive this period of uncertainty so that service provision can immediately be resumed when required.

The demand sources (schools, special needs, elderly people, etc) cannot sustain a time delay in 'gearing up' provision which might come about if taxi companies or bus operators are no longer in existence once the recovery phase is initiated.

In any event, Government has required the contract values be paid in full for this period.

(4) **Legal Considerations** The Council's Constitution provides that:

*"...notwithstanding any other provision of the Constitution, the Executive Directors shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."*

The Council had to act very quickly to ensure the protection of critical public services and, in the circumstances, it was not practical to wait until the next scheduled Cabinet meeting to secure a decision.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That Cabinet notes the urgent decision taken by the Executive Director – Economy, Transport and Environment, in accordance with the Council's Constitution, to pay all operators who currently provide the Council with transport services 100% of the contract value, until at least the end of June 2020, irrespective of whether services are disrupted or suspended.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**



## Procurement Policy Note - Supplier relief due to COVID-19

Action Note PPN 02/20

March 2020

### Issue

1. This Procurement Policy Note (PPN) sets out information and guidance for public bodies on payment of their suppliers to ensure service continuity during and after the current coronavirus, COVID-19, outbreak. Contracting authorities must act now to ensure suppliers at risk are in a position to resume normal contract delivery once the outbreak is over.

### Action

2. All contracting authorities should:

- Urgently review their contract portfolio and inform suppliers who they believe are at risk that they will continue to be paid as normal (even if service delivery is disrupted or temporarily suspended) until at least the end of June.
- Put in place the most appropriate payment measures to support supplier cash flow; this might include a range of approaches such as forward ordering, payment in advance/prepayment, interim payments and payment on order (not receipt).
- If the contract involves payment by results then payment should be on the basis of previous invoices, for example the average monthly payment over the previous three months.
- To qualify, suppliers should agree to act on an open book basis and make cost data available to the contracting authority during this period. They should continue to pay employees and flow down funding to their subcontractors.
- Ensure invoices submitted by suppliers are paid immediately on receipt (reconciliation can take place in slower time) in order to maintain cash flow in the supply chain and protect jobs.

#### Dissemination and Scope

3. This PPN is applicable to all contracting authorities, including central government departments, executive agencies, non-departmental public bodies, local authorities, NHS bodies and the wider public sector (excluding Devolved Administrations). Together these are referred to in this PPN as ‘contracting authorities’. This PPN covers goods, services and works contracts being delivered in the UK.
4. Please circulate this PPN across your organisation and to other relevant organisations that you are responsible for, drawing it to the specific attention of those with a commercial and finance role.

#### Timing

5. With immediate effect until 30 June 2020.

#### Background

6. The current outbreak of COVID-19 is unprecedented and will have a significant impact on businesses of all sizes. Many suppliers to public bodies will struggle to meet their contractual obligations and this will put their financial viability, ability to retain staff and their supply chains at risk. Contracting authorities should act now to support suppliers at risk so they are better able to cope with the current crises and to resume normal service delivery and fulfil their contractual obligations when the outbreak is over.
7. It is vital that contracting authorities pay all suppliers as quickly as possible to maintain cash flow and protect jobs. Contracting authorities should also take action to continue to pay suppliers at risk due to COVID-19 on a continuity and retention basis. Contracting authorities can consider making advance payments to suppliers if necessary.
8. Central Government organisations should note that Managing Public Money prohibits payment in advance of need in absence of Treasury consent as this is always novel contentious and repercussive. However, in the circumstances Treasury consent is granted for payments in advance of need where the Accounting Officer is satisfied that a value for money case is made by virtue of securing continuity of supply of critical services in the medium and long term. This consent is capped at 25% of the value of the contract and applies until the end of June 2020. HM Treasury will review in mid-June whether this consent needs to be extended for a further period. Consent for payment in advance of need in excess of this amount should be sought from HMT in the usual way. This consent does not alleviate Accounting Officers their usual duties to ensure that spending is regular, proper and value for money or for other contracting authorities to conduct appropriate and proportionate due diligence to ensure such payments are necessary for continuity of supply of critical services.

9. Contracting authorities should aim to work with suppliers and, if appropriate, provide relief against their current contractual terms (for example relief on KPIs and service credits) to maintain business and service continuity rather than accept claims for other forms of contractual relief, such as force majeure.

10. Continuing to make payments to at risk suppliers will present risks including that, despite these exceptional actions, a supplier may still become insolvent. These risks will need to be managed by contracting authorities on a case by case basis.

