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PUBLIC

To: Members of Cabinet

Wednesday, 30 September 2020

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 8 October 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

AGENDA

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)
4. To confirm the minutes of the meetings of Cabinet held on 10 & 15 September 2020 (Pages 1 - 26)

5. To receive minutes of Cabinet Member Meeting as follows:
 - 5 (a) Adult Care - 3 & 17 September 2020 (Pages 27 - 30)
 - 5 (b) Health & Communities - 4 & 17 September 2020 (Pages 31 - 36)
 - 5 (c) Clean Growth & Regeneration - 10 September 2020 (Pages 37 - 38)
 - 5 (d) Corporate Services - 10 September 2020 (Pages 39 - 40)
 - 5 (e) Highways, Transport & Infrastructure - 10 September 2020 (Pages 41 - 46)
 - 5 (f) Strategic Leadership, Culture & Tourism - 23 September 2020 (Pages 47 - 50)

To consider reports as follows:

- 6 (a) Review of the Derbyshire Care Leavers' Offer - Interim Report (Pages 51 - 60)
- 6 (b) The Scrutiny Review (Pages 61 - 88)
- 6 (c) Review of Urgent Officer Decisions taken to support Covid-19 Response that have been in place for longer than eight weeks (Pages 89 - 94)
- 6 (d) Corporate Property Delivery - Grounds Maintenance (Pages 95 - 108)
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 interest (if any)
9. To confirm the exempt minutes of the meeting of Cabinet held on 10 September 2020 (Pages 109 - 114)
10. To receive exempt minutes of Cabinet Member Meetings as follows:
 - 10 (a) Corporate Services - 10 September 2020 (Pages 115 - 116)
 - 10 (b) Health & Communities - 17 September 2020 (Pages 117 - 118)

To consider exempt reports as follows:

- 11 (a) Corporate Property Delivery - Grounds Maintenance Full Business Case (Pages 119 - 158)
- 11 (b) Extension of Specialist Transport Contracts for Home to School Transport and Adult Care Transport under Coronavirus Pandemic and Retrospective Award of Additional Vehicles for School Transport for September 2020 (Pages 159 - 168)
- 11 (c) Supply of Temporary Agency Workers (Pages 169 - 180)

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MINUTES of a meeting of **CABINET** held on 10 September 2020.

PRESENT

Councillor S A Spencer (in the Chair)

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

Declarations of Interest

There were no declarations of interest made.

151/20 **MINORITY GROUP LEADERS' QUESTIONS**

Councillor P Smith asked the following question:

Agenda item 6(j) – Insurance Capital Maintenance Pool Allocations in 2020

How many schools have left the Insurance Maintenance Program due to Academisation and how many Grant Maintained Schools have left by choice?

Is the Cabinet confident that the ongoing trend continues to make this scheme viable and represent good value for money for Schools that still participate?

Councillor A Dale, Cabinet Member for Young People responded that this was the second revision of the scheme for 2018/19 to 2021 and it was fixed for 3 years.

Statistics proved that there had been a reduction of 23 members from 2018/19 to 2020/21.

This policy is about what is best for Schools and therefore future Academisation would not be resisted.

152/20 **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 30 July 2020 be confirmed as a correct record.

153/20 **CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Adult Care – 24 July, 6 and 20 August 2020
- (b) Clean Growth and Regeneration – 30 July 2020
- (c) Corporate Services – 16 July 2020
- (d) Health and Communities – 22 July, 3 and 21 August 2020
- (e) Highways, Transport and Infrastructure – 30 July 2020
- (f) Strategic Leadership, Culture and Tourism – 5 August 2020
- (g) Young People – 4 August 2020

154/20 CAPITAL BUDGET MONITORING TO MONTH 3 2020-21

(Strategic Leadership, Culture and Tourism) The Director of Finance & ICT informed Cabinet of the latest Capital budget monitoring position as at 30 June 2020.

The report reflected those schemes that were currently under way and have had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stayed within budget, and who verified the projected spend against their allocated schemes. The report contained schemes that were open at 1 April 2020 and also those that had been completed and closed in-year.

On 5 February 2020 Council had approved proposals relating to the Capital starts programme for 2020-21 totalling £109.3m, compared to the 2019-20 programme of £67.6m, an increase of £41.7m. The programme acknowledged the increased amount of borrowing above the previous set limit of £15m that would be required to fund the schemes in order for the Council to meet its statutory objectives. Due to subsequent approvals and project adjustments the 2020-21 Capital programme now stood at £111.1m. The schemes contained within the report included previously approved Capital Programmes over numerous funding years, including 2020-21.

The current budget for open schemes as at 1 April 2020 (some of which had now closed) was approximately £639.485m, with the latest monitoring showing a forecast underspend over the life of the projects of £11.537m which was represented in Appendix 1 to the report. The current budget for schemes that remained open as at 30 June was £629.532m.

The impact of the decisions taken by the Government in relation to the Covid-19 virus as a proactive measure to prevent the virus spreading had caused delays in some instances and had hindered the progress of projects to a varying degree which had altered the expenditure profile.

Set out in Appendix 2 to the report was a summary of the ten largest capital schemes that the Council currently had. These represented approximately 53% in value of all the capital schemes that were open as at 1 April 2020. These schemes were currently projected to underspend by £7.905m, this was mainly accounted for by the Local Transport Plans; any

underspend on each yearly plan was to be rolled forward. The reportable schemes within the Appendix had changed slightly from those previously reported to represent the completion of two Capital projects relating to the Accelerated Highways Maintenance project and Tibshelf School and Autism Centre. A Capital project for a new care home at Bennerley had been created on 11 May 2020 and due to its value now appeared in the Appendix. One existing project was also now reportable relating to Alfreton Park Special School due to the completion of the previously mentioned higher value projects.

RESOLVED that Cabinet notes the current position on the monitoring of Capital schemes.

155/20 **PREPARATION OF BUDGET 2021-2022** (Strategic Leadership, Culture and Tourism) The Director of Finance & ICT sought approval for the proposed timetable for the Council's 2021-22 budget preparation and procedures and the associated consultation arrangements.

The production of the Council's budget was undertaken in accordance with the requirements of the Council's Constitution. The Constitution required that a timetable was publicised by Cabinet for making proposals to the full Council in relation to the annual Revenue Budget, along with arrangements for consultation with stakeholders, which should be for a period of not less than six weeks. The proposed timetable was attached at Appendix 1 to the report.

A key element of the Council's budget setting process was consultation with stakeholders and the proposed consultation activities were highlighted. Cabinet would take account of the consultation when drawing up firm proposals to the Council and the results would be communicated after the consultation had ended.

The Council's Five Year Financial Plan 2020-21 to 2024-25 (FYFP) was being updated during 2020-21 and the results would be included in a report later in the year. The FYFP would be updated again as part of the budget setting process, to reflect the Government's Autumn Budget, the outcome of the Comprehensive Spending Review 2020 for the period 2020-21 to 2023-24 and the Provisional Local Government Finance Settlement, which were expected to be announced in November/December 2020.

The Council had in place a Reserves Policy which set out the framework within which decisions would be made regarding the level of reserves. In line with this framework the balance and level of reserves over the medium term were regularly monitored to ensure they were adequate to manage the risk of the Council. This covered both the General and Earmarked Reserves. The results of a review of the General Reserves Position was included in the FYFP in a separate report to this meeting. A review of the

Earmarked Reserves Position was being undertaken and the results would be included in a report to Cabinet in November 2020.

RESOLVED to (1) approve the timetable for completion of the 2021-22 budget, including arrangements for consultation with stakeholders and the carrying out of an assessment of the need for full equality impact assessment on budget saving proposals;

(2) note the proposals for reviewing and updating the Five Year Financial Plan.

(3) note the arrangements for reviewing Earmarked Reserves and updating the General Reserve projections.

156/20 **HEAGE EDUCATIONAL CHARITY, CHESTERFIELD SCHOOL FOUNDATION AND LONG EATON CHARITIES** (Strategic Leadership, Culture and Tourism) Cabinet was asked to approve the annual reports and accounts of the Heage Educational Charity and Chesterfield School Foundation ('the Charities') for 2018 – 2019, and the transfer of three educational charities which benefit schools in Long Eaton, for which the Council was trustee, to Foundation Derbyshire

Heage Educational Charity was a charitable trust governed by the provisions of a Charity Commission Scheme dated 20 October 1997. The Charity primarily benefits the pupils and former pupils of Heage and Ambergate Primary Schools, and secondly, young people resident in the Parish of Ripley, and had a substantial endowment. It also owned land at Ambergate which was used by Ambergate Primary School as its detached playing field as well as being leased by the Charity to Ambergate Cricket Club.

Chesterfield School Foundation benefits pupils and former pupils of the 6 secondary schools which were in the Borough of Chesterfield prior to Local Government Reorganisation in 1974. These were now Brookfield School, Outwood Newbold Academy, Parkside School, Hasland Hall School, St. Mary's RC High School and Whittington Green School.

Heage Educational Charity and Chesterfield School Foundation were two of the 47 educational charities for which Derbyshire County Council was currently sole trustee. On 23rd April 2020 Cabinet approved the transfer of these educational charities to Foundation Derbyshire. The process of transferring the trusts had begun, however the County Council was still required to submit annual returns for these two charities up to the point of transfer. This report was in respect of the charities' annual returns for 2018-2019 and the charities' accounts for the year 2018-19 were attached at Appendix 1 to the report for approval, together with the Trustee's Annual Report.

The report to Cabinet on 23rd April 2020 also referred to three educational charities established for the benefit of pupils at three Long Eaton schools – The John and Mary Crowe Scholarships, The John R Davis Memorial Prizes Fund and The Ernest W Roper Memorial Prize Fund which had also been inactive for some time and not fulfilling their objects.

The report advised that further enquiries were needed and on completion of these enquiries it had been established that the purposes for which the above three trusts were set up could not be met by those other local trusts within their own charitable objects. It was therefore proposed that the three charities should also be transferred to Foundation Derbyshire along with the other 43 for which Cabinet had already approved the transfer.

RESOLVED to (1) approve the draft Trustee's Annual Reports and accounts of the Heage Educational Charity and Chesterfield School Foundation for 2018-2019;

(2) approve the transfer of John and Mary Crowe Scholarships, John R Davis Memorial Prizes Fund and the Ernest Roper Memorial Prize Fund to Foundation Derbyshire to be administered as set out in the report to Cabinet of 23rd April 2020;

(3) authorise the Director of Legal & Democratic Services to execute all documents necessary for the purposes of the transfers of the John and Mary Crowe Scholarships, the John R Davis Memorial Prizes Fund and the Ernest W Roper Memorial Prize Fund to Foundation Derbyshire; and

(4) authorise the Director of Finance & ICT to transfer the funds of the John and Mary Crowe Scholarships, the John R Davis Memorial Prizes Fund and the Ernest W Roper Memorial Prize Fund held by the County Council to Foundation Derbyshire once the legal transfers have been completed.

157/20 **DERBY AND DERBYSHIRE ANNUAL CASUALTY REPORT 2019** (Highways, Transport and Infrastructure) Cabinet was updated with the Derby and Derbyshire Annual Casualty Report 2019, with approval sought for its wider publication, both in electronic and printed form.

The report gave details of road traffic collision trends and what had been achieved in road traffic casualty reduction within the areas covered by the Derby and Derbyshire Road Safety Partnership (DDRSP), Derbyshire County Council and Derby City Council, as well as detailed analysis of casualty trends within each Local Authority District/Borough. The report would be used to guide casualty reduction work for each area.

RESOLVED to (1) note the current trends in road casualties as reported in the Derby and Derbyshire Annual Casualty Report 2019; and

(2) approve its wider publication both in electronic and printed form.

158/20 **COUNTY TRANSPORT ENTERPRISING COUNCIL REVIEW** (Highways, Transport and Infrastructure) Cabinet were informed of the outcome of the Enterprising Council review of County Transport fleet services which proposed an Internal + External Top Up model for delivery of the service and sought approval for the proposed improvement plan to make changes to the way the Council managed its vehicle fleet to reduce the overall financial and environmental costs.

This work would focus heavily on reducing grey fleet travel (journeys undertaken by employees on council business); developing a council wide approach to the deployment of vehicles to minimise the need to hire in from external providers; and introducing low carbon alternatives in the core fleet.

County Transport provided fleet management and maintenance services for all Council departments and also a number of external organisations. It was originally identified as an Enterprising Council “early start” as part of the Highways Review, but as these services were fundamentally different, the Highways Review was progressed separately. Highways and Property Services were County Transport’s two biggest internal customers, therefore, the review was re-programmed to follow the two Enterprising Council reviews of those services.

The review looked at the two distinct elements of the service: fleet management and fleet maintenance. It was considered important to distinguish between the two as they were very different functions that could be managed separately or together through a variety of different delivery models. The fleet management element of the service was responsible for providing cost-effective solutions and advice regarding the purchase, lease or hire of the Council’s core fleet, circa 500 vehicles including gritters, mobile libraries, lorries, street lighting platforms, vans, minibuses, 4x4 vehicles, trailers, plant, and pool cars. The fleet maintenance and repair service covered the Council’s core fleet and also that of a number of external customers, including other Derbyshire public sector organisations. The largest contract was for Derbyshire Constabulary which was won through competitive tender

An assessment of a number of delivery models had been undertaken to identify which would provide the best outcome to deliver the strategic drivers. It involved assessing the value that each model would bring to help the service to deliver the strategic drivers to enable a recommendation to be made on the most appropriate future delivery model for the service. The full

report from the review was attached at Appendix 1 to the report. The options that were considered were as follows:

1. Do Nothing (+2 years)
2. Internal + External Top Up
3. Internal Service Structured for Trading
4. Internal Service for Derbyshire County Council Only
5. Local Authority Trading Company
6. Outsourced (All)
7. Outsourced (Fleet Management)
8. Outsourced (Fleet Maintenance)
9. Agile Partnering

Details of the scoring from the Stage 1 high - level evaluation of each delivery option against the strategic drivers were provided of in the Appendix to the report. The top four options were as follows:

- Internal + Structured for Trading (87)
- Internal Service for Derbyshire County Council Only (87)
- Internal + External Top-Up (79)
- Agile Partnering (79)

Stage 2 involved a high-level assessment of the relative attractiveness and achievability of each of the four highest scoring delivery options, plus the “Do Nothing” option for comparison.

The highest scoring option was Internal + External Top Up. This option assumed that the core service would continue to be provided internally following the successful implementation of the improvement programme as outlined in this report. External support would be procured for specialist services and for additional capacity, as required. This option did not prohibit the expansion of the service, both internally and externally, but ensured that the priority was to provide and maintain a cost-effective and efficient service for existing customers, both Derbyshire County Council and external.

RESOLVED (1) that the outcomes of the Enterprising Council review for County Transport fleet services be noted;

(2) to approve the proposal to adopt the Internal + External Top Up model for delivery of the service; and

(3) to note that an improvement programme was underway to reduce the overall financial and environmental cost of vehicles which included a review of the financial model; review of the procurement policy around buying or leasing vehicles; review of grey fleet usage and introduction of a low emission pool vehicle fleet; introduction of a centralised vehicle hire booking

system; consideration of charging for additional services currently provided free of charge; continued standardisation of vehicle fleet; and other efficiency improvements.

159/20

DEVELOPER CONTRIBUTIONS PROTOCOL

(Highways, Transport and Infrastructure) The Developer Contributions Protocol (DCP) was originally published in 2012 and refreshed in 2013. Its purpose was to set out the requirements for, and approach to, the type and level of infrastructure the County Council sought to secure through planning obligations (or CIL) from applicants/developers in order to mitigate the impacts of development (whether for District/Borough or County Council determination) and make it acceptable in sustainable development terms.

Over the past three years, the Government had been committed to reviewing developer contributions through two consultations in 2017, followed by the publication of its 'Supporting Housing Delivery through Developer Contributions' in March 2018. The outcome of this latter consultation resulted in Government proposing various changes to the current system of developer contributions through the reform of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A technical consultation followed on the integration of these changes into the CIL Regulations (published 21 December 2018), to ensure the draft regulations delivered the intended policy changes and did not give rise to unforeseen consequences. The County Council's responses to these consultations were reported to the Cabinet Member Meetings – Highways, Transport and Infrastructure on 20 December 2018 and 28 February 2019 respectively. The main changes brought in by the revised CIL Regulations were highlighted. Following initial implementation of the Regulations, this had provided the trigger for the wholesale review of the County Council's DCP.

Work had been ongoing with the relevant County Council departments to ensure the DCP review was fully inclusive of all relevant County Council service areas which were potentially impacted by new development and for which contributions should be sought in line with the three tests now enshrined in the CIL Regulations.

These tests were that such a contribution was:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind.

This DCP review had been particularly necessary to ensure that in relation to the exceptional level of planned growth that was anticipated across Derbyshire over the coming 15 years, the County Council had systematically and sensitively considered the key areas of potential impact and mitigation

and that existing Council services/functions were adequately supported to fulfil their responsibilities.

The purpose of the DCP was therefore two-fold:

- To set out clearly the County Council's expectations as to how development would need to mitigate its impact with regard to the infrastructure and services delivered by the County Council. The DCP details the type and level of contributions which may be sought by the County Council when consulted on planning applications, and the methodology which underpins the calculations.
- To support the local planning authorities to incorporate contributions towards infrastructure requirements into their local plans. This was necessary in order to comply with the advice in Planning Practice Guidance, that policies for planning obligations should be set out in plans and examined in public and should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability.

A full draft revised DCP had therefore been developed, which was attached at Appendix A to the report; had due regard to climate change considerations and the Council's Environment and Climate Change Framework that was approved by Cabinet in November 2019. The draft DCP also reflected updated procedures, consistent with the revised National Planning Policy Framework (NPPF) and CIL Regulations. The headline changes to the DCP were summarised.

RESOLVED to approve the draft Developer Contributions Protocol for publication on the County Council's website and used in the assessment of the impact of development on the County Council's services and infrastructure.

160/20 **ELVASTON CASTLE MASTERPLAN DELIVERY PROGRAMME** (Clean Growth and Regeneration) The Director Economy, Transport and Environment presented a report requesting "in principle" approval to the implementation of a delivery programme for the Elvaston Castle Masterplan and secure funding in accordance with the proposed Funding Strategy outlined in the report.