#### Contact

11. Further guidance on COVID-19 for individuals, employers and organisations is available on GOV.UK.

12. Enquiries about this PPN should be directed to the helpdesk at [info@crownccommercial.gov.uk](mailto:info@crownccommercial.gov.uk).

## SUPPLIER RELIEF DUE TO COVID-19

### INTRODUCTION

The public sector must act quickly and take immediate steps to pay all suppliers as a matter of urgency to support their survival over the coming months.

Where goods and services are either reduced or paused temporarily, authorities should continue to pay at risk suppliers to ensure cash flow and supplier survival. This could include, for example situations where:

- Services are cut short / reduced at short notice due to the impact of COVID-19 and non-payment could result in supply chains collapsing and/or significant financial implications for the supplier.
- It would be value for money and important to business continuity to continue to pay suppliers in the short term (regardless of whether you are able to reconcile at a later stage). This would ensure continuity of services when services can resume.

PPN 01/20 sets out how contracting authorities can amend contracts under Regulation 72 of the Public Contracts Regulations 2015<sup>1</sup>. Changes should be captured in contract variation or change note, and make clear that the changes relate only to the COVID-19 situation, include a review provision or time limit, and that it is the authority's decision when things should return to normal.

### PAYMENT TO MAINTAIN BUSINESS CONTINUITY

Contracting authorities should confirm with their at risk suppliers that they will continue to pay until at least the end of June, to ensure business and service continuity. Contracting can define their 'at risk suppliers' according to need. In

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<sup>1</sup> Or equivalent procurement regulations

general, this should override provisions in contracts that might require contracting authorities to pay suppliers on a decreasing scale as a result of, for example performance, force majeure or business continuity clauses.

There are a range of ways to support suppliers in maintaining cash flow during this period. Contracting authorities can continue to pay at usual contractual rates, or consider other options such as payment against revised/extended milestones or timescales, interim payments, forward ordering, payment on order or payment in advance/prepayment. Risks associated with advance or pre payment should be carefully considered and documented.

Where contracts operate 'payment by result' or are 'output / outcome' based, payments to suppliers should be made on the basis of a calculation of the average of the last three months invoices. Where possible, any payments made to suppliers during this emergency period should be adjusted to ensure profit margin is not payable on any undelivered aspects of the contract, however this should not delay payments being made.

Suppliers should identify in their invoices which elements of the invoiced amount relates to services they are continuing to supply (i.e. business as usual) and which amounts are attributable to the impact of COVID-19.

Payments should not be made to suppliers where there is no contractual volume commitment to supply, and contracting authorities should carefully consider the extent of payments to be made to suppliers who are underperforming and subject to an existing improvement plan.

#### Transparency

Contracting authorities and suppliers should work collaboratively to ensure there is transparency during this period. Suppliers in receipt of public funds on this basis during this period must agree to operate on an 'open book' basis. This means they must make available to the contracting authority any data, including from ledgers, cash-flow forecasts, balance sheets, and profit and loss accounts, as required and requested to demonstrate the payments made to the supplier under contract have been used in the manner intended.

For example, this might include evidence that staff have been paid the right amount and on time, and that cash continues to flow through the supply chain as quickly as possible. Contracting authorities should keep records of decisions and agreements made, and ensure suppliers maintain records to enable future reconciliation if necessary.

Suppliers should not expect to make profits on elements of a contract that are undelivered during this period and all suppliers are expected to operate with integrity. Suppliers should be made aware that in cases where they are found to be taking undue

advantage, or failing in their duty to act transparently and with integrity, contracting authorities will take action to recover payments made.

#### Supplier capacity

Many suppliers will not be able to fulfil their contracts due to action taken elsewhere in the public sector. For example, transport services for school children, due to the closure of schools. Wherever possible, contracting authorities should seek to re-deploy the capacity of those suppliers to other areas of need; this can be implemented via a time-bound variation to the original contract under regulation 72 of the Public Contract Regulations (see PPN 01/20).

#### OTHER CONTRACTUAL RELIEF

Contracting authorities should work with all suppliers to ensure business continuity is maintained wherever possible and that business continuity plans are robust and are enacted.

If a supplier seeks to invoke a clause relating to a form of contractual relief that would allow them to suspend performance, such as force majeure, contracting authorities should first work with the supplier to amend or vary contracts instead. These variations could include changes to contract requirements, delivery locations, frequency and timing of delivery, targets and performance indicators etc. Changes to the original terms should be limited to the specific circumstances of the situation, and considered on a case by case basis.