The draft Masterplan had been approved by Cabinet on 15 March 2018. Following a public consultation exercise which was undertaken during 2018 the revised Masterplan was approved by Cabinet on 20 December 2018. The options that had been considered by the Council prior to the development of the Masterplan concluded that the only viable option for the future of the Elvaston estate was to develop a programme of work and a funding strategy to secure its future in line with the vision in that document.

Masterplan Delivery Programme

The Council had worked closely with the ECGT, the body that was created to ultimately take responsibility for the management of the site, and now a registered charity, to develop detailed proposals to deliver Phase One of the Masterplan - the repair and conversion of the core buildings and their development as an improved visitor attraction. It should be noted that a later phase was referred to in the Masterplan (Phase Two). This included longer term proposals for renovation and restoration of the historic landscape, for which any future funding from the Council was intended to be minimal, as it was likely that such works would be eligible for external grant funding once the earlier phase had been completed.

A contract was awarded to Mace Ltd, working with DCA Consultants, in June 2019, to undertake the strategic project management work required to develop detailed business cases for the various elements and advise on a programme of work that would achieve the desired outcomes.

DCA had completed the initial phase of its work and provided a comprehensive report that had informed the proposed Delivery Programme. In the report, DCA had demonstrated that a wide range of potential end uses at Elvaston had been fully explored through discussion with Council officers and ECGT Trustees and research carried out by DCA and specialist sub-contractors to appraise the market and the net income generation potential. Throughout, end uses had been considered in the context of the site.

The detailed proposals for Phase One of the Elvaston Castle Masterplan Delivery Programme were set out. The estimated £35m funding required for the Masterplan Phase One Delivery Programme fell under three categories:

1. Infrastructure to unlock the potential of the Estate including the new access, car park, services/utilities and other elements, such as drainage.
2. Repair of historic buildings – there is a large “conservation deficit” as the Council had not invested significantly in keeping buildings in good repair for many years. As landowner, the Council had a responsibility to do this regardless of any future use.
3. Invest to save – significant investment was required in order to generate income including a new café; conversion of buildings and spaces to create commercial retail/office spaces and events; and introduction of new facilities that visitors will pay to use such as adventurous play.

The breakdown of costs and the main funding streams proposed by the Funding Strategy were provided.

RESOLVED that Cabinet gives “in principle” approval to the implementation of the proposed delivery programme for the Elvaston Castle

Masterplan and to secure funding in accordance with the proposed Funding Strategy outlined in the report.

161/20 FINANCIAL SUPPORT TO DERBYSHIRE FOODBANKS

(Health and Communities) The Director of Public Health presented a report seeking Cabinet approval to provide a grant to the value of £0.150m to Foundation Derbyshire for the purpose of supporting foodbanks across Derbyshire.

In light of the unprecedented level of demand being faced by Foodbanks and the challenging operating environment in which they continued to provide such a vital service to our communities, Foundation Derbyshire had decided to set a monitoring deadline of 3rd December 2020 for all Food Bank grants, thereby enabling them to focus their time and resources on their frontline emergency response. A final impact evaluation would therefore be provided in January 2021. In the meantime, all Foodbanks applying for a Stage Two Food Bank grant were required to submit evidence that their Stage One grant had been fully spent and also provide an end of grant report.

To date, the £0.100m funding from the Council had enabled Foundation Derbyshire to award 41 grants to 27 organisations. In addition to the one-off grant of £32,900 to FareShare, in Stage 1, 26 grants had been awarded totalling £24,750, and 14 stage 2 grants had been awarded totalling £42,350. Although the original peak of the COVID-19 pandemic had passed, the longer term effect on poverty and food insecurity was continuing. For example, there had been an increase in the number of families eligible for Free School Meals, an indication that family income was reducing. It was expected that this would get worse as the government furlough scheme ends with a potential rise in unemployment. Additional funding of £0.150m would provide further support, through Derbyshire's foodbanks, to vulnerable people across Derbyshire who were experiencing financial crisis and food insecurity. Details of how the additional funding would be used were provided in the report.

RESOLVED to approve funding of £0.150m to Foundation Derbyshire to provide continued support for Derbyshire Foodbanks.

162/20 COVID-19 FUNDING ALLOCATION TO DISTRICT AND BOROUGH COUNCILS TO SUPPORT DERBYSHIRE RESPONSE TO COVID-19

(Health and Communities) Environmental Health (EH) departments had both specialist expertise and skills and well as important legislative powers in relation to COVID response, their support was critical in implementing the outbreak plan and were a valuable resource in implementation. Funding of £0.05m per annum to each district and borough council in Derbyshire was a significant investment to cover back fill with

environmental health officers to provide adequate resources to respond to COVID related incidents and outbreaks utilising the COVID outbreak plan. EH departments were under significant pressure due to statutory enforcement duties and supporting the easing of restrictions for businesses. Additional capacity to support COVID response would therefore require investment from Derbyshire County Council to deliver local operational aspects.

RESOLVED to approve the funding allocation of £50,000m per annum for the financial years 2020-21 and 2021-22 to each district and borough council's environmental health teams to support Derbyshire's response to COVID-19, including the implementation of the Derbyshire Local Outbreak Management Plan.

163/20 **INSURANCE CAPITAL MAINTENANCE POOL ALLOCATION IN 2020** (Young People/Corporate Services) Approval was sought for the co-funded capital maintenance projects under the Insurance Capital Maintenance Pool for 2020-21.

The Insurance Capital Maintenance Pool (IMP) was a building capital maintenance scheme for those schools that had joined for the period 2018-2021. Under the IMP, projects with a value of between £20K and £40K for primary schools and between £50K and £100K for secondary schools were co-funded by the IMP and the School Condition element of the Children's Services Capital Budget if the project was deemed to be a priority condition in accordance with the condition survey, or the works were considered to be urgent in nature upon the advice of the surveying team. The projects detailed in Appendix A to the report were schemes that are proposed for 2020-21.

Approvals made under delegated powers by the Executive Director Children's Services and the Children's Services Head of Development were set out in Appendix B to the report. The allocations totalled £52,090 leaving an unallocated balance of £268,910.

RESOLVED to (1) approve the projects detailed in Appendix A to the report, and the expenditure of £1,305,500 from IMP and £678,000 from the Children's Services Capital Fund; and

(2) note the allocations approved under delegated powers by the Executive Director for Children's Services and the Head of Development totalling £52,090 as detailed in Appendix B to the report.

164/20 **REFURBISHMENT OF THE COUNCIL'S HOMES FOR OLDER PEOPLE** (Adult Care) The plan to refurbish three homes followed public consultation on the future of ten of the Council's own homes for older people. The homes required refurbishment works, including rewiring. Following the consultation, on 4 June 2020 Cabinet approved a number of

proposals including that the proposed plan to undertake refurbishment works to New Bassett House, Briar Close and Rowthorne would continue, with a further report presented to Cabinet seeking a business case and procurement approval.

The proposed procurement process was set out in the associated exempt report. The information included in the exempt report was considered to be confidential on the basis that disclosure of the financial information included would prejudice the procurement outcome.

Direct Care provision played a key role in the local care market in Derbyshire as the largest sole supplier of residential care beds. The Direct Care homes for older people and Community Care Centres can play an important role in the wider market by fulfilling a number of functions. In order to continue to fulfil its responsibilities Direct Care would need to ensure that services could continue to be provided in the three homes identified in this report for at least 5 years.

The following project options had been considered:

- Phased refurbishment of the buildings which would remain occupied and fully operational during the proposed works
- A potentially quicker refurbishment of vacated buildings with residents relocated elsewhere.

The existing buildings featured residential wings around a central hub. This would permit refurbishment work to be phased, with residents being relocated within the home, to allow work to be undertaken wing by wing in a planned manner.

Although residents and staff would be inconvenienced during the refurbishment, and the works would take longer to complete, this was the preferred approach as expressed by residents and their relatives during the recent consultation. Any adverse impact on residents as a result of this approach would be addressed on an individual basis with support from the local social work team as appropriate, including consideration of a temporary move where this was desired. Alternatively, if the homes were fully vacated and residents were relocated to other homes, the work could be completed more quickly but residents would be more inconvenienced for a significant period of time. This was therefore not the recommended option.

The scope of proposed refurbishments had been carefully considered to address necessary repairs and renovations without significant structural alterations, and remodelling of the layouts. The proposed works were listed.

The proposed works would significantly enhance safety, energy efficiency, and environmental quality. It was not proposed to undertake significant structural alterations. The scope of works therefore did not include the creation of en-suite facilities, widening of corridors, increase in bedroom size or an increase in the number of disabled accessible bathrooms and toilets.

The total estimated costs of the work were £13.150m. The capital costs would be funded from the Older Peoples Housing Strategy Reserves set aside for this purpose in the January 2020 Cabinet report. The uncommitted balance in the reserve would be required to meet the cost of any additional works or other costs associated with the additional homes for older people which required refurbishment, including fire safety mitigation works and additional staffing.

RESOLVED to approve (1) the refurbishment of 3 Homes for older People as follows and that further to this approval agree that this decision and appropriate supporting information can be made public:

- Briar Close, Borrowash
- New Bassett House, Shirebrook
- Rowthorne, Swanwick

(2) the use of the Older Peoples Housing Strategy Reserve to fund the project.

165/20 **ENTERPRISING COUNCIL PHASE 2** (Strategic Leadership, Culture and Tourism) The Cabinet considered a report which gave an update on progress made in relation to the Council's Enterprising Council programme and that sought approval to take forward proposals for Phase 2 of the approach.

The role and shape of public services had changed dramatically over recent years. Reduced public sector funding and increasing demand for services driven by demographics and long standing social, health and economic pressures meant that the Council, like many other authorities across the country, continued to face significant challenges in providing the services that local people need and want with available resources.

The Council Plan 2020/21 outlined the Council's strategic approach which focused on three key pillars of activity - Enterprising Council, Thriving Communities and Vision Derbyshire. This approach would be fundamental in ensuring an adaptive and dynamic response to the increasingly complex issues, such as the recent coronavirus pandemic and climate change, facing the Council, partner agencies and local communities.

Significant progress on all three pillars had been made in recent months. However, this report sets out the importance of the Enterprising

Council approach and its role in driving forward whole council transformational change. Whilst the initial focus of the programme would be on a small number of early start service areas, the Enterprising Council approach had subsequently been embraced and had proved critical in the review and the redesign of services across the full landscape of Council activity.

Progress, since the launch of the approach in early 2018, had been significant and fast paced which had resulted in a corresponding change to the culture of the organisation and the way in which the council undertakes reviews, explores new and innovative service models and commissions and delivers its services, to secure better outcomes and value for money services for local people. This provided a robust foundation on which to build and deliver the Council's future ambitions as it moves forward.

The report outlined:

- Progress on the delivery of Phase 1, identifying key achievements to date; and
- Proposals to take forward Phase 2, focusing on three priority areas which would be critical in driving forward the approach and future plans for organisation, community and economic recovery and renewal over the next twelve months.

A key focus of the Enterprising Council Strategy had been its emergent approach which had been designed to be flexible and agile, responding to challenges and opportunities and ensuring the conditions within the Council supported the culture change required to deliver whole council transformation as the approach embedded and matured. Proposals for Phase 2 and the future approach would take account of the new landscape in which the public sector and communities found themselves and direct effort and resource to those areas of council activity which would have the most impact moving forward.

RESOLVED to (1) note achievements and progress made to date on the implementation of the enterprising council approach and approve the closure of Phase 1 as set out in the report;

(2) approve proposals to take forward Phase 2 of enterprising council approach focusing on the four priorities set out in the report;

(3) note proposals to accelerate the delivery of the three cross cutting projects, modern ways of working, demand management and workforce and leadership behaviours, initially focusing on modern ways of working to maximise opportunities and challenges presented by the current pandemic.

21 (Strategic Leadership, Culture and Tourism) The Executive Director Commissioning, Communities and Policy presented the Council Plan performance report for Quarter 1 2020/21.

The Council Plan set out the future direction of the Council and the outcomes that the authority was seeking to achieve. The Plan identified a small number of focused priorities to direct effort and resource, supported by “deliverables” under each priority. These set out what the Council aimed to deliver over the forthcoming year and were supported by key measures which enabled the Council to monitor the progress it was making.

The performance report for Quarter 1, attached at Appendix A to the report for consideration, had been developed to ensure effective monitoring and management of the performance of the Council. The report described the progress the Council had made on each of the deliverables set out in the plan for the period April – June 2020. Performance against key measures was also reported and these were compared to targets where they had been set.

Covid-19 had brought both challenges and opportunities for the Council. This has had a significant impact on many areas of activity but particularly on the priority for a prosperous and green Derbyshire, which at the end of 2019-20 was performing well. During Quarter 1, however, a number of deliverables which supported the delivery of this priority that had now been rated as “requiring review” due to economic challenges brought about by the pandemic. The Council however continued to build on the opportunities for developing a stronger economy, greater partnership working, enhanced community resilience and for harnessing changes to employee, resident and business behaviour to build a greener Derbyshire. Detailed information regarding the position as at the end of Quarter 1 was set out in the report, and the key areas of success and key areas for consideration were presented.

It was recommended that Cabinet considered and comment on the information contained within the report. Where performance issues were highlighted it was recommended that Cabinet considered whether there were any further actions that should be undertaken to improve performance to the desired level. The Council’s progress in delivering the Council Plan would continue to be monitored during 2020-21 and reports would be produced and reported to Cabinet on a quarterly basis.

RESOLVED to (1) note and consider the content of the report and the continued progress that has been made on the delivery of Council Plan priorities during the first quarter of 2020-21 as set out in Appendix A to the report;

(2) discuss key areas of success and areas for review and consider whether there were any further actions that should be undertaken to improve performance where it had not met the desired level;

(3) note plans to undertake regular monitoring and review of Council Plan performance during the forthcoming year; and

(4) continue to receive further reports on progress in delivering the Council Plan on a quarterly basis during 2020-21.

167/20 **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 30 July 2020.
3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Adult Care – 20 August 2020
 - (b) Corporate Services – 16 July 2020
 - (c) Highways, Transport and Infrastructure – 30 July 2020
4. To consider the exempt report on the Engagement of PSP Derbyshire LLP for Joint Ventures Delivery of Projects (contains information relating to labour relations matters; and information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
5. To consider the exempt report on the Award of a contract for the construction of the Woodville – Swadlincote Regeneration Route (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
6. To consider the exempt report on the Refurbishment of the Council's Homes for Older People (contains information relating

to the financial or business affairs of any particular person
(including the Authority holding that information))

PUBLIC

MINUTES of a meeting of **CABINET** held on 15 September 2020.

PRESENT

Councillor B Lewis (in the Chair)

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

Declarations of Interest

Councillor A Dale declared a personal interest in Agenda Item 4(a) Devolution, Vision Derbyshire and Local Government Reform as the Leader of North East Derbyshire District Council.

174/20 **MINORITY GROUP LEADERS' QUESTIONS**

There were no Minority Group Leader questions.

175/20 **DEVOLUTION, VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM** (Strategic Leadership, Culture and Tourism) The Executive Director Commissioning, Communities and Policy sought agreement to recommend to Full Council on the 16 September 2020:

- The approval of plans to secure a devolution deal for the East Midlands;
- The approval of Vision Derbyshire (non-structural reform) as the preferred option for local government reform in Derbyshire and approval of structural reform as a viable alternative option for local government reform in the event that Vision Derbyshire was not able to satisfy the Government's requirements for reform; and
- The approval for the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government requesting an invitation to submit a proposal for a single tier of local government for the county. Such an invitation was non-binding as it would be subject to approval by the Council.

The Government had announced its intention to publish a White Paper on Devolution and Local Recovery, as a means to 'level up' all parts of the country and reduce regional inequalities, with a clear ambition to remove the barriers to Covid19 recovery and complexity to devolution. Whilst the exact details of the White Paper were not yet known, it was widely expected that the Government would set out its proposals for local government structural reform

in England along with setting out the role which greater devolution would play in national recovery. Exact timeframes were also not yet known but the White Paper was expected by early October.

Reduced public sector funding and increasing demand for services driven by demographics and long standing social, health and economic pressures, meant that the Council, like many other authorities across the country, continued to face significant challenges in providing the services that local people need and want with available resources.

The impact of Covid19 had placed further pressure on the Council's revenue and capital budgets, the long-term implications of which were not yet fully known. The resulting impact of the pandemic on the national economy was likely to be significant and the anticipated financial shock on public finances would place local government under increasing pressures to deliver more efficient or even fewer services in the future.

Given the impact of the Covid19 pandemic and the anticipated publication of the forthcoming Devolution and Recovery White Paper, many councils were actively considering their routes to securing devolution deals and their stance on local government reorganisation in this context. It was the Council's understanding that local government restructuring was likely to be viewed as a prerequisite to future devolution deals. For example, recent devolution discussions in North Yorkshire would potentially result in £2.4bn of investment in the region, on the condition that the current two-tier local government system was replaced.

Based on existing deals, a devolution deal for the East Midlands could incorporate investment in infrastructure, skills, transport and housing. In the light of the current and continuing impact of Covid19, such investment would be of vital importance in enabling the local and regional economy to recover from the pandemic for the benefit of local people.

It was also anticipated that the Government would invite a small number of councils to take part in the 'first tranche' of local government reform. Whilst this was an emergent process, the Council understood that those authorities who were able to submit their case for local government reform by the Government's agreed date would be considered for inclusion in the first or early tranche of areas pursuing devolution deals.

Under current legislation, it was open to the Secretary of State, subject to consultation and Parliamentary approval, to implement if he thinks fit, any unitary proposal submitted by a council in response to an invitation which any council may request. The process for being considered in the first tranche and receiving an invitation from Government, would first involve writing to the

Secretary of State for Housing, Communities and Local Government, outlining the Council's intentions.

Significant consideration therefore now needed to be given to the routes that were available for Derbyshire, to enable the Council to move at pace and to secure a devolution deal for the East Midlands in collaboration with regional partners. It was vital that Derbyshire and the wider East Midlands region did not miss the opportunity to address historic funding inequalities and was at the front of the queue for much need investment in the region. It was therefore proposed that Cabinet recommends to Full Council approval of the pursuit of a devolution deal and the establishment of a mayoral combined authority for the East Midlands. This would be of vital importance in supporting future recovery, resilience and prosperity in the region.