Other reliefs sought by a supplier could relate to any contractual obligation but usually takes the form of one, or both, of the following:

- an extension of time for contract performance (eg revised milestones dates or delivery dates, etc);
- a waiver or delay in the ability of the contracting authority to exercise a right and/or remedy (eg to claim liquidated and ascertained damages, service credits or terminate the contract)

Each claim for relief should be considered on a case by case basis, according to the nature of the goods/services/works being supplied, the challenges being faced, the contract terms and the constraints of any statutory requirements, for example the PCR to above-threshold contracts. You should seek specific legal advice as required. Contracting authorities should take a pragmatic approach. These discussions and any temporary changes agreed should be recorded. The contract should return to its original terms as soon as the impact of the COVID-19 outbreak on the relevant contract is over.

Contracting authorities should not accept claims from suppliers who were already struggling to meet their contractual obligations prior to the COVID-19 outbreak.

#### Force Majeure

Force majeure is a contractual term which may, (depending on the specific terms of the contract) allow one or both of the parties, when a specified event or events occurs beyond their control:

- to terminate the contract; or
- to be excused from performance of the contract, in whole or in part; or
- to be entitled to suspend performance for the period the event is continuing or to claim an extension of time for performance

It is important that force majeure clauses is not considered in isolation given its impact on other clauses such as exclusivity, liability, liquidated damages and termination rights. It may also be relevant to consider the governing law and jurisdiction clause as contracts subject to foreign law may be interpreted differently by the courts. It may also be an exclusion clause, which is subject to the Unfair Contract Terms Act 1977.

Contracting authorities are not bound to accept a supplier's claim for force majeure and can resist it. You should seek legal advice when dealing with a claim and continue to work with the supplier to maintain service continuity as far as possible. An attempt by a supplier to invoke a force majeure clause without valid cause may mean that the supplier is in breach of contract.

Force majeure clauses do not automatically entitle either party to claim relief. In some cases, a contract will not allow termination at all due to force majeure, and it cannot be forced.

#### Frustration

It is unlikely a supplier will seek to frustrate a contract if they continue to be paid. However, unlike force majeure, frustration is rarely included as a provision in the contract. Instead, frustration arises where an event, for which the contract makes no sufficient provision, renders performance of the contract impossible or radically changes a party's principal reason for entering into the contract.

If a contract has been frustrated, it terminates automatically and the parties are excused from their future obligations. Any contractual obligations incurred before the time of frustration, such as for the contracting authority to pay outstanding charges to a supplier, remain enforceable. As neither party is at fault in respect of the frustration, neither may claim damages from the other for non-performance after the contract is declared frustrated.

However, the threshold for a contract being declared 'frustrated' is high and the fact that the contract will merely be more expensive to perform, or that the provider will have to perform the contract in a different way as a result of COVID-19 and/or its impact, are highly unlikely to constitute grounds for frustration in itself. You should seek legal advice if a supplier claims 'frustration'.

#### Excusing Causes, Relief Events and other options

If included in a contract, excusing cause and relief event provisions generally give a supplier relief from its contractual obligations, which contracting authorities may be able to use to provide relief, for example, to change the KPI regime, payment mechanism or reduce service level requirements. Some contracts may have other relief mechanisms. Whatever the regime, contracting authorities should maximising any commercial flexibilities within the contract, including agreeing new measures such as on meeting lead times, waiving or delaying exercising the authority's rights and/or remedies (e.g. to claim liquidated and ascertained damages, service credits or terminate the contract), revising milestones or delivery dates. In these circumstances, if there is one, use the contract change control procedure to keep records of any changes made and the decision making behind each one. If not, keep your own records.

#### ACCELERATING PAYMENT OF INVOICES

Contracting authorities should pay suppliers as quickly as possible to maintain cash flow and protect jobs. The public sector must pay suppliers within 30 days under the Public Contracts Regulations 2015 but contracting authorities now need to accelerate their payment practice.

Contracting authorities should act now to ensure payment is made as quickly as possible to their suppliers, including:

- Targeting high value invoices where a prime is reliant on a supply chain to deliver the contract.
- Resolving disputed invoices as a matter of urgency; consider paying immediately and reconciling at a later date in critical situations.
- Take a risk based approach as to whether 2-way matching is always needed (rather than adopt regular 3-way matching against receipt and Purchase Order)
- Encourage suppliers to invoice on a more regular basis to help cash flow (eg every week rather than monthly)

Contracting authorities should consider the following additional contingency measures during the COVID-19 outbreak

Contingency measures - delegated authority to ensure invoices are not delayed

With significant levels of staff absence possible, ensure you have appropriate contingencies in place including sufficient numbers of staff with delegated authority to promptly receipt / authorise an amount due for payment in business units as well as finance teams.

Contract Managers and Business Units

Receipt for goods promptly, do not delay and ensure there is a contingency in place for delegated authority to approve in the event of staff shortages. Monitor flow down to ensure payment is cascading down the supply chain.

Verifying invoices as quickly as possible

Verify an invoice as quickly as possible and do not send invoices back for minor administrative errors and risk causing delay in payment. Continue to undertake necessary checks, however, look to resolve any issues as a matter of urgency and reconcile any minor discrepancies in information at a later stage.

Payment Card Solutions

Use of procurement/payment cards where possible to ensure businesses are paid as quickly as possible. Consider increasing the upper limit of spend, open up categories and ensure an appropriate number of staff have the authority to use.


Invoicing procedures clearly set out for your suppliers

Be clear where suppliers should send their invoice, including email address and the process required. This should be clear on the authority's website. This will minimise the number of invoices with incorrect information and/or being issued to the wrong address. Issue a reminder to all your suppliers to help them best prepare and ask for invoices to be sent in electronically to avoid hard copies sitting in office buildings potentially unattended.

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: James Adams		Service: Civil Parking Enforcement	
Delegated Power Being Exercised:			
Subject of Decision:		1. Suspension of On Street Pay and Display Bays 2. And reduced on street parking enforcement	
Key decision?		Yes	
Decision Taken(specify precise details):		1. To suspend the need for on-street Pay and Display in town centres of <ul style="list-style-type: none"> <li>a. Bakewell</li> <li>b. Buxton</li> <li>c. Castleton</li> <li>d. Chesterfield</li> <li>e. P&amp;D Machines will be bagged off where necessary.</li> </ul> 2. To suspend on-street parking enforcement throughout Derbyshire, but to keep available Enforcement officers on stand-by to maintain: <ul style="list-style-type: none"> <li>a. road safety (primarily enforcement of single and double yellow lines</li> <li>b. turnover in limited waiting bays t allow access to essential shops</li> <li>c. to keep residents' parking zones free for residents as this is a paid for service.</li> </ul>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		1. Pay and Display <ul style="list-style-type: none"> <li>a. To enable fair access to essential shops, and minimise need for staff to service the machines.</li> <li>b. Unable to guarantee cash collection services from local authorities of other means. Also to prevent P&amp;D machines become targeted for theft.</li> </ul> 2. Enforcement. There is reduced traffic but as road safety becomes a problem or access to essential shops a problem the Council maintains the ability to put some enforcement into areas required.	
Alternative Options Considered (if appropriate)		Nil	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		1. Pay and Display. This will incur a loss of £15,000 a month 2. Enforcement. This standby will cost approximately £48,000 a month, subject to available manpower from NSL our contractor. They will be providing DCC with a daily list of available staff. This cost will still be paid if	

		<p>the Council does not require the standby element and have no on-street enforcement.</p> <p>3. This system maintains Health and safety of staff but allows DCC to support the Police if road conditions become unsafe, and is supported by DfT and the BPA.</p> <p></p> <p>Local Authority Parking Operational</p>
Consultation with relevant Cabinet Member (s)		
Decision:		
Signature and Date:		

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Joe Battye		Service: Economy and Regeneration
Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE		
Subject of Decision:	Markham Vale Environment Centre	
Decision Taken(specify precise details):	<p>No additional information</p> <p>To temporarily close the Markham Vale Environment Centre</p> <p>All staff to work remotely (this has been facilitated already)</p> <p>To increase the level of security at the premises; this to include a periodic day time 'sweep' of the building and locality (this will be relatively small given the current level of night time security that is provided). The small amount of additional costs to be calculated and confirmed.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>Markham Vale Environment Centre is a flagship building with an existing level of night time security provided.</p> <p>Security is provided on contract, not by Council employees.</p>	
Alternative Options Considered (if appropriate)	<p>1) Do nothing – this is not a preferred option given the potential for anti-social behaviour</p> <p>2) Keep the building open – this is not a preferred option as all customers have cancelled bookings for meetings so there is already a significant loss of income; costs of heating and lighting can be saved and staff can work from home.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	None	
Consultation with relevant Cabinet Member (s)	Discussion with Cllr Tony King on 24 <sup>th</sup> March	
Decision:		
Signature and Date: Joe Battye 25 <sup>th</sup> March 2020		