The Government had approved a number of devolution deals across the country since 2014. However, no county, two-tier area had successfully facilitated or achieved a devolution deal for their area, despite the development of numerous proposals across the country and significant liaison and negotiation.

In the absence of a viable route to devolution in Derbyshire, the Council had embarked on the development of alternative arrangements at a both a local and regional level. This had seen significant exploration and progression of new models of working across local government to increase collaboration and to ensure all councils were more aligned on a local and regional scale, with a focus on achieving the greatest public value for local people and communities across the East Midlands as follows:

- **Strategic Alliance** - Unitary and upper tier local authorities in the East Midlands had created a Strategic Alliance. This formal partnership had enabled strategic co-ordination and alignment of local government resources to support connectivity, trade, investment and growth which had resulted in a fundamental change to the way upper-tier authorities in the region work together in a more focused and co-ordinated way to overcome the significant lack of investment in infrastructure and services across the East Midlands, ensuring the region had a clear and powerful voice.
- **Vision Derbyshire** – Over the last eighteen months, councils across Derbyshire had been working on the development of a new model of local government and shared leadership. Phase 1, saw all ten Councils in Derbyshire – the County Council, City Council and eight District and Borough Councils – working together to identify shared priorities and outcomes and agree to strategically collaborate on the improvement of outcomes for people and places, to speak with one voice as a county and to coordinate resources better and more sustainably.

The programme had been driven forward and involved a significant investment of time, hard work and goodwill from participating councils and their leaders and executive officers. Derby City Council who participated in Phase 1 of the approach declined to participate in Phase 2, although the opportunity to work collaboratively on the further development of the approach had remained open.

Phase 2 had subsequently resulted in the development of an approach to non-structural reform – Vision Derbyshire - and the development of a case for change and proposition to central government focused around four key ambitions as follows: Seize innovation, Establish relentless ambition, Build proactive communities and live and work sustainably.

The approach had identified a number of enablers to support and embed collaboration, such as leadership, culture, technology, workforce, customers, assets and estimated possible organisational and wider system benefits that could be achieved if the new approach were to be taken forward. A new formal governance model to support effective decision-making had also been identified as being crucial in taking the approach forward as were a number of asks and offers to Government to support the realisation of ambitions. Further detail on Vision Derbyshire and the proposed approach were detailed in Appendix A to the report.

A letter to Government, signed by all Derbyshire Councils, requesting a meeting to discuss the approach was sent to the Secretary of State on 4 September 2020, with a meeting yet to be arranged.

A key principle which had emerged through the work across the Strategic Alliance and Vision Derbyshire, was the recognition that the current two-tier structure of local government could not be maintained as it was. It was the Council's belief that the status quo was no longer an option if local government was to continue to meet the needs of residents, communities and businesses in the future. There was a pressing need to develop a new model of local government for Derbyshire, whether this was achieved through structural or non-structural reform.

Due to the time, effort and considerable engagement that Derbyshire Councils had taken over the last 18 months to develop Vision Derbyshire, the Council remained committed to this approach as the preferred route to progressing a deal. However as stated, whilst this could be set out as the preferred option, the Council was very aware that Vision Derbyshire had to be finalised, agreed, moved forward at pace and offer a credible new model of local government in Derbyshire. The Council could not proceed along this route without the full backing of all two-tier Councils in Derbyshire and the Government, given what was currently at stake.

It was not yet known whether any alternatives to local government reorganisation and structural reform, including collaborative models for non-structural reform such as Vision Derbyshire, would be palatable to Government or if there would be any scope for these to be accommodated in the White Paper once published. The Council also had to reasonably assume that, despite the success of working collaboratively across the County through Vision Derbyshire, a number of Derbyshire councils were also actively considering their own position on local government reorganisation.

It was vital that the Council be in a strong position to counter any proposals which it believed were not in the best interest of Derbyshire residents. A County Councils Network (CCN) Report, '*Evaluating the importance of scale in proposals for local government reorganisation*', published on the 28 August 2020, had warned of the significant financial consequences and impact of fragmenting and disaggregating countywide services. It was therefore recommended that the Council oppose any proposals for a new model of local government which disaggregated the county footprint due to service fragmentation and the breaking up of historical boundaries and that Cabinet recommends this approach for approval by Full Council.

It was critical that any new model of local government for Derbyshire was considered within the context of both the Council's ambition to level up the Derbyshire economy and protect the historic county which was an integral part of local identity and belonging. It was therefore recommended that the Council did not, given the current circumstances, take a single, predetermined route to a devolution deal.

It was therefore recommended that Cabinet approve and recommend the available routes to the Council in taking forward proposals as set out in the report, to Full Council at its meeting on 16 September 2020, and that these be pursued concurrently in order for the Council to retain the ability to be considered in an early tranche of local government reform, unlocking the potential to progress a devolution deal across the region.

It was recommended that Cabinet approves Vision Derbyshire as the preferred option, to be agreed by Full Council, conditional on the following criteria being met:

1. The collaborative model proposed by Vision Derbyshire satisfies the Government's will for local government reform and allows for the progression of a devolution deal for the region; and
2. All Derbyshire councils (excluding Derby City) agree to implement Vision Derbyshire in its entirety through a similar formal decision in a timescale which satisfies the Government's timetable for progression of a devolution deal for the region.

Whilst the approach to Vision Derbyshire was finalised and the Council seeks assurances that the above criteria could be met, it was necessary for the Council to have in place a viable alternative option for local government reform in the event that Vision Derbyshire was not able to satisfy the Government's requirements for reform and a subsequent devolution deal. It was therefore recommended that Officers be mandated to prepare an alternative route for devolution, in the form of developing a case for a single unitary model of local government in Derbyshire, on a county footprint. Cabinet was asked to recommend that Full Council approve the submission of a letter from the Leader to the Secretary of State for Housing, Communities and Local Government to request an invitation to submit a proposal for a single tier of local government for the county, in line with this approach and following the current legislative provisions.

This approach would ensure the Council remained agile and was prepared and able to move quickly if necessary, to keep pace with other areas and retain the opportunity be considered in the first tranche of devolution deals, following the publication of the criteria set out in the Local Recovery and Devolution White Paper.

Once the process for securing a devolution deal was established through the White Paper, it was recommended that the most viable option and preferred route be brought back for consideration to a subsequent meeting of Cabinet. These would be preliminary steps only and the most viable proposal, which maximises the opportunities of securing a devolution deal and preserving the county footprint, would be subject to ratification by Full Council, as well as appropriate prior consultation with the public and partners.

Should Council not support the approach outlined above, then Derbyshire would likely miss the opportunity for a devolution deal and remain subject to the imposition of local government reform measures, whatever their shape, in the future.

RESOLVED to approve the report and recommend that Full Council on 16 September 2020:

- (a) notes the Government's intention to publish a Devolution and Recovery White Paper in Autumn 2020;
- (b) approves the consideration of the White Paper (once published) to assess the most appropriate response, in light of the details contained therein;
- (c) approves in principle, the Council's involvement in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region;

(d) approves Vision Derbyshire as the preferred route for local government reform, provided the conditions for this route, as set out in the report, were fully met;

(e) approves proposals for the Leader of the Council to write to the Secretary of State to request an invitation to submit a proposal for a single tier of local government for the county, in the event that Vision Derbyshire was not able to satisfy the Government's requirements for reform and a subsequent devolution deal;

(f) mandates officers within the Council to prepare an alternative route for devolution and the development of a case for a single unitary for Derbyshire, should the conditions for the preferred route for local government reform outlined in recommendation d) not be fully met; and

(g) opposes any proposals for a new model of local government which disaggregates the county footprint due to service fragmentation and the breaking up of historical boundaries.

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 3 September 2020.

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance was Councillor C Dale

42/20 **MINUTES RESOLVED** that the minutes of the meeting held on 20 August 2020 be confirmed as a correct record.

43/20 **REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT THE COVID-19 RESPONSE** The Cabinet Member was provided with a fortnightly review of decisions made subject to emergency decision making powers as detailed in the meeting of 4 June 2020.

Table 1 in the report provided an update on the reviews that had taken place since the last Cabinet Member meeting on 20 August 2020. All review decisions to date had been discussed with the Executive Director and Cabinet Member following review by Senior Management Team. A copy of the most up to date version of the Officer Decision Records was attached at Appendix 1.

RESOLVED to note (1) the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic; and

(2) that future review decisions be made on a fortnightly basis by the Cabinet Member for Adult Care.

44/20 **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 held on 20 August 2020.

45/20 **MINUTES RESOLVED** that the exempt minutes of the meeting held on 20 August 2020 be confirmed as a correct record (contains exempt information).

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 17 September 2020

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance were Councillors C Dale and S Swann

46/20 **MINUTES RESOLVED** that the minutes of the meeting held on 3 September be confirmed as a correct record.

47/20 **REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT THE COVID-19 RESPONSE** The Cabinet Member received an update in relation to Officer's Decisions utilising emergency decision making powers and assurance in relation to the reviews which had been made.

The decisions relate to short-term temporary arrangements which were subject to regular review. It was intended that as Cabinet was now able to function by meetings being held 'remotely' the need for officers to make urgent decisions would diminish however, they would be kept under regular review by elected members and officers. On 4 June 2020, it was agreed that Cabinet would formally delegate review decisions to the relevant Cabinet Member, with a summary of review decisions made be reported to Cabinet every two months.

The report detailed summary updates on the reviews taken place since the last Cabinet Member meeting on 3 September 2020. All review decisions had been discussed with the Executive Director and Cabinet Member following review by Senior Management Team. A copy of the most up to date version of the Officer Decision Records was attached at Appendix 1.

The Principal Social Worker had been engaged and consulted with over the initial decisions and had reviewed the latest updates. They were satisfied that the original decisions had been made with due regard for the Department of Health and Social Care Ethical Framework, the Care Act easement guidance and were aware of the review processes in place.

RESOLVED – that the Cabinet Member note (1) the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic; and

(2) that future review decisions will be made on a fortnightly basis by the Cabinet Member for Adult Care.

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MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 4 September 2020 virtually on MS Teams

PRESENT

Councillor C Hart – Cabinet Member

Also in attendance: Councillors G Wharmby

35/20 **MINUTES** **RESOLVED** that the non-exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 21 August 2020 be confirmed as a correct record.

36/20 **REVIEW OF URGENT DECISION OF CHANGES TO DELIVERY OF PUBLIC HEALTH DELIVERED SERVICES** The Cabinet Member was updated on changes made to Public Health-delivered services due to the COVID19 pandemic.

Live Life Better Derbyshire - Physical Activity and the National Child Measurement Programme (NCMP) remained on pause. Stop Smoking support remained available to existing and new clients through phone and video-call support, with Nicotine Replacement Therapy provided by mail. Between April and June 2020, there were 596 quit dates recorded, with 391 Derbyshire residents reporting having stopped smoking at 4-weeks. This was an increase on the same period in 2019.

The full Weight Management digital offer was launched on 17 August. All clients being supported at the time of lockdown had been contacted and offered a slot on the new programme. The first cohort of new clients had received their induction phone calls and would be offered a slot in one of the follow-up telephone clinics. Clients were able to access a range of online educational and communication options fully supported by the Weight Management Health Improvement Advisor team. Individuals who met the service criteria could self-refer for support or be referred by a professional.

School Crossing Patrols – many schools had introduced “staggered” start and finish times to comply with COVID-19 guidance, requiring Patrols to be in attendance for a longer period each day. Confirmation was required from all schools but increasing the length of each patrol would result in additional service costs of up to £70,000 for the current financial year. This increase would be met by the Public Health budget.

Time Swap, Safe Places, Local Area Co-ordination, Disability Employment Service, First contact, 50+ Forums and the Pension Credit Project remained suspended, with staff redeployed to support the Council’s response to COVID-19 and on-going community work.

RESOLVED - that the Cabinet Member note the report.

**37/20 ALLOCATION OF DERBYSHIRE'S CORONAVIRUS (COVID-19):
LOCAL AUTHORITY EMERGENCY ASSISTANCE GRANT FOR FOOD AND
ESSENTIAL SUPPLIES**

The Cabinet Member was updated on the internal allocations of the Coronavirus (Covid-19) Local Authority Emergency Assistance Grant for Food and Essential Supplies and approval sought to enable allocation of grant funding to the external organisations.

The Council had received £0.808m in the form of a Local Authority Assistance Grant for Food and Essential Supplies by the Department for Environment, Food and Rural Affairs (DEFRA) to support people who were struggling to afford essentials due to the impact of Covid-19. Public Health had been liaising with key partnership groups listed in detail within the report, to develop ideas and seek assurance that the grant was meeting local needs.

The grant could be used to fund existing schemes to meet rising demand, to ensure money was mobilised quickly and robustly and was expected to be spent within 12 weeks of it being made. This could take the form of cash/vouchers for direct payment to clients or through supporting advice and information to help people in the longer term. A mixed approach to allocation of the funding was recommended.

The Council required monthly information on how much had been spent and on what, alongside responding to a Government monitoring survey in October 2020.

Derbyshire's existing local welfare assistance offer, the Derbyshire Discretionary Fund (DDF) had supported residents during Covid-19. There had been an increase in applications from families and those who had previously been working or self-employed. Referral pathways to other sources of support had been strengthened and the 'system' response to the pandemic had proved an opportunity to build stronger working relationships with partners. Other proposed allocations would work in collaboration with the DDF scheme to ensure the avoidance of duplication of provision.

The proposals for funding, set out in Appendix One, were approved by the Corporate Management Team (CMT) on 6th August 2020. Additional proposals for funding to external partners, totalling £171,000 were also detailed for approval in the report.

Given the unpredictable nature of the pandemic there was a risk that demand would outstretch resources. The report recommended that a level of contingency funding was set aside in the budget to be allocated at a later date to meet emerging needs not already considered, or to strengthen ones that would require more funding than anticipated. The rapid pace required for allocation of this funding, and the ever-changing data situation, had made it difficult to evaluate need exactly.

RESOLVED to (1) note the information contained in the report; and (2) approve the recommendations regarding allocation of external grants to support provision of services relating to the Local Authority Emergency Assistance Grant for Food and Essential Supplies.

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 17 September 2020 virtually on MS Teams

PRESENT

Councillor C Hart – Cabinet Member

Also in attendance: Councillors G Wharmby and D Allen

38/20 **MINUTES** **RESOLVED** that the non-exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 4 September 2020 be confirmed as a correct record.

39/20 **REVIEW OF URGENT DECISION OF CHANGES TO DELIVERY OF PUBLIC HEALTH DELIVERED SERVICES** The Cabinet Member was updated on changes made to Public Health-delivered services due to the COVID19 pandemic. Approval was also sought for continuation of the existing service delivery.

The delivery of Public Health services continued to be affected due to the impact of COVID19. Restrictions in place to mitigate the risk of community transmission of COVID19 made it highly unlikely that delivery of Public Health services would return to the delivery models in place prior to the onset of the pandemic in the near future. All Public Health delivered services had a revised service model in place or had adapted their delivery focus to support Derbyshire residents who were most clinically and socially vulnerable as a result of COVID19.

It was proposed that the Cabinet Member for Health and Communities approve continuation of current service delivery models, thus negating the need for a fortnightly review. Any subsequent changes to the service models would be brought to future Cabinet Member meetings for approval as required.

Live Life Better Derbyshire - Physical Activity and the National Child Measurement Programme (NCMP) were being delivered remotely by Live Life Better Derbyshire advisors. Individuals wanting to stop smoking were supported through phone and video-call support, with Nicotine Replacement Therapy provided by mail. Weight Management digital offer was launched August, allowing clients access to a range of online options, available in conjunction with individual and group telephone calls with the Weight Management Health Improvement Advisor team. Physical Activity Health Improvement Advisors were also advising clients on ways to be more active and delivering group-based physical activity sessions by video. The online Live Life Better Derbyshire MOT assessment had been amended to reflect the changes in service provision and was re-launched on 7th September. The service continued plans to re-commence the NCMP in early 2021, aligning with COVID19 practices within school settings.

School Crossing Patrols – all but five sites were operational: three were unable to accommodate social distancing guidance and the other two were schools that had made temporary changes to site entrances and exits resulting in the patrol not required at this time. The service had increased the length of time that patrols were

on site at the start and end of the school day to accommodate the staggered start and finish times introduced by some schools.

The Disability Employment Service had re-commenced provision of in-work support to service-users, with an intention to restart other aspects of service delivery from 1st October 2020. The First Contact service was operating on a reduced basis, alongside the Community Response Unit. The service would continue to operate in this form as further work was undertaken to determine the future operating model for providing community support through the Community Response Unit. Face-to-face delivery of the 50+ Forums remained suspended for the foreseeable future, however it was working with the Forums to determine how they could engage with local residents while COVID19 restrictions remained in place.

Support remained in place for older people under the Pension Credit project. Individuals discharged from hospital had been identified as a priority area for the service, subject to approval of funding.

Time Swap, Safe Places, and Local Area Co-ordination had not resumed the model for service delivery that was in place prior to the onset of COVID19, however, staff had been an integral part of the Community Response Unit and had supported some of Derbyshire's most vulnerable residents through provision of shopping, medication deliveries and telephone-based contact. There had been a reduction in calls received by the Community Response Unit since the height of the COVID19 restrictions and work was underway to re-define the operation of the Unit to ensure that community support continued for the duration of the pandemic. Staff from these services would continue to support this function.

There had been limited financial impact in implementing amended service models for the majority of Public Health services, with any costs offset by savings due to a reduction in face-to-face delivery. Approval for all additional service costs would be sought in line with the Council's Financial Regulations.

RESOLVED - that the Cabinet Member (1) note the position with respect to the current delivery of Public Health services as a result of COVID19; and

(2) approve continuation of existing service delivery models as outlined in the report, with any subsequent changes to be considered at future Cabinet Member meetings.

40/20 **REDUCING THE HARM OF SUBSTANCE MISUSE** The Cabinet Member was asked to approve the award of £310 as part of Recovery Month activities, which takes place in September each year. This national event had been celebrated in Derbyshire for the past five years and was an opportunity to showcase recovery from substance misuse, to reduce stigma and to highlight that recovery was achievable.

In 2019, over 300 people took part in sixteen separate events and activities, with funding granted to six organisations. The first event for 2020 was approved in February 2020 for Derventio Housing Trust to run Orienteering events. Funding for

the second round of events was approved in May 2020 for six organisations to run various events in September 2020.

The latest application was to provide a grant of £310 to Derbyshire Veterans HQ, the planning for which had to be cancelled earlier in the year due to the COVID 19 pandemic. This application was considered by an evaluation team comprising the Public Health Lead and the Health Improvement Practitioner for substance misuse using a pre-determined, objective scoring template and scored successfully against the scoring criteria.

RESOLVED that to (1) approve the award of a grant to Derbyshire Veterans HQ to the value of £310 to support Recovery Month 2020 in Derbyshire; and

(2) agree to accept further reports relating to the award of other small grants to support Recovery Month in Derbyshire.

41/20 **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 consider the exempt report of the Director of Public Health on the Provision of Adult Integrated Substance Misuse Treatment Service (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 CLEAN GROWTH AND REGENERATION** held virtually on MS Teams on 10 September 2020

PRESENT

Cabinet Member – Councillor T King

Also in attendance – Councillors G Hickton and R Mihaly

10/20 **MINUTES RESOLVED** that the minutes of the meeting held on 30 July 2020 be confirmed as a correct record and signed by the Cabinet Member.

11/20 **BUDGET MONITORING 2020-21 – PERIOD 2** The Cabinet Member was presented with an update of the Revenue Budget position for 2020-21, up to 31 May 2020 – Period 2.

It was noted that Period 2 sat within the Coronavirus (COVID-19) lockdown period and the full immediate effects of the pandemic on service delivery and finances had not been felt, the long term implications were not fully understood and additional Government funding to help cover these costs had not been confirmed. The projected outturns and year end forecast presented in this period were unlikely to accurately reflect the final position.

The net controllable budget for the Portfolio was £0.695m, a potential projected year-end overspend of £0.621m. The figures included the predicted additional costs of COVID-19 and loss of income in some areas, up to the end of June 2020. These totalled £0.531m and were expected to be met corporately. Without COVID-19 costs, the Portfolio was projected to be overspent by £0.090m; these were detailed in the report.

There was an Economic Development overspend of £0.582m which was due to the additional costs of supporting businesses and administering grants over the period to the end of June 2020. There was an Employment and Skills overspend £0.076m due to incurring salary costs that were not budgeted for and were pending the restructure of the wider Economy and Regeneration Service structure.

Markham Vale saw an underspend £0.037m mainly due to a reduction in salary spend, however, the continuing loss of income from conferencing, rents, contract work and increase in material/labour costs were proving challenging.

Earmarked Reserves totalling £0.695m were held to support future, planned expenditure and were ring fenced for spend against specific projects; these detailed within the report.

RESOLVED that the Cabinet Member note the report.

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR CORPORATE SERVICES** held on 10 September 2020 at County Hall, Matlock

PRESENT

Cabinet Member – Councillor A Foster

Also in attendance – Councillor P Murray

19/20 **MINUTES RESOLVED** that the minutes of the meeting held on 16 July 2020 be confirmed as a correct record.

20/20 **MEMBER DEVELOPMENT STRATEGY ADOPTION** The Member Development Working Group (MDWG) had been overseeing work to enhance the effectiveness of communication to Members and the further development of a range of learning and development opportunities that supported Members in discharging their role as an Elected Member in Derbyshire County Council. Applying best practice principles, such as those contained with the external Member Development Charter, had resulted in the development of the proposed Member Development Strategy, which was attached at Appendix 1 to the report, and Member Development Skills Matrix. Throughout the development stages MDWG have sought the views of, and input from, their peers within the Council.

On 25 February 2020, 27 Elected Members participated in the Member Development Offer Engagement Workshop. This event, which was led by MDWG, involved a series of facilitated table discussions that focused upon the Skills Matrix, pre-election materials for prospective election candidates and the design and content of an effective post-election induction. There was also a short Derbyshire Learning Online presentation. Evaluation feedback from the workshop indicated that it was very well received by participants.

MDWG had sought the perspective of Corporate Management Team (CMT) regarding the Strategy and Skills Matrix developments. CMT had considered the draft Strategy on 18 February 2020 and were also asked for their views on the Skills Matrix during March. An invitation to attend the Engagement Workshop was also extended to CMT.

In July MDWG leads consulted with their respective political Groups on the draft Strategy. After the consultation closing date the leads asked for any final comments to be submitted so they could be considered by MDWG on Monday 10 August.

All feedback from the various consultation approaches had been reflected in the finalised versions of the Member Development Strategy and Member Development Skills Matrix.

Following the incorporation of the consultation feedback the Member Development Strategy was agreed by MDWG on 10 August 2020. CMT had subsequently been updated on progress to date. A key development to note was that under the Strategy the Cabinet Member for Corporate Services would assume responsibility for Member Development within their portfolio. As such the portfolio holder becomes a Member Development Champion for the Council and a member of the revised Member Development Working Group.

Cabinet Member approval was sought for the Member Development Strategy to be formally presented to Full Council on 16 September 2020 for adoption. Adoption of this strategy by the Council would make a formal commitment to the principles of the external Member Development Charter quality scheme. The full implementation of the Member Development Strategy would still require completion of certain steps and these were highlighted.

The Cabinet Member wished to thank Councillor Gary Musson and Members of the MDWG for their contribution towards the production of the Member Development Strategy.

RESOLVED to (1) approve the formal presentation of the Member Development Strategy to, and adoption by, Full Council on 16 September 2020; and

(2) note that the Cabinet Member for Corporate Services assumes responsibility for Member Development within their portfolio.

21/20 **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 16 July 2020
2. To consider the exempt report of the Executive Director Commissioning, Communities and Policy on the Transfer of Former Dales HOP Repton
(contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held on 10 September 2020**PRESENT**

Cabinet Member - Councillor S Spencer

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

47/20 **PETITIONS** **RESOLVED** (1) to receive the under-mentioned petitions: -

Location/Subject	Signatures	Local Member
Chesterfield, Walton Road – Request for Programme of Tree Pruning	75	Councillor R Mihaly
Swanwick, Nether Close – Parking Issues	12	Councillors S Marshall-Clarke and P Smith

(2) that the Director – Economy, Transport and Environment be asked to investigate and consider the matters raised.

48/20 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 30 July 2020 be confirmed as a correct record.**49/20** **PETITION – REQUEST THAT THE COUNCIL OFFERS COMPANION PASSES FOR DISABLED GOLD CARD HOLDERS** A petition signed by 407 persons requesting the addition of a companion entitlement for certain categories of disabled Gold Card holders had been received and investigated.

The Derbyshire Gold Card forms part of the statutory English National Concessionary Travel Scheme (ENCTS). Additional, discretionary, local concessions for use within the Council's own scheme area could be offered however, the full funding cost of these would have to be met by the individual authority. Derbyshire Gold Cards did not currently offer any additional concessions. The Council has for many years, offered reduced fares for young people through the separate b_line concessionary scheme, although the Council's budget savings for 2020-21 currently included a proposal to end the b_line scheme.

Of the nine Travel Concession Authorities in the East Midlands, only two authorities offer companion passes and of the other neighbouring authorities only two offer companion passes. Companion passes did not form part of the national scheme therefore companion element would only be valid for use within the boundary of that Authority providing the concession. The limitation of a companion element to only those journeys starting in Derbyshire would restrict the usefulness of this concession as the companion element would not, for example, be valid for use to travel back from destinations in neighbouring authority areas such as Burton, Derby, Macclesfield, Manchester, Nottingham or Sheffield, nor would it be valid for use anywhere else in England.

In view of the petition request, the potential for transport savings to offset the cost of operating a companion pass scheme has been considered and details were contained in the report. It was considered that there would be very limited, if any, opportunities to deliver savings from specialised transport budgets if a companion entitlement for disabled Gold Card holders was available.

The Council fully understood the positive impact that access to travel could have on personal wellbeing and independence, and was committed to maximising opportunities to achieve this. However, at this time, the benefits arising from the introduction of a companion pass scheme for the card holder and their companion must be considered within the context of significant financial constraints and against the additional, ongoing revenue cost needed to support such a scheme.

There were also a number of other potential discretionary enhancements available for the Gold Card Scheme supplementing the statutory minimum currently offered and all have their own relative merits arising from the benefits to those who would be eligible. It was therefore difficult to prioritise one potential Gold Card enhancement over another. The Council has prioritised maintaining existing services with its available discretionary public transport budget, including funding a countywide bus network, ensuring bus services remain available for use by both disabled Gold Card holders and other service users.

The Council would continue to review its approach to supported public transport, and the concessionary fare scheme, as appropriate to ensure opportunities for sustainable and accessible travel were maximised for all Derbyshire residents.

RESOLVED that (1) the request to offer companion bus passes be refused;

(2) the lead petitioner be informed accordingly; and

(3) a review of the concessionary fare scheme be undertaken at an appropriate time in the future and the findings reported to the Cabinet member meeting.

50/20 PETITION – REQUEST THAT THE COUNTY COUNCIL KEEPS B-LINE CARDS AND TRAVEL DISCOUNTS FOR YOUNG PEOPLE IN DERBYSHIRE

A petition signed by 355 persons requesting the retention of the b_line travel discount scheme for young people in Derbyshire was received at the Cabinet member meeting on 9 July 2020.

The Council currently offered two concessionary travel schemes for Derbyshire residents, b_line and Gold Card and withdrawal of b_line was included in the Council's budget saving proposals for 2020-21. However, since the time the budget was set, the UK has been subject to the Coronavirus (COVID-19) pandemic which has impacted significantly on the local economy and specifically, access to employment and training opportunities for young people.

The Council's COVID-19 economic recovery work has identified 16 – 25 year olds as being specifically vulnerable to unemployment as a result of COVID-19 and within the emerging Economic Recovery Strategy, action to ensure bus and rail services are maintained has been taken by the Council as part of the early 'rescue and recover' phase (0-6 months), including continued payments to bus operators for contracted services. As the Council moved into the 'revive' phase of the Recovery Strategy, improved access to jobs and learning has been prioritised and this included targeted support for young people.

The Council was working closely with bus and rail operators to encourage a return to pre COVID-19 levels of public transport use in Derbyshire, and critically to help support 'return to learn' and return to work programmes for all residents, especially those young people who were disproportionately at risk of unemployment.

In view of the current circumstances, it would be counterproductive to withdraw a travel scheme primarily designed to encourage greater use of public transport by young people at a time when access to jobs and learning was paramount.

RESOLVED that (1) the Council should not proceed with the proposed withdrawal of the b_line scheme; and

(2) the lead petitioner be informed accordingly.

51/20 REPORT ON THE COMPLETION OF A FLOOD AND WATER MANAGEMENT ACT 2010 SECTION 19 FLOODING INVESTIGATION

The report provided an update on the completion and outcomes of the Flood and Water Management Act 2010 Section 19 Flooding Investigation, following the November 2019 flooding events which affected large areas of the County. The County Council was the "Lead Local Flood Authority" (LLFA) undertaking this investigation.

Extensive investigations have been undertaken to obtain as much information on the flooding event as possible, including questionnaires to residents and businesses affected, site visits, numerous meetings with parish and town councils and liaising with all of the relevant authorities (Environment Agency, Water Authorities, District/Borough Councils etc.), all of which have been formally consulted as part of this investigation. This also provided an opportunity to identify and engage with communities who have been affected, ascertain if further support and advice could be

offered in the immediate aftermath of the flooding event, and also identify opportunities to develop flood mitigation projects.

The Investigation has concluded that all Risk Management Authorities (Environment Agency, Water Authorities, Canals and Rivers Trust and District/Borough Councils) have exercised, or were proposing to exercise, their respective functions, in response to this flood event. A copy of the report with the results of the investigation, which was being published by the Council as LLFA, was attached as appendix to the report.

The LLFA would continue to work with all of the Risk Management Authorities, to try and reduce the flood risk to properties and infrastructure, together with trying to ensure that the community was even more resilient and prepared. Work was underway implementing the property flood resilience recovery support scheme, however some districts/boroughs within the County did not qualify for the property flood resilience recovery support scheme, as the threshold set by the Department for Environment, Food and Rural Affairs (DEFRA) was 25 or more flooded properties in any one district/borough. This was despite rigorous lobbying to DEFRA by Derbyshire County Council, to try and get them to amend this. It was noted at the meeting that the scheme had been extended by a further 9 months.

Derbyshire County Council, as the LLFA, would strive to implement and monitor the recommended actions within the report, to reduce the impacts of future flood events.

RESOLVED to note and welcome the delivery of the completed Flood and Water Management Act 2010 Section 19 Flooding Investigation, including the outcomes and recommendations, following the November 2019 events.

52/20 REQUEST FOR CREATION OF TEMPORARY POST OF ENGINEER IN THE FLOOD RISK MANAGEMENT TEAM The Department for Environment, Food and Rural Affairs (DEFRA) had previously awarded £169,904.90 to the Council in respect of its lead Local Flood Authority function, but, to date, no expenditure of these grant funds has been necessary.

The funding has been held as a contingency in case of the Council being subject to legal challenge through the Local Lead Flood Authority role as statutory consultee for planning applications. However, to date, no legal challenge has been made and, following a review of this budget, including consultation with the Director of Legal Services and a risk assessment, it has been determined that the risk is sufficiently low to warrant this funding being utilised for another purpose.

Government has recently announced investment of £5.2 billion to create around 2,000 new flood and coastal defences to better protect 336,000 properties in England by 2027. The Flood Risk Management Team has put forward a number of additional schemes to be delivered by this date, and in order to ensure success in both obtaining Government grant funding and delivery of these schemes, additional resource within the team was required.

It was proposed that £109,904.90 of the grant funding, which was currently held in the Sustainable Drainage revenue budget, be moved into the existing Flood Management reserve and drawn down to fund an additional temporary engineer within the Flood Risk Team. The remaining £60,000 from the grant funding would remain in the Sustainable Drainage revenue budget and has already been utilised to support Agency staff within the Flood Risk Team.

RESOLVED to approve the transfer of funding from the Sustainable Drainage Budget to an existing Flood Management reserve, as detailed in the report, to fund an additional temporary post of Engineer within the Flood Risk Management Team at grade 11 for a period of two years.

53/20 **BUDGET MONITORING 2020-21 – PERIOD 2** The net controllable budget for the Highways, Transport and Infrastructure portfolio was £74.789m. The Revenue Budget Monitoring Statement, prepared at Period 2, indicated that there was a projected year-end overspend of £6.009m. The portfolio has, or was forecast to spend, additional costs from April 2020 to the end of June 2020 of £6.933m due to the Coronavirus (COVID-19) pandemic. It was expected that these costs would be met corporately. If the Portfolio was not incurring these additional costs then the year end position would be an underspend of £0.924m.

Since the period 2 figures were produced, further information regarding COVID-19 costs has become available, and it was currently expected that any underspend on Waste Management would not be realised. This means that the forecast outturn position would be £82.598m, an overspend of £7.809m, reduced to £0.876m if the COVID-19 costs were met corporately.

The key variances included Waste Management (underspend £1.840m however, as noted, was not likely to be realised due to increased costs associated with COVID-19), Winter Maintenance (overspend £1.327m), and Highway Maintenance and Land Reclamation (overspend £1.155m).

Budget reductions totalling £1.426m were allocated for the year, with a brought forward figure from previous years of £5.234m. This has resulted in total reductions to be achieved of £6.660m at the start of the year. It was forecast that £0.408m of savings would have been achieved by the year-end. Delivery of the Countryside, Waste and Public Transport savings has been delayed due to COVID-19.

Growth items and one-off funding in the 2020-21 budget included Ash Dieback (£0.270m one-off) and Elvaston Castle Masterplan (£0.200m one-off.),

Earmarked reserves relating to this portfolio, totalling £17.238m, were currently held to support future expenditure. Risks and the debt position were also detailed in the report.

RESOLVED to note the report.

54/20 **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 held on 30 July 2020.

55/20 **EXEMPT MINUTES** **RESOLVED** that the exempt minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 30 July 2020 be confirmed as a correct record.

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR STRATEGIC LEADERSHIP, CULTURE AND TOURISM** held on 23 September 2020.

PRESENT

Cabinet Member – Councillor B Lewis

Also in attendance – Councillors R Flatley and P Smith

31/20 **MINUTES RESOLVED** that the minutes of the meeting held on 5 August 2020 be confirmed as a correct record.

32/20 **AWARD OF GRANTS TO EXTERNAL RECIPIENTS – VITAL VALLEY** On behalf of the Derwent Valley Mills World Heritage Site (DVMWHS) Partnership, the County Council had accepted a grant offer from the Heritage Lottery Fund (now the National Lottery Heritage Fund (NLHF)) for a Great Place Scheme in the DVMWHS.

The Great Place Scheme included the Experiment Fund project which awarded grants to heritage, arts and cultural organisations within the DVMWHS. The Experiment Fund had a total grant pot of £85,000 made up of £75,000 NLHF monies and £10,000 contribution from applicants. A sum of £62,974 had already been awarded from the NLHF grant of £75,000.

The awards highlighted in the report would enable the DVMWHS to support the cultural sector through the impact from the Coronavirus (COVID-19) and provide opportunities for people to engage with arts, culture and heritage in the DVMWHS. Specific details of the application for grants could be found in the Appendix to the report. The DVMWHS Coordination Team had assisted sites and visitor attractions to co-ordinate information to assist safe re-opening of venues. A total of £4,000 was proposed to be allocated for measures such as: as hand sanitiser; social distancing information and signage; and other communications.

RESOLVED to approve the award of grants from the National Lottery Heritage Fund grant of £1,285,800 for the Great Place Scheme to:

- Maximum of £500 to Cromford Community Centre Association,
- Maximum of £500 to The Darley Abbey Community Association,
- Maximum of £500 to The Fleet Centre,
- Maximum of £500 to The Friends of the Cromford Canal,
- Maximum of £500 to Guardians of Strutts,
- Maximum of £500 to Heage Windmill Society,
- Maximum of £500 to Number Twenty Eight Belper,

- Maximum of £500 to Sawmills Village Hall,
- Maximum of £4,000 Covid-19 re-opening equipment requirements for hygiene, social distancing and communications.

totalling a maximum of £8,000 from the total grant of £85,000 from the National Lottery Heritage Fund approved for the Experiment Fund.