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

**TEMPORARY CLOSURE OF MARKHAM VALE ENVIRONMENT CENTRE  
(CLEAN GROWTH AND REGENERATION)**

(1) **Purpose of Report** To note the urgent decision taken by the Executive Director - Economy, Transport and Environment on 25 March 2020, in accordance with the Council's Constitution, to close the Markham Vale Environment Centre (MVEC) on a temporary basis as a result of the impact of COVID-19 and increase the level of security and surveillance.

(2) **Information and Analysis** MVEC is a flagship building located at the heart of the Markham Vale campus. It is owned and managed by the County Council and provides permanent office premises for Council staff, touch down facilities for remote workers and conferencing/meeting facilities that are utilised widely by external organisations.

The MVEC and immediate industrial units also have the benefit of dedicated night-time security which is provided on contract.

**Proposal**

Due to the restrictions imposed by 'lockdown', it is proposed to temporarily close the building as it is difficult to provide a safe and meaningful offer, either as a meeting venue or office base.

In the lead up to the lockdown being announced, external bookings for conferencing and meeting facilities have been cancelled in their entirety for the period up to end of June; typically, weekly receipts for room bookings are approximately £700 - £1000.

Also, the Council has confirmed that all staff are to work from home where this is practically possible; for those staff based at Markham, appropriate arrangements for remote working have been made available.

Given the fact that normal occupancy of the MVEC building provides natural surveillance during office hours, and the fact that many other industrial units on the campus are closed as a result of COVID, it is proposed to increase the current level of security from 'night-time only' to include daytime cover through a periodic 'sweep' of the building and locality. The likely additional cost for 24

hour security is approximately £1,800 per month but will ensure the Council's flagship building is better protected for the duration of lockdown.

(3) **Financial Considerations** The financial impact of the decision is in the region of £2,500 to £3,000 lost income and £5,400 additional costs. This increased expenditure is directly attributable to the impact of COVID and will be met from the associated corporate budget.

(4) **Legal Considerations** The Council's Constitution provides that:

*"...notwithstanding any other provision of the Constitution, the Executive Directors shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."*

The Council had to act very quickly to ensure the protection of its staff and the public and, in the circumstances, it was not practical to wait until the next scheduled Cabinet meeting to secure a decision.

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That Cabinet notes the urgent decision taken by the Executive Director – Economy, Transport and Environment, in accordance with the Council's Constitution, to close the Markham Vale Environment Centre on a temporary basis as a result of the impact of COVID-19 and increase the level of security and surveillance.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

**Agenda Item No.**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

**PERMISSION TO PROCURE A CONTRACT FOR THE SUPPLY OF SKIPS  
(HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval to procure a contract for the provision of Waste Skip Hire to be utilised by all departments across the Council. The contract will be divided into geographical lots with a maximum of one supplier to be awarded per lot, to ensure that there is sufficient supply and suitable coverage. All lots in the contract will run for an initial period of two years with an option to extend for a further 12 month periods, subject to supplier performance. The estimated costs for the contract over a four year period is £2 million.

(2) **Information and Analysis** Derbyshire County Council had a framework in place for the supply of skip hire to meet the requirements of all departments of the County Council from 1 October 2014 to 30 September 2016, with options to extend for two further periods of one year, established under the procurement Protocol 1 of the Council's Financial Regulations.

The further contract extensions were taken and the contract ultimately terminated on 30 September 2018.

Due to time constraints and since that termination date, interim arrangements are currently in place that allows monthly period pricing prior to a fully compliant procurement being established under Procurement Protocol 7b of the Council's Financial Regulations and Public Contracts Regulations 2015.

The previous tender established a multi-supplier framework agreement over multiple lots to cover the geographical areas of Derbyshire with a contract term of up to four years. Following detailed analysis of user requirements, the proposed new procurement will determine how best to arrange the multiple skip requirements into manageable lots in order to get the best value for the County Council. It is proposed that the new contract term will run for a minimum period of two years, with an option to extend in annual increments for a maximum of two further years.