33/20 HERITAGE ACTION ZONE SCHEME, SPRING GARDENS,

BUXTON In May 2019, Historic England (HE) launched a new multi-million pound fund – the High Streets Heritage Action Zone (HAZ) scheme. This fund enabled HE to work with partners to find new ways to champion and revive historic high streets. The HAZ scheme will deliver a four-year programme of physical improvements, community engagement and cultural activities to revive England’s struggling historic high streets and town centres by investing in a high street’s heritage, ensuring it contributed to the streets vibrant and vital future.

Each HAZ scheme targeted a high street in a designated conservation area. This would help to ensure the conservation area’s continued appropriate management and protection through the repair, restoration and regeneration of its historic environment.

The Spring Gardens HAZ objectives were:

- To progress and support the already strong culture and heritage offer through investment, development, and promotion within the identified HAZ area.
- To enhance the area as a destination for a greater range of accommodation and distinct retail offer through the repair and restoration of historic buildings, focusing upon the restoration of traditional shopfronts and the repair of traditional joinery details on upper floors to encourage vacant buildings to be brought back into use and prolong the existing use of a building.
- Secure the long-term viable future of key buildings at risk located at pivotal points at each end of Spring Gardens.
- Widen experience, knowledge, understanding and awareness of Buxton’s heritage through the delivery and promotion the Community Engagement Plan and Cultural Programme, including engagement with those communities who have not been involved with heritage projects before.
- Create and deliver a strong cultural programme to contribute to the Visitor Economy Strategy priorities and support the development of a more coherent, year-round cultural programme.
- Improve visitor understanding and enjoyment of Derbyshire’s heritage through the delivery of heritage interpretation at key visitor entrance points.

- Increase knowledge and understanding of Buxton's heritage through the production of guidance and educational materials, to ensure long-term benefits are delivered beyond the HAZ programme.

Details of how the Buxton HAZ Scheme Programme would meet these objectives were provided.

When HPBC was assembling its bid to HE for Spring Gardens, it had approached the County Council's Conservation, Heritage and Design (CH&D) Service to see if the County Council could contribute towards the scheme from its Historic Environment Grants Budget. HPBC was informed that the Budget no longer existed. However, it was noted that the bid would be strengthened if the County Council could contribute towards it. To this end, HPBC enquired if the CH&D Service could formally provide Conservation Officer time to support the implementation of the Spring Gardens HAZ scheme.

It was proposed that in year 1 (2020-21), the County Council's Conservation Officer would give 12 days of support to the HAZ and 28 days each for years 2, 3 and 4 (2021-24). It was felt that this level of formal commitment could be accommodated within existing workloads with small adjustments and support from the wider CH&D Service.

RESOLVED to approve that the County Council formally offers High Peak Borough Council assistance with the implementation of the Spring Gardens Heritage Action Zone Scheme in Buxton via the allocation of officer time, as detailed in the report.

34/20 **APPOINTMENTS OF CHARITY TRUSTEES** The Council had been approached by the Coke's Educational Charity to appoint a trustee to the charity to replace Mr Jeremy Dunn who had recently resigned as a trustee. Mr Dunn had been the County Council's nominated trustee for more than 20 years.

The trustee body had considered who might be suitable to act as the County Council's nominative trustee and unanimously agreed to invite the County Council to nominate Mr James P Angus to the trustee body as its nominative trustee. The trustee body had explained that Mr Angus was a respected member of the local community who had lived in Longford, one of the 4 parishes served by the charity for over 23 years. Mr Angus's background was in the aerospace and air transport research industry and he had a strong interest in environmental issues.

The Council had also been approached by the Dr Bland's Alm Houses Charity in Sandiacre.

The charity scheme provided that the trustee body shall consist of 5 individuals, 4 ex-officio trustees and one nominative trustee. The ex-officio trustees included the County Council member for Sandiacre and Councillor Wayne Major currently fulfilled this role. The charity scheme provided that the nominative trustee shall be appointed by the County Council for a term of 4 years. The nominative trustee must be a person who through residence, occupation or employment or otherwise had special knowledge of the parish of Sandiacre and did not need to be a member of the County Council.

As the County Council was represented on the trustee body by the local member for Sandiacre the trustee body would like to propose to the Charity Commission that the County Council's rights to nominate a further trustee should be removed from the scheme and were seeking the Council's views on whether it would support such an approach to the Charity Commission. Alternatively, the County Council had the right to appoint a nominative trustee to serve on the trustee body of the charity for a period of 4 years.

RESOLVED (1) to approve the appointment of James P Angus as the Council's nominated trustee of the Coke's Educational Charity.

(2) that the County Council appoint a nominative trustee to the board of trustees of the charity for a term of 4 years.

PUBLIC

Agenda Item No.6 (a)

**DERBYSHIRE COUNTY COUNCIL
CABINET
8 October**

**Report of the Chairman of the
Improvement and Scrutiny Committee- People**

Review of the Derbyshire Care Leavers' Offer – Interim Report

1. Purpose of the Report

To inform Cabinet of the initial outcomes of the scrutiny review of the Derbyshire Care Leaver's Offer.

2. Background Information

The review focussed on three discrete aspects of the Derbyshire Care Leaver's Offer: Council Tax, Accommodation and Financial support. During the review a series of scrutiny working group meetings were held to ensure that Members were kept informed about partnership working undertaken by the Young People's Department to develop a more consistent offer throughout Derbyshire. The information gathered at these meetings is set out below.

2.1 Council Tax

- It is not a statutory requirement for care leavers to be exempt from Council Tax. However, in some parts of the country, for example Nottinghamshire and Surrey, there are policies in place to exempt care leavers from Council Tax.
- In August 2018, out of a desire to offer similar financial support to Derbyshire care leavers', Cllr Alex Dale (Derbyshire County Council's, Cabinet Member for Young People) wrote to all Derbyshire District and Borough councils to facilitate an in-principle agreement to exempt care leavers from Council Tax.
- Since that time, regular roundtable meetings have been held with district representatives, culminating in a consistent policy across Derbyshire to offer Council Tax discount to all Derbyshire care leavers between the age of 18 to 24 (from 1 April 2020).
- To be consistent with tax legislation the preferred terminology is "discount" and not "exemption".
- The discount covers a 100% of the care leavers Council Tax bill.
- Joint press briefings were planned to raise awareness of this significant change to the Derbyshire Care Leavers' Offer but due to priorities emerging from the Covid19 crisis the publicity was been delayed.
- As stated above, similar discounts are not mandated nationally so the policy is not consistent across the East Midlands region or the UK. For example,

Nottinghamshire offers a discount to all care leavers regardless of their local connection, whereas Derby City offers a discount to their own Derby City care leavers but not Derbyshire County Council care leavers.

- To ensure all Derbyshire care leavers are treated equitably the County Council has undertaken to pay the Council Tax of eligible care leavers if they live in an area that doesn't offer a Council Tax discount.

2.2 Accommodation provision

- The leaving care provisions of the Children's Act require that relevant children are provided with, or maintained in, suitable accommodation unless the local authority is satisfied that their welfare does not require it. To be suitable, accommodation must be reasonably practicable for the young person given their needs and the local authority must be satisfied as to the suitability of any landlord. These arrangements should be detailed in the young person's active pathway plan.
- Accommodation may be available through: Social Housing, Housing Associations, Private Accommodation and Semi-Independent Accommodation Providers. A care leaver may also choose to live with a family member.
- The County Council's role is to work with partners to find suitable accommodation.
- The support that a young person requires is determined by their circumstances. An individual may transfer "seamlessly" from semi-independent living into social housing or there may be more challenging circumstances. For example, a young person may have lost their tenancy due to unacceptable behaviour, in which case the Leaving Care Support Worker may have to present the young person to the district as homeless. On other occasions a young person may not use the district housing service at all and will go into private accommodation.
- Currently the County Council commissions 75 placements in semi-independent accommodation for older children in care and care leavers. The providers work with each young person to help them move on to appropriate long-term housing.
- The 75 placements offering semi-independent living are in significant demand and therefore there is a need to ensure that the flow of young people through this provision remains dynamic and timely.
- On top of the 75 commissioned places, additional places can be purchased from the provider if there is an increase in demand. To ensure that the right accommodation and placement options are available for young people the Service reviews the number and type of placements annually through the sufficiency statement. This year there will be an additional sufficiency review of the number and location of supported accommodation places and an exploration of other accommodation opportunities available through third sector groups.
- District housing departments treat all care leavers between the age of 18 and 24 as a priority group in terms of their duty to assess them.
- An agreement has now been reached that a Derbyshire care leavers' local connection will be to Derbyshire as a whole and not to an individual district.

- The removal of the local connection from the districts to the whole of Derbyshire is a significant change that will open-up more possibilities for finding accommodation for care leavers.
- Previously it was difficult for a young person to move to a different part of Derbyshire. For example, a young person who had been living in Bolsover would have been regarded as not having a local connection if they applied to live in Chesterfield, even if they had been successful in securing work in Chesterfield.
- Another significant change is that districts have agreed that they will not make a care leaver “intentionally homeless” without having a clear discussion with the leaving care service before a decision is made.
- Current performance data shows that 97% of care leavers are in suitable accommodation. There are situations when the service struggles to get young people into long term sustainable accommodation. A small cohort of young people are sofa surfing and a number of care leavers are in custody, so by definition are in unsuitable accommodation. Currently the Derbyshire Leaving Care Service does not have any street homeless young people.
- The service has been designed to be able to give support to the most vulnerable young people. There is a qualified social worker in each team who is assigned the most vulnerable and hard to reach young people. This is unusual for a Leaving Care Service and has proved successful as there has been a reduction of young people in unsuitable accommodation.
- Providing accommodation support has been challenging during the Covid19 pandemic. District housing departments are not accepting new referrals as readily as they were prior to the pandemic. A challenge for the service is to think creatively to find alternative suitable accommodation.

2.3 Financial sustainability

- Children in care receive financial guidance over an extended period of time and this is reinforced when appropriate situations arise.
- At the launch of the new Leaving Care Service an important change was introduced. Each young person is now allocated their Leaving Care Support Worker at the age of 16. Prior to February 2019 the allocation of a support worker did not occur until the young person was 17 years and 6 months old. The rationale for this policy change is that it allows more time for a good working relationship to develop between the young person and their support worker. It also means that there are more opportunities to offer clear guidance about financial matters and to deliver “independence readiness” work.
- The effectiveness of this new approach has not been formally evaluated but the general view of staff working within the service is that care leavers are now better prepared to manage financial challenges as they transition to the adult world.
- Staff, however, remain mindful what a huge step it is for care leavers to go from receiving extensive financial support whilst in care to managing their own finances independently and taking personal responsibility for their own budget.

- Leaving Care Workers have monthly supervision, and this provides an opportunity to record what information has been delivered. However, evidencing and recording support is an area that potentially could benefit from improvement
- A publication entitled “Care Leavers’ 18-25year olds Financial Entitlements” is available online. It sets out the financial support Derbyshire Care Leavers are entitled to and could receive from Derbyshire County Council. The intention is that this document is shared with all care leavers, and the relevant financial entitlements are detailed in each young person’s pathway plan. There is a commitment to review this publication annually. The first review has commenced and will seek the opinions of care leavers.
- The new service is aiming to be more flexible, proactive and responsive to allocating discretionary funding to support the employment and training aspirations and endeavours of each care leaver.
- Under the previous commissioning arrangements discretionary funds were allocated in times of crisis for example to cover utility bill arrears. Now discretionary funds are spent on enablers like travel passes and clothing for job interviews. Another example of greater flexibility is the recognition that not all care leavers benefit from the scheme to match fund 10 driving lessons and that a less prescriptive travel fund is more appropriate.
- Not explicit in the financial entitlement booklet (but explained to all young people in their looked after child review from age of 16 1/2) is that the County Council will fund them for the first 5 weeks whilst they are waiting for Universal Credit payments (as Universal Credit is always paid in arrears) . It is possible for a young person to apply for a loan from the Department of Works and Pensions (DWP) but this would mean the young person would be starting out their independent living arrangements in debt. The County Council has made the decision to gift the money, provided that the young person engages with the DWP in applying for Universal Credit.
- The DWP give care leavers priority so that that they can prepare their Universal Credit applications in advance and submit them when they become 18. However, the young person still has to wait five weeks before they receive any benefit payments.
- It’s a key priority for the service to support care leavers into employment education or training (EET).
- Whilst Derbyshire’s annual return to the Department for Education shows that the number of care leavers in EET is lower than the national average the live outcomes (56.6%) are just above the national average (55.3%). An EET action plan has been developed and to take the ideas forward a part-time leaving care worker has been appointed who will focus solely on EET opportunities and outcomes. It is recognised that Covid19 may present some challenges to the delivery of the desired outcomes. The service has been liaising with several large employers (e.g. Morrison’s, Amazon, Dunelm Mill) and consequently ten young people have been supported into work.
- Up to the age of 21 care leavers receive birthday money and Christmas money and there are financial incentives for those at university.
- At the start of the Covid19 pandemic the service had to respond quickly to put in place additional financial support for care leavers. For example, for the 75 young people living in semi-independent accommodation, the Council has

agreed to pay (for a specified time) the service charge that the individuals are usually responsible for.

3. First-hand accounts of the Leaving Care Service

Cllr Musson and Cllr George met with two care leavers (Adam aged 21 and Ben 20) to ask about their experiences of the Leaving Care Service. This was an informal meeting held online and their Leaving Care Support Worker (Claire) was present. Whilst the conversation focussed on issues relating to accommodation and financial independence, there was an open invitation to raise any issue and to share suggestions about how the service might be improved.

It is acknowledged that conversations were held with a small sample size, however the Councillors felt the comments made were insightful and for this reason the Committee would like the opportunity to speak to more care leavers in the future. Below is a summary of reflections from a care leaver's perspective about the Leaving Care Service. To maintain confidentiality the names given are fictitious.

Adam talked about his experience of moving from semi-independent accommodation to his own borough council flat. This was a difficult transition and he described the support of his personal adviser as being "massively important". Without her support and knowledge of how to apply, where to apply, and what to apply for, he feels he would not have been able to make the transition to living independently at the time he wanted to do so.

On reaching 18 Adam wished to live independently. He had experienced many moves throughout his lifetime and did not want to have to move again to supported accommodation with a different provider. There was no flexibility for him to extend his stay where he was living, whilst he applied for a council tenancy. Therefore, on his 18th birthday he had to leave his accommodation. He understood this was due to a funding issue. Fortunately, he was able to stay at his partners house for four weeks whilst his housing application was processed. At the time, if Adam hadn't had somewhere else to stay the next step would have been for his Leaving Care Worker to present him to the district council as homeless and he would have been offered interim bed and breakfast accommodation.

Claire clarified that the system works well when, at 18, a young person moves on to semi-independent accommodation (or another type of funded 24hr supported accommodation). However, when a young person (on reaching 18) wishes to move into their own flat and is required to sign a tenancy agreement, this is more complex. It is not possible to start the process of finding independent accommodation until post 18 because the

young person cannot be allocated a bidding number that will allow them to submit an expression of interest for a council property. Consequently, this leaves the young person in an uncertain position and feeling unsure about their “Move-on plan”. There are now robust mechanisms in place to ensure that the situation that Adam described, of having to move out of his accommodation on his 18th birthday, would not arise. Since the new Leaving Care Service was brought in-house procedures have been put in place to ensure that, when required, arrangements are made well in advance to fund post 18 accommodation.

During the conversation a suggestion was made that it would be helpful if care leavers could access a bidding number a few weeks before their 18th birthday so that they could begin the application process. They would still have to wait to be 18 to sign a tenancy agreement but the opportunity to enter the system and initiate their application in advance would be extremely helpful and would lessen their uncertainty.

Ben explained that when he first met his Leaving Care Worker he was living in a children’s home and his plan had always been to move into supported lodgings around his 18th birthday. Before this move occurred, Claire offered guidance and encouraged him to budget and he found this work helpful as it “set him up” for when he had to start paying his own bills. After 6 months in semi-independent accommodation with Adullam (Adullam Homes Housing Association Limited), he got the keys to his flat and he has now lived there for two years. This was a smooth process thanks to the support he received from Claire and the team at Adullam. He was very glad that Claire was there to guide him through the housing application process. He “understood very little of what the district council was saying” and it was invaluable to have the support of someone who understood the system and could explain the letters that he received.

Both Adam and Ben placed great importance on the strength of their relationship with their Leaving Care Worker. They have been with Claire since the age of 17 and a half years old, and grown to value her reliable and consistent support. They both said that it is beneficial for a young person to get to know their leaving care worker well in advance of leaving care. This view is in-line with the change introduction at the launched of the new Leaving Care Service (in February 2019). Now each young person is allocated their Leaving Care Worker at the age of 16.

Adam said “having one stable and solid person at that vital time in my life when I was transitioning from being a looked after child to having my own place was crucial to gaining my independence. To know that I could rely on Claire to always be there whatever my circumstances was very important”.

Both Adam and Ben highlighted that it can be difficult to raise issues and concerns with a member of the Leaving Care Service if you don't have a relationship with them and they don't know your history. They indicated that from their own experience there had been times that they had felt uncertain about reaching out for help when their allocated support worker was not available (because of personal circumstances). They described it as daunting to reach out to somebody that you don't know and implied that there might be a tendency to push things aside at the expense of a person's wellbeing. They suggested that it would be reassuring for the young people within the service if they had a "backup support worker" who also knew them. Although that person wouldn't be able to get to know them in such depth it would bring a sense of stability and security to know that there was someone else who they felt comfortable raising issues with if their main worker was not available.

Another issue that arose during the conversation was the support available after the age of 21. Ben said that Claire had been his main support since he left the children's home and therefore it feels daunting knowing that regular contact will not take place and his "support bubble" will disappear. There will still be the facility to contact the service by phoning through to the duty worker, but it will be hard to transition to a different level of support that doesn't have the same degree of continuity. It was suggested that having access to ongoing support, from a person that they know, beyond the age of 21 would be beneficial to many care leavers.

4. Interim Conclusions

The Committee acknowledges the significant progress that has been made in the development of the Derbyshire Care Leavers' Offer. Members welcome the fact that there is now an equitable approach that ensures that all Derbyshire care leavers will receive 100% Council Tax discount up to the age of 25 and that their local connection (when applying for a council tenancy) will be deemed to be Derbyshire rather than an individual district. However, the Committee feels that there are still opportunities to develop the offer further. For example, there may be scope to expediate the process when at 18, a young person chooses to move directly into independent accommodation. The Committee would also support work to identify ways of ensuring that each young person has the opportunity to build a bond with an additional support worker so that they feel comfortable raising issues and seeking support should their designated support worker not be available. Enabling access to guidance or mentoring beyond the age of 21 is another area of work that Members feel would be beneficial to care leavers.

The Committee has submitted this update as an interim report as it wishes to keep open the option of revisiting the work of the Leaving Care Service within the next 12 to 18 months.

5. Considerations:

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

6. Background Papers: - None

7. Key Decision – No

8. Call-in – No

9. Recommendations

9.1 The Committee commends the partnership working that has led to the countywide improvements to the Derbyshire Care Leavers' Offer. The agreement of all District and Borough Councils within Derbyshire to provide Council Tax discount will bring significant benefits to care leavers up to the age of 25 and will help their transition to independent living. The removal of the local connection from the districts to the whole of Derbyshire will open-up opportunities for care leavers when setting up home and seeking employment or training.

9.2 Publicity regarding Council Tax discount for care leavers, that was delayed as a result of the Covid19 pandemic, should be progressed as soon as practicable.

9.3 Children's services work in partnership with District and Borough Councils to identify an approach that would enable a care leaver to make an "expression of interest" for a property in sufficient time to allow them to move in when they reached the age of 18.

9.4 In addition to allocating each young person a designated Leaving Care Support Worker, the service explores the feasibility of identifying a second point of contact within the service. This would provide each young person the opportunity to get to know and feel comfortable with another member of staff who would be available for them in the event of their designated support worker being on leave or leaving the Derbyshire service.

9.5 The Leaving Care Service explores mechanisms that would facilitate care leavers having access to ongoing guidance or mentoring with a person that they know, beyond the age of 21.

Cllr Gary Musson
**Chairman of the
Improvement and Scrutiny Committee- People**

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Agenda Item No.6(b)

DERBYSHIRE COUNTY COUNCIL

CABINET

8 October 2020

Report of the Executive Director - Commissioning, Communities and Policy

THE SCRUTINY REVIEW

Strategic Leadership, Culture and Tourism

1 Purpose of the Report

To inform Cabinet of the Scrutiny Review findings and the proposed actions.

2 Information and Analysis

The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and a workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees. A lack of officer capacity prevented the review from being progressed further at that time, and, to resolve this, a Programme Director was appointed in March 2020 to progress a range of projects, including the scrutiny review.

It was determined that the Centre for Public Scrutiny (CfPS) were to be commissioned to undertake the review, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with:

- The Leader of the Council;
- Improvement and Scrutiny Chairs and Vice Chairs;
- Improvement and Scrutiny Members by political group;
- Cabinet Members;

- Opposition Leaders;
- Executive Directors;
- A sample of Directors;
- A sample of partners and past Improvement and Scrutiny witnesses;
- The Statutory Scrutiny Officer and the two Improvement and Scrutiny Officers

A Scrutiny Review Steering Group was established to lead the review. The Steering Group comprises the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services. It is supported by the Executive Director, Commissioning, Communities and Policy and the Programme Director.

A Scrutiny workshop is scheduled for the 12th October 2020, the outcomes of which will then be considered by the four Improvement and Scrutiny Committees on 3rd and 4th November and the Governance, Ethics and Standards Committee on 22nd October. The final report and action plan will be considered by Cabinet on 19th November for approval and recommendation to Council on 2nd December 2020.

Fifteen recommendations were identified by the Centre for Public Scrutiny (CfPS), as set out in their report: Derbyshire County Council Scrutiny Improvement Review, July 2020, (Appendix 1) and a further three actions were identified by senior officers and the Scrutiny Steering Group.

The Scrutiny Review Steering Group have prepared a draft Action Plan (Appendix 2) in response to the recommendations. For ease of reference, the CfPS recommendations appear as sections 1-15 and the additional recommendations can be found in section 16 of the Action Plan.

3 Key Considerations for Cabinet

Overview and Scrutiny was first introduced to local government in England as part of the Local Government Act 2000. This review has identified systems, practises and approaches that were developed as part of the original implementation in Derbyshire and have, in many respects, been largely unchanged over that period.

As a result, the recommendations highlight the need for cultural change, as well as practical change, ensuring that the Scrutiny function is brought up to date and fulfils more of a central role and is better able to add value to the work of the Council.

The draft Action Plan proposes that Cabinet and senior officers work more collaboratively with Scrutiny, to improve the integration of Improvement and Scrutiny into the functioning of the council. This collaborative approach has already started, for example, the Cabinet Member for Corporate Services has been working alongside the Improvement and Scrutiny Chairs throughout this review.

In addition, the findings from the review include the need to ensure that Improvement and Scrutiny's use of the corporate Key Decisions Document is more readily facilitated. This would enable the Improvement and Scrutiny Committees to develop meaningful and focussed work programmes which in turn will add value to the work of the Council.

It is proposed that this review initiates a programme of continuous improvement for the operation of scrutiny within Derbyshire. It is recognised that the outcomes of the review are comprehensive and a key aim is to deliver cultural change as well as practical changes to the scrutiny function. Therefore, the development of the scrutiny approach will take place over the medium and long term, as well as the short term and it is anticipated that once initial actions have been completed, further areas for future development will be identified and progressed.

4 Key Decision

No

5 Background Papers

Files held by the Executive Director of Commissioning, Communities and Policy

6 Call-in

Is it required that call-in be waived in respect of the decisions proposed in the report?
No.

7 Officer's Recommendation

It is recommended that Cabinet:

- (1) Approve the Scrutiny Review Report, including recommendations and draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees and Governance, Ethics and Standards Committee.
- (2) Agree Cabinet receives a further report on the Scrutiny Review and action plan, as informed by the workshop, the Improvement and Scrutiny Committees and the Governance, Ethics and Standards Committee, for approval and recommendation to Council.
- (3) Note that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.



Derbyshire County Council
Scrutiny Improvement Review



Draft Report

July 2020

Review of Scrutiny

Introduction

Derbyshire County Council believes that the essential role of scrutiny is to help to shape policy, actively support good decision-making and hold the Cabinet to account. To do this effectively the council recognises that its scrutiny function and Members need a clear and shared understanding of the role, purpose and objectives of scrutiny, and to engage constructively in its work.

The context of this review covers the evolution of the scrutiny function over a number of decades; as past practice and experience has helped to shape the current position. The Chairmen of the Improvement and Scrutiny Committees requested that this review take place in order to ensure continuous improvement.

Members are clear that scrutiny needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based, objective enquiry. It must have a measurable impact on policy, service delivery and Cabinet decision making.

Scrutiny has been consistently supported and resourced by the authority but has not been evaluated externally for some time. Like many authorities, DCC has taken a conscious decision to reflect and review its scrutiny process to build on existing good practice.

DCC has set itself some bold corporate objectives to secure efficient, effective and value for money services, and a sturdy financial base through an ambitious 'enterprising council' strategy and careful management of its budget, including achieving a significant reduction in its costs. It also intends to support its local economy and small local businesses, through a range of growth and investment initiatives. It has set clear goals to support and empower communities to be more resilient and self-sufficient together with a robust strategy to support families through greater focus on prevention and early intervention. It has also set challenging objectives to revise and improve its adult and children's social care offer.

The council plan therefore presents considerable challenges in its implementation and delivery. Importantly it will also place a significant responsibility upon its scrutiny function to ensure that council plan and the associated strategy and targets, together with key-decisions, changes and initiatives are robustly and objectively scrutinised.

The Centre for Public Scrutiny (CfPS) was invited to undertake a Scrutiny Improvement Review and identified some principal areas of focus for evaluation. These have been considered using CfPS's Scrutiny Improvement Review (SIR) method.

The CfPS SIR method aligns with both latest statutory guidance and best practice experience accumulated by CfPS over many years. This review also takes into account the latest government (MHCLG) guidance on Overview and Scrutiny in Local Authorities (May 2019) and the latest Good Scrutiny Guide (published by the Centre for Public Scrutiny – July 2019).

The Centre for Public Scrutiny

CfPS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS is an independent national charity founded by the Local Government Association (LGA), Local Government Information Unit (LGIU) and Chartered Institute of Public Finance Accountants (CIPFA). Its governance board is chaired by Lord Bob Kerslake.

Review outline

To conduct a review of the Council's scrutiny arrangements.

The Council wishes to explore what it can do to further strengthen the quality of its scrutiny arrangements and develop them in light of challenges and opportunities ahead.

Scope

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny and how this has been shaped over a number of decades
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people.

Further to discussion with Members and officers, the following broad areas of focus were identified, which are explored by way of the Scrutiny Improvement Review method:

- Prioritisation, timeliness and focus of the work programme (informed by a clear, well-articulated role for scrutiny overall).
- The current scrutiny committee structure. Considered on the basis of scrutiny focus, members' needs and expectations, and whether other structures and formats might be more appropriate for carrying out scrutiny work.

Evidence sourcing

The following elements are used as a framework for further discussion on those issues and areas most important to the Council.

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

These four elements were used to ensure that all key aspects of DCC's scrutiny activity are evaluated and mapped against the DCC-specific areas of focus identified above.

Evidence gathering consisted of:

- **Desktop work.** A check of the Council's constitution and rules of procedure insofar as they relate to scrutiny, recent work plans, scrutiny scopes and review reports. This will provide an evidence base for the rest of the work;
- **Interviews.** Including the Leader of the Council, leading Members in scrutiny (Chairs, Vice Chair, Opposition Group Leader, Cabinet Members, other scrutiny Members, Senior Corporate Officers, Statutory Scrutiny Officer, and Improvement and Scrutiny Officers.
- **Discussions** with witnesses and representatives from partner organisations.
- **Observation.** An Improvement & Scrutiny Committee.
- **Member surveys.**

Summary of findings

1. Overall assessment:

- 1.1 Overall the Council has a strong ongoing commitment to scrutiny in terms of the level of activity undertaken, and time and resource dedicated across the organisation. Scrutiny's role as part of the democratic decision-making process is respected and valued in the Council and political leaders and Cabinet Members are very supportive.
- 1.2 There is a clear realisation and commitment from Members and Officers that scrutiny could be more effective and productive. Everyone interviewed welcomed the opportunity to make changes and improvements. Members, Scrutiny Chairs, Political Group Leaders, and Executive Directors also support the need for change - to enable scrutiny to improve.
- 1.3 Although elements of how scrutiny works may need updating and could be seen as traditional, its Member engagement, resources, council support and ambition provide a strong platform upon which scrutiny could successfully develop.
- 1.4 The majority of those interviewed believed that scrutiny can play a greater role in the way democratic decisions are made. The scrutiny function is currently underused and has potential to offer and provide more. To support the council in its ambitious future plans there is a real need to expose political decision-making to more open, robust and quality scrutiny which would help to shape and improve outcomes and strengthen confidence in governance arrangements.
- 1.5 Members expressed a genuine interest in scrutiny but felt that its focus and work was having less impact than they would like and, at times, lacked sufficient focus on strategic issues. Scrutiny Members overall have an appetite to achieve more and recognise the value of involving frontline councillors in actively shaping and improving policy development.
- 1.6 To achieve the improvements which are clearly desired by the council there are some barriers and practices that may need to be addressed together with commitment to invest in Member development.
- 1.7 Scrutiny does make every effort to be strategic and focus on the areas of importance, although in practice it sometimes falls short of this ambition. Scrutiny can very often become a conversation' or an information exchange or become too operational and council performance focused.
- 1.8 There are missed opportunities for scrutiny to add value and to be an integral part of the Council's corporate plans and overall improvement. This may not be for the want of trying, but for scrutiny to be more strategic, there needs to be change in approach by both scrutiny and the Cabinet, to draw closer together to create a purposeful role and agenda. To achieve the stated desire of giving scrutiny a greater role in shaping policy, constructively challenging and holding to account, there will need to be support from across the Council. Early access to information and the ability to operate as an integral part of policy and decision-making activities of the Cabinet could make a real difference to the value and impact of scrutiny.
- 1.9 The Leader and Cabinet members attend scrutiny meetings as contributors but are often not sufficiently held to account and constructively challenged. Cabinet members and the

Leader expressed support for a more challenging style of accountable scrutiny. This could be readily achieved with more planning and engagement.

1.10 The Scrutiny Chairs and committee members value the support provided by the Scrutiny Team and Governance Services in assisting Members in developing work programmes, managing agendas and liaising with Council departments and external partners to generate reports, evidence and information. This is recognised and widely appreciated internally and externally.

1.11 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and would benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.

There is also a need to adopt a Member and Officer scrutiny development and skills programme. This will support greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9)

2. Members, meetings and agendas:

- 2.1 Members engage in scrutiny and understand that it plays an important role. However, there is inconsistency when Members describe the role of scrutiny and its purpose and can sometimes lose sight of the key objectives of scrutiny to hold decision-makers to account, to shape policy and to drive improvement.
- 2.2 Members have suggested that further training will enhance a greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9: The adoption of a Member and Officer scrutiny development and skills programme.)
- 2.3 Overall, most members work hard to ask useful and enquiring questions, but scrutiny meetings can often tend to favour detail over strategy and may overlook the bigger picture. Some Members can tend to prefer to ask information-gathering questions, rather than questions which explore and challenge issues. Greater emphasis could be given to improving and shaping policies and decision through enquiry and constructive challenge.
- 2.4 The council operates four Improvement and Scrutiny Committees. Each has their own terms of reference and a clear scope which details each committees' responsibilities.
- 2.5 The I&S Resources Committee held on 4th June was observed via recording. As an on-line meeting and the first held via a video conference facility, it was unlikely to be typical. The meeting was skilfully chaired and overall, it ran smoothly and efficiently. There were three substantive subjects on the agenda, which allowed time to give adequate attention to each one. The main item was a status report by the Council Leader on the Covid-19 crisis and the council's response and recovery plans. This was clearly a subject of high importance, as such it presented a crucial opportunity to explore the council's role and responsibility in the crisis and therefore likely to involve a fairly lengthy and detailed response and enquiry from the committee. However, there were only a few question or requests for information and the questioning session was therefore relatively short. Members might consider how they could better organise and plan questioning strategies that ensure more robust holding to account and rigorous enquiry for similar high-level issues.

Other topics covered by the committee at this meeting centred on officer presentations. Similarly, there were some more general questions or comments but minimal constructive challenge that might lead to improving or shaping. There was one Cabinet Member (Cllr King - in addition to the Leader) present, and although he was able to comment on an item relevant to his portfolio, he was not required to take questions from the committee. Members could consider how Cabinet Members could be incorporated into their meetings, held to account and take questions on the underlying policy or strategy for which they are politically responsible.

- 2.6 The Health Improvement and Scrutiny Committee has a strong external focus and good relations with health partners, as reflected in regular senior attendance and engagement. External partners talked positively about their experience of attending scrutiny, particularly with the recent focus on finances, and good officer relations. The Committee was seen as being fair in its approach in considering proposed changes to services. However, they could benefit further from a more strategic approach to work programming, measuring impact and outcomes. Member training and support in this highly complex area may also be welcomed.
- 2.7 Other I&S Committee agendas and minutes have been reviewed. From our conversations with Members and Officers, there is a pattern of meetings being largely officer presentations, with Cabinet Members often present but not integrated into the

session as the accountable person. Members could refresh this practice and consider the Cabinet Member as the focal point of scrutiny sessions with Officer support.

- 2.8 Committees might also consider ways to give more time to planning and organising scrutiny meetings, to set objectives, develop appropriate lines of enquiry, set a questioning strategy and decide who they would require to appear at the meeting. This would introduce a more 'Select Committee' style of scrutiny and elevate its status and impact, to produce high quality outcomes such as convincing recommendations or compelling improvements.
- 2.9 Reports presented to committees tend to be dominated by up-dates and progress reports. Many reports simply ask the committee to 'note' the report which may lead to Members simply commenting on its content or seeking clarification. Scrutiny may need to check its purpose and objective in receiving 'for information or update' reports, where there might be limited scope for it to add value or influence improvement. Such reports can often be reviewed by scrutiny outside of committee. Our observations suggest that scrutiny could more clearly set out its objectives on specific agenda items, which would assist committees to construct key lines of enquiry and develop outcomes that may add more value.
- 2.10 Whilst most Members take the opportunity to speak at committee, the engagement and contribution is varied with often just a few members ask most of the more useful questions. Members may benefit from more training and experience in the area of questioning techniques.
- 2.11 There is good cross-party working and little evidence of political management activity. Generally, Scrutiny Committee Members get along and co-operate with each other. Member behaviour is cordial and respectful. The independence of scrutiny and of political groups is maintained and respected
- 2.12 Whilst trying to encourage public engagement is difficult, exploring and experimenting with ways to allow greater access, openness and involvement could include:
- Simple video recording via website
 - Community listening panels
 - Invite public to offer ideas for work programmes
 - Greater use of social media channels

3. Structure and work programming:

- 3.1 Committee work programmes exist for committees, except Health. There is also on-going work to increase Member involvement in constructing these and there has been some senior officer time spent in supporting Members with this process. Historically, work programmes have largely been assembled by scrutiny officers with Members approving or amending suggested plans. It is therefore pleasing to note that Members, led by committee chairs intend to switch the emphasis of work planning to be Member-led and take a more strategic approach to focus on key priorities.

Members might consider developing a methodology for their work programme selection and prioritisation, given that the sources to choose from (including Council Plan, MTFs, Delivery Plans, Cabinet forward plan/key decisions etc) provide an extensive menu of options. The need to rationalise selection could be helped by a simple scoring or prioritisation process.