(3) **Financial Considerations** The original contract was estimated to be approximately £2.4 million. Recent analysis of the past four years (2016-2019) spend has this at £1.79 million:

<b>Department</b>	<b>2016-2019 Spend (£)</b>
Adult Social Care and Health	29,327.33
Commissioning Communities and Policy	658,690.00
Childrens Services	126,807.39
Economy, Transport and Environment	971,118.14
	1,785,942.86

The predicted budget now stands at £2 million which includes an annual 3% inflation increase.

(4) **Legal Considerations** This procurement process will be carried out under Protocol 1 of the Council's Financial Regulations as the estimated contract value is above the Official Journal of European Union (OJEU) threshold value of £189,330. With the total contract value exceeding £500,000, and not an approved procurement in the Departmental Service Plan, Cabinet will be required to approve the award of the contract.

(5) **Social Value Considerations** Section 34 of the Environmental Protection Act 1990, establishes the waste duty of care which requires that Derbyshire County Council must take all reasonable steps to ensure that its waste is managed correctly throughout its complete journey to disposal or recovery.

In practice, this means that the waste carrier must be authorised to transport waste (Carrier Registration), that the intended destination is authorised to accept it (Environmental Permit or Exemption) and that the waste and its movement to the intended destination are accurately described (Waste transfer note).

It will be mandatory the carrier (skip provider) provides the County Council with evidence of all registrations and permits and that a copy of the signed Transfer Note is provided for each movement either in paper or electronic copy.

The County Council will ensure there is a system in place where copies are retained for the two years for non-hazardous and three years for hazardous wastes.

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human

resources, environmental, health, property, social value and transport considerations.

(6) **Key Decision** Yes.

(7) **Call-In** is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within County procurement.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet approves the procurement of a contract for the Supply of Skips, under Protocol 1 of the Council's Financial Regulations, for different locations throughout the geographical area of Derbyshire.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**

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Author: Sue Pegg (x36040)

**Agenda Item No.6 (d)**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

**Report of the Executive Director for Children's Services**

**EXPANSION OF GLOSSOPDALE SCHOOL  
(YOUNG PEOPLE)**

**1. Purpose of Report**

To report the outcome of the statutory consultation on the expansion of Glossopdale School and seek a decision on that expansion.

**2. Information and Analysis**

In September 2018, the new Glossopdale School was opened to all age groups from 11 – 18. The old school was split across three sites in Glossop and Hadfield however the new building is on a single site in Hadfield. The replacement school was designed to be delivered in two phases. The core facilities (sports hall, hall and dining) have been built to accommodate 1440 pupils however in the initial phase, the teaching accommodation was limited to supporting 1200 pupils. It had been intended to carry out the second phase of building at a later date to provide places generated by the housing development in the town and funded by the Section 106 contributions. Demand for places however has been very high, exacerbated by the large cohort of pupils moving from primary to secondary education at this time which is in line with many other areas of the Country.

Following a review of pupil numbers, current projections and the extent and speed of housing development in Glossop, consideration was given to bringing the second phase of the project forward. A non-statutory consultation took place between 14 October 2019 and 15 November 2019 to seek the views of interested parties. On 16

January 2020 (minute number 9/20) the outcome of that consultation was reported to Cabinet and a decision was made to publish a Statutory Notice for the expansion. There was a further period of consultation between 24 February and 20 March 2020.

Whilst the non-statutory consultation attracted 58 responses, the Statutory Notice has only generated 3 responses however given the overwhelming support expressed at the non-statutory phase, this is not unusual. All the responses supported the proposal with one feeling strongly that children should be able to attend their local school and that sufficient school places were necessary both for the young people and for the community of Glossop as a whole.

One response, whilst supporting the expansion felt that more needed to be done about the traffic at school drop off and pick up times as it was felt that it raised safety issues for car users but more specifically pupils crossing the road on their way to school. There are on-going discussions relating to pedestrian safety and that, together with traffic measures, will be considered as part of the planning application. The third response was received from High Peak Borough Council which outlined the need for the expansion plans to comply with the Local Plan. Although the planning application will be submitted to Derbyshire County Council, High Peak Borough Council will be a consultee and its points will be addressed as part of that process.

Whilst the consultation has taken place Cabinet has approved the funding for the expansion (see Financial Considerations below). As the school does not have an Ofsted category of Good or Outstanding, authority has been sought from the Regional Schools Commissioner (RSC) to expand the school under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the Department for Education guidance publication - Making significant changes ('prescribed alteration') to maintained schools published in October 2018. The RSC has delegated that permission to the Authority. The design of the additional facilities has been progressed and submitted to planning in April 2020.

### **3. Financial Considerations**

The cost of the expansion will be confirmed once the design has been agreed however it is expected to be in the region of £4M. On 23 January 2020 (minute 28/20), Cabinet approved £4M funding under the Prudential Code for the financial year 202/2021.

### **4. Legal Considerations**

The proposal is subject to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the Department for Education guidance publication - Making significant changes ('prescribed alteration') to maintained schools published in October 2018. Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and the Local Authority to consult interested parties in developing their proposal prior to publication as part of a duty under public law to act rationally and take into account all relevant considerations. The non-statutory consultation took place between 14 October 2019 and 15 November 2019 which was a 5 week period to take account of the 1 week half term break. The Statutory Notice was published on 23 February 2020 and statutory consultation took place from that date until 20 March 2020 which was a 4 week period.

## **5. Property Considerations**

The Glossopdale School is owned by Derbyshire County Council. The works will be procured and carried out through County Property. If the school converts to an academy prior to the start of the project, the land and buildings will be leased to the MAT however the Authority will carry out the project on the MAT's behalf.

## **6. Social Value**

The Authority has a statutory duty to provide sufficient places for the pupils in the County and this expansion will address the needs of the town of Glossopdale.

## **7. Other Considerations**

In preparing this report the relevance of the following factors has been considered: Prevention of Crime & Disorder, Equality of Opportunity and Environmental, Health, Human Resources and Transport Considerations.

## **8. Background Papers**

These are held on file in the Children's Services Development Section and County Property.

## **9. Key Decision**

No.

- 10. Call-in.** Is it necessary for the call-in period to be waived in respect of the decisions being proposed in this report?

No.

**11. Strategic Director's Recommendations**

To approve the expansion of Glossopdale School subject to receiving planning permission for the project.

**Jane Parfremment, Executive Director for Children's Services**

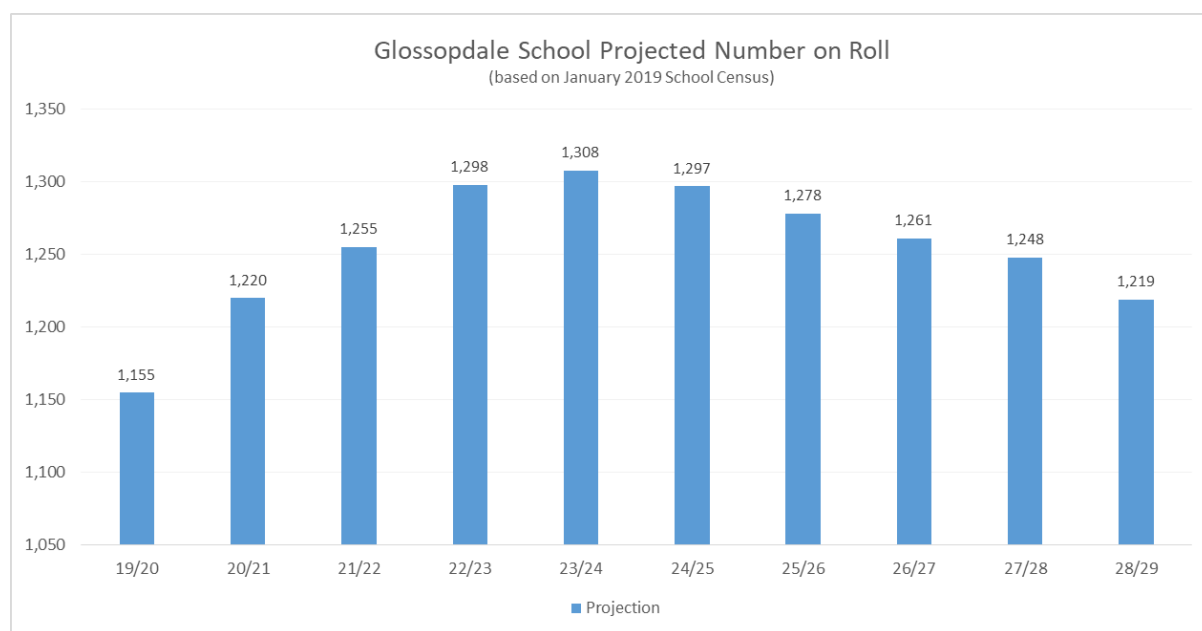
## Appendix A

### DERBYSHIRE COUNTY COUNCIL CONSULTATION ON THE EXPANSION OF GLOSSOPDALE SCHOOL

Derbyshire County Council is considering the expansion of Glossopdale School and would welcome the views of interested parties.