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- 3.2 Work programmes are therefore currently under-developed, partly due to the current Covid-19 restrictions, but in part also due to the short timescales which work programmes are set - typically a few months. Committees may benefit from looking at a longer work-programme timeframe which would enable scrutiny to be planned more effectively. Work programmes could be regularly refreshed to ensure they remain relevant.
- 3.3 I&S Committees do recognise the need to be focused on strategic matters, but this may become hindered at times by the lack of early access to the Cabinet forward plan and scrutiny not involved in earlier stages of the policy development and decision-making process. This lack of early visibility can therefore mean that Scrutiny is not provided with a sufficient timeframe for effective pre-decision scrutiny. The committees therefore use some of their energy examining operational performance and detail rather than inputting in future ideas and delivery.
- 3.4 Work programming therefore needs to identify the big, high impact subjects in the council's corporate plan, the key decision document and other strategic documents and to integrate these into the work programme of each I&S Committee. Scrutiny should be able to engage earlier and be supported in this task. Working across the four committees a join-up scrutiny and work programming structure would allow all parts of the council's priorities to receive quality scrutiny.
- 3.5 There is a real intent to engage in pre-decision scrutiny and committees are often presented with Cabinet reports to scrutinise. However, this may not be where scrutiny can offer maximum value. As outlined above, for scrutiny to offer greater impact and value and to help shape or constructively challenge Cabinet proposals, the work of pre-decision scrutiny needs to operate more up-stream as things are forming rather than at the point when decisions are imminent. Pre-decision scrutiny is a key function of scrutiny and it is an area that could be developed further. The Committee Chairs do want to bring scrutiny into play earlier and have more impact in pre-decision activity. For this to work effectively Scrutiny will need greater co-operation and a whole council commitment to integrating scrutiny in the decision and policy forming process. This may mean that Scrutiny, by agreement with Cabinet, has access to forward decisions, possibly months before final Cabinet approval. Scrutiny will then be able to make the bigger, positive and constructive contribution that everyone seeks and strives for.
- 3.6 Committee Chairs endeavour to maintain good relations and communications with Cabinet counterparts. This is a positive and essential part of ensuring that scrutiny is properly sighted on important issues. Chairs would like to build on this and have more structured communications that would encourage greater collaboration. In addition to regular informal conversations, this could be strengthened and enhanced through timetabled individual committee quarterly triangulation sessions. These could involve the scrutiny Chair and Vice Chair of each I&S Committee, together with scrutiny Officers and appropriate Senior Officers and the Cabinet Member(s) relevant to each committee, to discuss the next quarter of council business and key deliverables. This could, through a discussion and negotiation, form part of the basis for future scrutiny work planning and scheduling.
- 3.7 Scrutiny of the council budget and medium-term financial plan can take up a significant amount of scrutiny capacity. Members recognise that scrutiny input into the process of budget construction is essential if the Council's resourcing plans and long-term financial viability are to be constructively challenged in an open and transparent way. Members will be aware of the serious financial challenge that all Councils, including Derbyshire,

face. There are several recent examples from other councils where a scrutiny deficiency in this area contributed to serious consequences. Our observation in DCC was that financial scrutiny tends to be geared towards monitoring with less input into future financial planning. Scrutiny might consider being more directly involved in the planning of the future budget and MTFs and to start this at an early phase. In many councils this process of scrutiny can span September-January. As most councils will also be reviewing their current budget due to the financial impact of the current crisis, scrutiny may also want to explore how it could have a positive contribution to that process also.

- 3.8 Task and Finish (T&F) groups seem to be used effectively. There appears to be support from Members to use this option to focus on helping to shape policy or exploring issues of community concern where the council or its partners may need to respond. These T&F assignments or similar focused 'project scrutiny' can, if used well, build more versatility and agility for scrutiny. However as these can be very demanding on officer time and resources, committees might consider limiting the number running consecutively and having a finite number per year. Whilst each T&F does currently have a detailed scope, timeframe and objective we would also suggest that where possible they are designed as collaborative ventures with input from relevant Cabinet Members at an early stage of scoping. This may further increase the value and benefit T&F already provide.
- 3.9 Some councils also use single episode events to dig deeper and wider into suitable issues. These include Inquiry days or focus events, where all of the stakeholders appear to provide evidence and insight and to help shape options or solutions.

4. Support and resources:

- 4.1 There is a small, experienced team of Officers who support scrutiny. They are proactively engaged in advising Chairs and Members on their roles and in developing scrutiny activity. Members told us that they do feel in control of their own work programmes and agendas.
- 4.2 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and may benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.
- 4.3 It is possible that Members could also play a greater role in how scrutiny operates and is resourced. Members could be more central in the preparing of programmes, projects and agendas, or researching issues and helping each other to be well-prepared and informed. It might be worth exploring how simple currently available technology such as closed social media groups, conference and video calling, and the use of shared file systems could give members more capacity to share, discuss and plan their scrutiny activities.
- 4.4 The council's website has useful content on scrutiny, which is relatively easy to access and has helpful guidance. The site is up-to-date and offers a good public oversight of scrutiny activity.

5. Relationships, behaviours and culture:

- 5.1 It is evident from our research, that a deep-rooted culture dating back some decades, exists in respect of the organisation's view and approach towards scrutiny.
- 5.2 The role of scrutiny in 'holding to account' is not used consistently, although there are some signs that this is recognised, and efforts have been made to improve. However, our observation and interview evidence would suggest that political accountability could be made stronger and be a more constant feature in committee meetings. Often there seems to be a preference to challenge and hold officers to account rather than political decision makers. The principle of scrutiny's duty to hold the Leader and Cabinet Members to account, could be refreshed and strengthened. The council may also choose to strengthen the Cabinet accountability sessions to allow scrutiny to examine the work programme of individual Cabinet Members and assess progress against plans.
- 5.3 Cabinet Members frequently attend Scrutiny, but their role in attending is sometimes unclear. They often introduce reports and make useful comments during the discussion. However, there is no obvious democratic accountability for decisions, performance, delivery and policy. The Leader and Cabinet are very supportive of scrutiny and recognise its value. They also actively support a more central role in being held to account, supported by their officers for technical advice. The experience from elsewhere is that when Cabinet Members attend and are the focus of the questioning, a more strategic exchange takes place and better recommendations, or advice is achieved.

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- 5.4 Relationships between political groups are generally co-operative in the context of scrutiny. Clearly there are differences in policy and approach, but all Members appear to work towards a similar goal in committee.
- 5.5 Member surveys were undertaken. One asked for the views and opinions of scrutiny committee Members and Cabinet Members and a similar survey was issued to Members who did not currently sit on a scrutiny committee. The results of these surveys are summarised in Appendix A

6. Development, skills gaps:

- 6.1 DCC is fortunate to have a good pool of talent and experience among its Members. Many councillors have relevant backgrounds and experience who bring a very useful set of skills to many areas of the council. Good practice also suggests that Members' interests, experience and background knowledge can also be useful in allocating a spread of skills to committees.
- 6.2 Training and development were raised by some Members, who were clearly aware of the gaps in their knowledge and understanding. There is also a number of relatively new councillors with limited experience of local government scrutiny, particularly in large complex councils like DCC, who would benefit from further training and development.

7. Contribution, performance and value-adding:

- 7.1 Scrutiny impact is a key issue. A high volume of scrutiny activity does not necessarily deliver corresponding quality outcomes.
- 7.2 While scrutiny has made some positive progress and there are examples of good practice, and positive results, it could have even greater impact and make a significant difference within the council. This ambition and desire should be shared as a council-wide issue and be addressed by ensuring that scrutiny has the support, parity, access to timely information and early engagement to allow it to operate in a more strategic way.
- 7.3 Scrutiny and Cabinet could collaborate further. Scrutiny needs to provide a regular source of quality recommendations to Cabinet, and Cabinet needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.
- 7.4 Scrutiny at DCC can overburden itself with too much activity and agendas focused on 'for information' reports. Doing less, but doing it really well, is worth considering. Asking the question; 'what value can scrutiny add to this' is also a useful test. Scrutiny's output must aim to shape and improve policy and decision-making as well as transparently testing the suitability of decisions being considered by Cabinet in the future.
- 7.5 Further consideration of pre-scrutiny activity would be useful as this has a crucial role in shaping, improving and influencing future Council plans. Pre-scrutiny of Cabinet decisions, through selective scrutiny of Cabinet forward programmes and the Council plan could add significant impact. This would require a change in practice by enabling earlier access to information.
- 7.6 From our observations and evidence gathering the I&S Committees may benefit from ensuring greater clarity about what it is trying to achieve or what impact they are aiming to make. Similarly, the process for deciding what is important to scrutinise and what is not, is sometimes unclear. Scrutiny cannot examine everything, nor is it necessary to do so, therefore establishing realistic priorities based on clear objectives is essential. It is therefore necessary to 'let go' of too much operational scrutiny and focus resource on strategy and policy.

8. Recommendations:

These recommendations are for discussion. They are presented for consideration as potential areas of improvement, with further assistance and planning.

Planning, organizing and resourcing scrutiny

- 8.1 **Work programme prioritisation and focus.** Developing a clear methodology focused on DCC's key corporate or community priorities should itself be a priority. Items on each work programme to have a clear rationale to justify their inclusion and a clear system for selection.
- 8.2 **Scrutiny and Cabinet needs to work more collaboratively.** This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held regularly could include Scrutiny Chair and Vice Chair, Cabinet Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant Senior Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.
- 8.3 **Ensure scrutiny inclusion in Cabinet papers.** Establish a routine that embeds scrutiny in all papers presented to cabinet to show how and where scrutiny has been included in the journey of the plan, policy or decision.
- 8.4 **Consider bringing Cabinet public accountability and transparency into more focus at scrutiny committees.** Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. A more parliamentary select committee approach could be considered.
- 8.5 **Reduce the reliance on officer presentations and cabinet reports.** Instead, scrutiny should set its objective for each subject to be considered and material presented or verbally reported by Cabinet members, with officer assistance.
- 8.6 **Establish a practice of core knowledge briefings.** To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.
- 8.7 **Extend video conferencing.** There are new opportunities to use VC resources to;
 - Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc
 - Committee pre-meeting to agree objectives and set themes or questioning plans
 - Hold core knowledge briefing sessions
 - Invite external witnesses via video conference links to join scrutiny meetings
- 8.8 **Adopt a Member and Officer scrutiny development and skills programme.** This will support greater understanding of the role of scrutiny and improve its effectiveness.
- 8.9 **Officer support.** Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.
- 8.10 **Adopt a protocol.** This would outline how scrutiny, cabinet and officers would work together to ensure each part works collaboratively and ensure council wide ownership and support for the success of scrutiny.

Structures and settings

- 8.11 **Recreate Improvement and Scrutiny Committees. Consider moving to a modern** 'select committee' style of scrutiny, with agendas that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as;
- Policy & Finance Select Committee
 - Transport & Infrastructure Select Committee
 - Children, Families and Communities Select Committee
 - Health and Adult Social Care Select Committee
- 8.12 **Establish a scrutiny Co-ordination Group.** This could comprise Chairs and possibly Vice Chairs of each committee and Chaired by the Chair of Resources (P&FSC). The purpose would be to discuss alignment of work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.
- 8.13 **Consider further use of task and finish and other 'set piece' scrutiny techniques.** Focused events or enquiry days can highlight major areas of policy development or community concern.
- 8.14 **Allow experts/advisors on all scrutiny committees.** Consider inviting external advisors to sit as observer status non-voting members of committees to provide additional insight and expertise to the committee. They could be set period appointments or invited to a one-off relevant meeting. Payment or reimbursement may encourage candidates. Some selection may be necessary, and terms of reference made clear.
- 8.15 **Member workshop.** We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.

Acknowledgments and thank you

The Centre for Public Scrutiny (CfPS) was commissioned by Derbyshire County Council to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.

We would like to thank the Chairs and Vice-Chairs of Scrutiny for their time and support and those Improvement and Scrutiny Committee Members, Cabinet Members, and Officers who took part in interviews, survey and observations, for their time, insights and open views.

A schedule of Members and Officers who were involved in scrutiny conversations is attached as Appendix B

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Draft Action Plan

- 1.1 The table below sets out the 18 recommendations:
- 15 recommendations were identified by the Centre for Public Scrutiny (CfPS), as set out in their report entitled ‘Derbyshire County Council Scrutiny Improvement Review’, July 2020, and
 - a further three actions were identified by senior officers and the Scrutiny Steering Group.
- 1.2 It is recommended that the table should be read in conjunction with the full report and recommendations. (The numbers in brackets within the table below, reflect the numbering of the recommendations within the CfPS report).
- 1.3 The draft Action Plan has been prepared by the Scrutiny Steering Group. It will be considered by a scrutiny member workshop the Improvement and Scrutiny Committees, and the Governance, Ethics and Standards Committee.
- 1.4 It is proposed that the final Action Plan will be presented to Cabinet and Council.

	Recommendations	Action Plan	Implementation
	Planning, Organising and Resourcing Scrutiny		
1 (8.1)	Work programme prioritisation and focus. <i>Developing a clear methodology focused on DCC’s key corporate or community priorities should itself be a priority. Items on each work programme to have a clear rationale to justify their inclusion and a clear system for selection.</i>	(i) Ensure that each Improvement & Scrutiny (I&S) Committee prepares a focused Work Programme which is aligned to the Council’s corporate priorities and Key Decision Document	Development of the Work Programme to commence December 2020

Appendix 2

<p>2 (8.2)</p>	<p>Scrutiny and Cabinet needs to work more collaboratively <i>This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held bi-monthly could include Scrutiny Chair and Vice Chair, Cabinet Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant Senior Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.</i></p>	<p>(i) Scrutiny Chairs and Cabinet to meet regularly on an informal basis;</p> <p>(ii) Scrutiny Chairs to inform and provide brief to the relevant Cabinet Member in advance of attendance at I&S meetings; thereby ensuring that contributions are focussed, structured and value-added. Such attendance should be linked to the respective I&S Work Programmes;</p> <p>(iii) Hold triangulation meetings at least, quarterly and invite:</p> <ul style="list-style-type: none"> • Scrutiny Chair • Vice Chair • Cabinet Member and or The Leader <p>Supported by:</p> <ul style="list-style-type: none"> • CMT Chair • Monitoring Officer • Statutory Scrutiny Officer <p>(iv) Develop a Pre-Decision Scrutiny approach. Commenced with the Scrutiny review of residential care homes</p>	<p>Commence September 2020 and continue on a regular basis</p> <p>Commence October 2020</p> <p>From December 2020</p> <p>Commenced and ongoing</p>
<p>3 (8.3)</p>	<p>Ensure reference of scrutiny in all Cabinet papers <i>Establish a routine that embeds scrutiny in all papers presented to cabinet to show how and where scrutiny has been included in the journey of the plan, policy or decision.</i></p>	<p>(i) The current report template to include reference to scrutiny within the body of reports, where appropriate.</p>	<p>From December 2020</p>
<p>4</p>	<p>Consider bringing Cabinet public accountability and</p>	<p>(i) Scrutiny to consider this approach, taking into account the need to balance the two-fold role</p>	<p>June 2021</p>

Appendix 2

(8.4)	<p>transparency into more focus at scrutiny committees <i>Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. This could take on a more parliamentary select committee approach.</i></p>	<p>of Improvement and Scrutiny Committees to both support policy development (overview) and to hold Cabinet members to account (scrutiny).</p> <p>(ii) To ensure that I&S Committee request for Cabinet member attendance sets out purpose and scope to enable a productive session with clear, planned outcomes.</p>	
5 (8.5)	<p>Reduce the reliance on officer presentations and cabinet reports. <i>Scrutiny should set its objective for each subject to be considered and material presented or verbally reported</i></p>	<p>(i) Each I&S Committee to agree a Work Programme with an emphasis upon I&S Committees being highly proactive and Member-led. Set objectives for each subject to be considered;</p> <p>(ii) Officer attendance at Committee to be focused on support to Scrutiny members through the provision of technical and/or professional advice and information.</p>	November 2020
6 (8.6)	<p>Establish a practice of core knowledge briefings <i>To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.</i></p>	<p>(i) Executive Directors, Directors to work with Cabinet and Scrutiny Chairs to develop a programme of Core Knowledge Briefings linked to the Scrutiny Work Programmes and update on a rolling basis</p>	Commence December 2020, ongoing
7 (8.7)	<p>Extend video conferencing <i>There are new opportunities to use VC resources to:</i></p>	<p>(i) Scrutiny Committee Meetings held electronically during COVID-19;</p> <p>(ii) I & S Chairs and Vice Chairs to hold pre-Agenda meetings to set agendas and arrange</p>	Commenced and will continue, where appropriate

	<p><i>-Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc .</i></p> <p><i>-Committee pre-meeting to agree objectives and set themes or questioning plans</i></p> <p><i>-Hold core knowledge briefing sessions</i></p> <p><i>-Invite external witnesses via video conference links to join scrutiny meetings</i></p>	<p>meeting requirements with support from lead senior officer and scrutiny officer.</p> <p>(iii) I&S Chairs and Vice-Chairs to attend Committee pre-meetings in order to agree objectives and set themes or questioning plans;</p> <p>(iv) Core knowledge briefing sessions to be available electronically;</p> <p>(v) Invite external witnesses via video conference links to join I&S meetings;</p> <p>(vi) Hold hybrid meetings in order to maximise accessibility ie some people in a Committee Room and others may join via a video link</p>	
8 (8.8)	<p>Adopt a Member and Officer scrutiny development and skills programme. <i>This will support greater understanding of the role of scrutiny and improve its effectiveness.</i></p> <p>Ensure personal development is ongoing and that DCC learns from other local authorities</p>	<p>(i) Member Development Programme in place (and supported by Member Development Strategy, recently approved by Council);</p> <p>(ii) Continuously identify training needs and agree how those needs may be met;</p> <p>(iii) Officers, Scrutiny Chairs and the Cabinet Member to have the opportunity to attend the East Midlands Councils Scrutiny Meetings</p> <p>(iv) To have the opportunity to attend LGA and CfPS events and workshops</p>	<p>Programme in place.</p> <p>Ongoing</p> <p>July 2021</p> <p>Ongoing</p>
9	Officer support	(i) Review the officer support resource available to scrutiny.	December 2020