In 2018, the new building at Glossopdale School was opened on the Hadfield site. The school was designed to accommodate 1000 pupils in the age range 11–16 and 200 post 16 students. The core facilities (hall, sports hall and dining) however were built to accommodate 1440 pupils comprising 1200 pupils 11-16 and 240 post 16 students to allow for expansion to meet the need created by housing growth in the area. The layout of the school has been designed to allow for an additional wing of teaching accommodation. In planning the new school, there was a recognition that there was a large cohort of pupils moving from primary to secondary education at present and throughout the UK there is pressure on secondary places. Although the net capacity is specified, there is an element of flexibility taking the capacity up to 1316 as the top of the range and this, together with the larger core facilities, has enabled the school to exceed its planned admission number of 200 over the past 2 years.

The table below shows the projections for the next 5 years



The graph shows a peak in 2023/2024 before a decline in numbers which reflects the reduced birth rates seen across the Country.

The projections however do not take into account the housing planned and under construction in the area. At present there are 660 dwellings with planning approval and a further 242 with pending applications. The High Peak Borough Council Local Plan identifies further sites with the potential to deliver an additional 273 dwellings over the next 5 years. Not all new houses will

necessarily generate additional pupils however in a worst case scenario, the total housing could generate up to 239 secondary pupils over the next 5 years. Historically a percentage of pupils have taken places at schools outside the town however over recent years this number has reduced significantly. Using the current percentage of 85% remaining in Glossop, the likely level of demand created by new housing could be up to 203 pupils by 2024. That number added to the projections would result in a peak beyond the revised net capacity of 1440 however, using the flexibility referred to earlier, it would fall below the top of net capacity range.

On the basis of the information provided, the Authority believes that there is a strong case to expand the school however it is seeking the views of interested parties about the expansion and the provision of an additional 240 pupil places. Any decision to proceed with the expansion plans would be subject to statutory consultation, funding and planning permission for the new wing. The outcome of this consultation will be reported to Cabinet at Derbyshire County Council in January 2020 where a decision will be taken concerning the issue of a statutory notice.

This consultation will take place from 14 October 2019 to 15 November 2019. Any comments should be forwarded to Sue Pegg, Head of Development at [sue.pegg@derbyshire.gov.uk](mailto:sue.pegg@derbyshire.gov.uk) or addressed to:  
Block C, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire. DE4 3FW

## **Appendix B**

### **Statutory Notice for the Proposal by Derbyshire County Council for the Expansion of Glossopdale School**

Notice is given in accordance with the School Organisation (Prescribed Alteration to Maintained Schools) (England) Regulation 2013 that Derbyshire County Council, Smedley Street, Matlock, Derbyshire DE4 3AG intends to make a prescribed alteration to Glossopdale School located at Newshaw Lane, Hadfield, Glossop, Derbyshire SK13 2DA.

#### **It is proposed that the net capacity of Glossopdale School be changed from 1200 to 1440**

The current net capacity is 1200 comprising of 1000 pupils in the age range 11 – 16 and 200 post 16 students. Since the new school opened the school has been over-subscribed. Due to that demand for places and the housing growth in the town, the proposal is to increase the net capacity to 1440 comprising of 1200 pupils in the age range 11 – 16 and 240 post 16 students. The school opened in 2018 and the core facilities (sports hall, hall and dining) have already been provided for 1440. The additional accommodation therefore will be general teaching rooms.

S106 developer contributions will be sought to fund additional accommodation generated by the new housing but in the interim, funding from Derbyshire County Council is being sought to allow the expansion to take place as the demand is considered urgent.

#### **The consultation on this proposal will be from 24 February 2020 to 20 March 2020.**

The consultation document is available on the Derbyshire County Council website at [www.derbyshire.gov.uk/council/have-your-say](http://www.derbyshire.gov.uk/council/have-your-say) or by request from Sue Pegg on Tel: 01629 536040 or by e-mail to [sue.pegg@derbyshire.gov.uk](mailto:sue.pegg@derbyshire.gov.uk). Within four weeks of the publication of this notice, any person may object to or comment on the proposal by writing to the address or by sending an e-mail to the contact details below.

Sue Pegg, Head of Development, Block C, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire DE4 3FW or [sue.pegg@derbyshire.gov.uk](mailto:sue.pegg@derbyshire.gov.uk)

#### **The deadline for receiving responses is Friday 20 March 2020.**

Head of Development

Date of Publication

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