(8.9)	<p><i>Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.</i></p>	<p>(ii)The following senior officers to support the Scrutiny Steering Group and I&S Committees:</p> <ul style="list-style-type: none"> • CMT rotating Chair, • Monitoring Officer, • Statutory Scrutiny Officer • Members' Support Officer 	<p>November 2020</p>
<p>10 (8.10)</p>	<p>Adopt a protocol <i>This would outline how scrutiny, cabinet and officers would work together to ensure each part works collaboratively and ensure council wide ownership and support for the success of scrutiny.</i></p>	<p>(i)Review the existing Scrutiny officer and Member protocol</p> <p>Develop it further to outline how scrutiny, cabinet and officers can ensure collaborative working, council-wide ownership and support for the success of scrutiny.</p> <ul style="list-style-type: none"> - Prepare the collaborative draft protocol; - Report to I&S Committees; Cabinet and Council; <p>Add the approved document to the Council's Constitution</p> <p>(ii) Review the protocol annually</p>	<p>March 2021</p>
	<p>Structures and Settings</p>		
<p>11 (8.11)</p>	<p>Recreate Improvement and Scrutiny Committees. <i>Consider moving to a modern 'select committee' style of scrutiny, with agendas</i></p>	<p>(i) Review the merits of moving to a modern select committee style of scrutiny and bring back to Cabinet</p>	<p>September 2021</p>

	<p><i>that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as:</i></p> <ul style="list-style-type: none"> - <u>Policy & Finance Select Committee</u> - <u>Transport & Infrastructure Select Committee</u> - <u>Children, Families and Communities Select Committee</u> - <u>Health and Adult Social Care Select Committee</u> 		
<p>12 (8.12)</p>	<p>Establish a scrutiny Co-ordination Group <i>This would comprise Chairs and Vice Chairs of each committee and Chaired by the Chair of Resources (P&FSC). The purpose would be to discuss alignment of</i></p>	<p>(i) Scrutiny Steering Group to continue and to include:</p> <ul style="list-style-type: none"> - I&S Chairs; - I&S Vice Chairs - Cabinet Member <p>To be supported by the rotating CMT Chair, the Monitoring Officer, Statutory Scrutiny Officer and Member Support Officer;</p>	<p>Established and ongoing</p> <p>From November 2020</p>

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	<p><i>work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.</i></p>	<p>(ii) Scrutiny Officers to schedule quarterly meetings with the relevant Executive Director, key Directors and Cabinet Member.</p> <p>(iii) The Scrutiny Steering Group should liaise with the Cabinet Member in the first instance, and regularly report to Cabinet thereby ensuring a completely joined up approach</p>	<p>Commence December 2021</p>
<p>13 (8.13)</p>	<p>Consider further use of task and finish and other ‘set piece’ scrutiny techniques <i>Focused events or enquiry days can highlight major areas of policy development or community concern.</i></p>	<p>(i) Align this consideration to the Scrutiny Work Programmes and tailor the relevant methodology for each piece of work</p>	<p>Ongoing</p>
<p>14 (8.14)</p>	<p>Allow experts/advisors on all scrutiny committees <i>Consider inviting external advisors to sit as observer status non-voting members of committees to provide additional insight and expertise to the committee. They could be set period appointments or invited to a one-off relevant meeting. Payment or reimbursement may encourage candidates. Some selection may be necessary, and terms of reference made clear.</i></p>	<p>(i) The I&S Committees to consider inviting experts and advisors for specific topics. Such experts/advisors are likely to attend a particular meeting or for a specific period to aid exploration of a specific topic, as expert advisors.</p>	<p>February 2020</p>

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15 (8.15)	<p>Member workshop <i>We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.</i></p>	Workshop Scheduled and stakeholders invited	12 October, 11am-1pm
16	<p>Additional Actions not Included within the Report Recommendations</p>		
16.1	<p>Review the relationship and interface between the Audit; Governance Ethics and Standards Committees and Improvement and Scrutiny Committees. Ensure that these Committees have a clear focus, avoid any potential overlap or duplication and consider matters of mutual importance and refer key issues to the relevant committee for further action, where necessary.</p>	<p>(i) Initial meeting between the 6 Chairmen, supported by their respective senior officers;</p> <p>(ii) Thereafter, quarterly meetings</p>	February 2021
16.2	<p>Map and identify the financial and human resource implications of the review to ensure that the recommendations are adequately identified, costed and prioritised.</p>	<p>(i)The Scrutiny Steering Group to lead this work, supported by the Monitoring Officer and Statutory Scrutiny Officer;</p> <p>(ii)This work to feed into the budget planning process; and any recommendations to be considered by Cabinet and ultimately by Council</p> <p>(iii)The Statutory Scrutiny Officer and Monitoring Officer to ensure</p>	Timeline to align with the annual budget -setting process

Appendix 2

		close liaison with the Council's S.151 Officer and HR professionals	
16.3	The Statutory Scrutiny Officer Role	Review how the role of the Statutory Scrutiny Officer is discharged.	September 2021

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PUBLIC

Author: Iain Little

DERBYSHIRE COUNTY COUNCIL

CABINET

8 October 2020

Report of the Director for Public Health

**REVIEW OF URGENT OFFICER DECISIONS
TAKEN TO SUPPORT COVID-19 RESPONSE THAT HAVE BEEN IN PLACE
FOR LONGER THAN EIGHT WEEKS**

HEALTH AND COMMUNITIES

1. Purpose of the Report:

The purpose of the report is to provide Cabinet with an update in relation to those actions which were the subject of Officer's Decisions utilising emergency decision making powers as detailed in the constitution.

2. Information and Analysis:

The current challenges relating to the COVID-19 pandemic have necessitated urgent decision making processes by the Executive Director for Adult Social Care and Health and Director of Public Health to be implemented to ensure the welfare of service users and the public and to safeguard the interests of the Council. The decisions have been made under the urgent delegated powers to Executive Directors as set out in the Constitution.

All urgent decisions made relating to Public Health were made in consultation with the Cabinet Member for Health and Communities, and Cabinet were informed of the decisions made on 23 April 2020.

At the 4 June 2020 Cabinet meeting it was agreed that Cabinet would formally delegate review decisions to the relevant Cabinet Member meeting as these were meetings held in public, virtually if necessary, in order to ensure maximum transparency. This process was put in place from 8 July 2020 with the Cabinet Member reviewing decisions on a fortnightly basis. Prior to this, all decisions were reviewed on a regular basis by the Cabinet Member for Health and Communities in conjunction with the Director of Public Health. As outlined in the report to Cabinet on 4 June it is a requirement that a summary of review decisions made by Cabinet members will be reported to Cabinet every two months. The first report reviewing urgent decisions made in relation to the Public Health department was approved by Cabinet on 30 July.

As a further safeguard any significant reductions in service that have been reviewed and substantially maintained over any eight week period will be referred to Cabinet as soon as possible after the eight week period for ratification.

There are no Officer Decisions relating to Public Health that have been in place for a period of 8 weeks or more and that require to remain in place for a further eight week period.

The following table contains a summary of the Public Health decisions that remained in place at the time of the last report to Cabinet on 30 July, and are now no longer subject to ongoing fortnightly review by the Cabinet Member for Health and Communities.

Summary of officer decision record reviews for decisions that are no longer subject to review

Officer Decision	Reason why decision no longer subject to review
School Crossing Patrol service provision (PHODR1); Live Life Better Derbyshire Service provision (PHODR2); Suspension of Local Area Co-ordination Service (PHODR4); Suspension of 50+ Forums (PHODR5); Suspension of Safe Places (PHODR6); Suspension of Time Swap service (PHODR7); Suspension of First Contact Service (PHODR8); Suspension of Disability Employment Service (PHODR9); Suspension of Pension Credit Service (PHODR11)	<p>The COVID19 pandemic has resulted in the implementation of national guidance for social distancing, social isolation and the closure, and subsequent re-opening, of schools. In light of these requirements changes have been made to the delivery model for Public Health services, including the suspension of some services.</p> <p>Changes to the delivery of Public Health services were approved by the Director of Public Health and the Executive Director for Adult Social Care and Health following consultation with the Cabinet Member for Health and Communities in March/April 2020, and subsequently reviewed by Cabinet on 23 April 2020.</p> <p>The decision has been reviewed by the Director of Public Health and Cabinet Member for Health and Communities on 11 May, 1 June, and 22 June. The decision has been reviewed at Cabinet Member for Health and Communities meetings on 8 and 22 July, 3 and 21 August, and 4 and 17 September. The decision was reviewed at Cabinet on 30 July.</p> <p>An Equalities Impact Assessment has been completed in relation to the ongoing implementation and operationalisation of this decision, and this was reviewed by Cabinet on 4 June 2020.</p>

	<p>Delivery of Public Health services continues to be affected due to the impact of COVID19. Due to the ongoing restrictions in place to mitigate the risk of community transmission of COVID19, it is highly unlikely that delivery of Public Health services will return, in the near future, to the delivery models in place prior to the onset of the pandemic. However, all Public Health delivered services have a revised service model in place, or have adapted their delivery focus to support Derbyshire residents who are most clinically and socially vulnerable as a result of COVID19.</p> <p>The Cabinet Member for Health and Communities approved on 17 September the continuation of current service delivery models for Public Health services, and for any subsequent changes to service models to be considered at future Cabinet Member meetings, thus negating the need for a fortnightly review.</p>
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3. Financial Considerations:

As part of the urgent officer decision-making process, regard has been had to financial implications and these are detailed where appropriate on the original Officer Decisions.

4. Human Resources Considerations:

As part of the urgent officer decision-making process, regard has been had to human resources implications and these are detailed where appropriate on the original Officer Decisions.

5. Legal Considerations:

The reviews of the Officer Decisions made under powers delegated to officers in accordance with the Constitution have ensured that timely consideration is given to the necessity and proportionality of the continuation of those actions outlined in the Officer Decision Records.

6. Equality implications:

As part of the urgent officer decision making process, regard has been had to equality implications. A consolidated Equality Impact Assessment was reported to the 4 June 2020 Cabinet meeting.

7. Other Considerations:

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

8. Background Papers:

- Officer Decision Records considered by Cabinet on 23 April 2020
- Decision making process during Covid Epidemic – report to Cabinet 4 June 2020
- Equality Impact Assessment – urgent decisions in relation to Council Services, Functions and Assistance – report to Cabinet 4 June 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 8 July 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 22 July 2020
- Review of urgent officer decisions taken to support COVID19 response that have been in place for longer than eight weeks – report to Cabinet 30 July 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 3 August 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 21 August 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 4 September 2020
- Review of urgent decision of changes to delivery of Public Health-delivered services – report to Cabinet Member for Health and Communities 17 September 2020
- Public Health SMT reports – held on file and available on request

9. Key Decision:

As indicated in reports

10. Call-in:

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

No

11. Officer's Recommendation

Cabinet is asked to note the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic.

**Dean Wallace
Director of Public Health
County Hall
Matlock**

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DERBYSHIRE COUNTY COUNCIL

CABINET

8 October 2020

Report of the Executive Director for Commissioning, Communities & Policy

CORPORATE PROPERTY DELIVERY – GROUNDS MAINTENANCE

(Corporate Services)

1. Purpose of the report

To advise Cabinet approval on proposals to externalise part of the Grounds Maintenance services in accordance with the implementation of a new operating model for the Corporate Property division.

A further report, titled 'Corporate Property Delivery - Grounds Maintenance, Full Business Case' containing information not for publication is to be considered separately by Cabinet in the exempt part of this meeting.

2. Information and Analysis

2.1. Background

In February 2019, Cabinet approved a new operating model for the Council's Corporate Property service and which is now being implemented through a programme called Corporate Property 2020. In September 2019, Cabinet approved an Outline Business Case ('OBC') for the externalisation, in principle of certain services delivered by Corporate Property. In March 2020 Cabinet approved a Full Business Case ('FBC') in respect of the externalisation of two areas of work; Caretaking and Cleaning services and Design services by establishing two joint venture Companies: Vertas (Derbyshire) Limited and Concertus (Derbyshire) Limited. This report informs the FBC relating to the externalisation of a third area of work, Grounds Maintenance and for which an in principle decision has previously been approved.

2.2. Full Business Case

The new operating model for Corporate Property is based on a retained service delivering 'core' property services and procuring from a supply chain 'non-core' property services. To determine how and from whom the non-core services are delivered, business cases are being prepared in accordance with best practice HM Treasury Guidance. These business cases are developed in three iterations:

- i. Strategic Outline Case ('**SOC**') also known as the Preliminary Business Case;
- ii. Outline Business Case, and
- iii. Full Business Case.

Each iteration of the business case has the same five sections within it, however, as the business case develops through these three stages the level of detail increases. The five sections of the business case address the following:

- **Strategic Fit** - Description of the business need and its contribution to the organisation's business strategy and the compelling case for change, in terms of the existing and future operational needs of the organisation.
- **Options Appraisal** - documents the wide range of options that have been considered within the broad scope identified in response to the organisation's existing and future business needs. It aims to arrive at the optimum balance of cost, benefit and risk.
- **Affordability (Financial Case)** – This provides an assessment of affordability and available funding, linking proposed expenditure to available budget and existing commitments.
- **Commercial Appraisal** - Where there is an external procurement, this section outlines the potential commercial arrangement including proposed sourcing option, with rationale for its selection and the key features of the proposed commercial arrangements.
- **Achievability (The Project Management Case)** - This section addresses the 'achievability' aspects of the project. Its primary purpose is to set out the project organisation and actions which will be undertaken to support the achievement of intended outcomes including procurement activity (where applicable) or detailed study with existing providers and workforce matters.

This report informs the FBC for one of the non-core property services work areas, Grounds Maintenance. On completion of the legal agreements referred

to in this report, the FBC will be updated to provide a complete report for audit purposes.

2.2.1. Strategic Fit

The Council instructed Ernst Young (EY) to undertake a review of Corporate Property (the '**review**'). The review made the following recommendation with respect to the non-core property services, including Grounds Maintenance.

EY Ref	Ernst Young: Observations & Recommendations
4.2	Facilities Delivery: Qualitative evidence has indicated that this service does not compete in the market. In a highly price-elastic market, and a well-established market for the services, efficiencies and management focus could be achieved through a form of outsourcing. The analysis suggests Corporate Property should look to divest itself of Facilities Delivery to enable a greater focus on core operations. This is, however, subject to further consideration.

On the 1st September, the Teckal Joint Venture ('**JV**') Company, Vertas (Derbyshire) Limited ('**VDL**') became operational with the transfer of the council's caretaking and cleaning employees. The Council's JV partner in VDL is the Vertas Group which is a multidisciplinary Facilities Management ('**FM**') organisation. In addition to caretaking and cleaning it also manages the parks and grounds of over 550 schools, churches, sports clubs, leisure centres, care homes and children's centres.

Extending the services provided by VDL was envisaged when the OBC was considered and grounds maintenance is within the expertise of the Vertas Group. It is also a complementary activity to caretaking and cleaning for example for schools where a 'one-stop' FM offer can be offered.

Notwithstanding this, part of the service has previously been approved by Cabinet (July 2020) to be out of scope. The reason for which is that there are similar services in the ETE department to the hard landscaping and tree service within Corporate Property, and it is intended that the Council reviews how all these services are managed and provided by the Council before considering a Business Case for possible externalisation of those services currently within Corporate Property.

2.2.2. Options Appraisal – Grounds Maintenance services

At the OBC stage, two options appraisals were prepared. The first evaluated a variety of service delivery options for the future delivery of non-core property services. The second, made a recommendation on the identity of the preferred service delivery partner. A further options appraisal has been prepared specifically relating to the Grounds Maintenance service to determine which is the preferred option for the delivery of the service.

Option Appraisal – Service Delivery

Five service delivery options have been considered including a base case ‘do-nothing’ option, as summarised below:

- **Option 1 Base Case, Maintain Status Quo:** The Council continue to operate as now, with a mixed economy of in-house expertise and capacity and the use of an ad-hoc external supply chain.
- **Option 2 Single Contractor:** The Council procure a single organisation to deliver the grounds maintenance service.
- **Option 3 Several Contractors:** The Council procure 'best in class' (specialist) organisations to the grounds maintenance service.
- **Option 4 Framework of Contractors:** The Council procure a framework of organisations to provide the grounds maintenance service.
- **Option 5 Teckal Joint Venture (JV) Company(s):** The Council extends the scope of services of Vertas (Derbyshire) Limited to provide the grounds maintenance service.

A “Teckal” company is the common name for a company which benefits from contracts for works, services or supply from its controlling Contracting Authority (or Authorities) without having to go through a competitive tender process and is codified within the Public Contracts Regulations 2015.

A qualitative assessment was undertaken by representatives of the Corporate Property 2020 programme team, based on 21 criteria in three subject areas based on the Council’s key policies and objectives. The weighted scores from the qualitative analysis are:

Ranking	Service Delivery Option	Weighted Score (%)
1	Option 5 – Vertas (Derbyshire) Limited	89.62%
2	Option 4 - Framework of Contractors	63.33%
3	Option 3 - Several Contractors	61.92%
4	Option 2 - Single Contractor	56.54%
5	Option 1 – Base Case ‘Status Quo’	29.10%

The Teckal JV Company, Vertas (Derbyshire) Limited is the highest scoring option.

2.2.3. Affordability (Financial Case)

Affordability or the Financial Case assesses funding and links proposed expenditure to the available budget, to deliver property services. Along with the Commercial case these are the key stages in the FBC.

Although the driver for the Corporate Property 2020 programme is not initially to specifically deliver operational cost savings, it is important that the project demonstrates that a future operating model does not result in an increased operational cost for the Council.

No additional costs have been included as part of this business case for the resource effort required to manage the ongoing service and contractual arrangements within the Council. The expectation is that these will be managed within current departmental operating budgets. Examples include additional work within the Finance function to annually consolidate the JV's accounts, additional invoice processing, etc. and resource required within the retained Corporate Property organisation to perform contractual management and validation procedures, etc.

Vertas (Derbyshire) Limited – Grounds Maintenance

The September 2019 Cabinet approval of the OBC did not include any financial analysis for the Grounds Maintenance operation. The scope of what element of services are to be transferred to the JV, and therefore which employees are to form part of the transfer, was finalised during August 2020.

Financial viability

An exercise has taken place to extract just the Soft Grounds Maintenance income and expenditure performance from the financial ledgers in order to be able to establish a baseline financial performance position.

The Council's Finance Team have been working with the Vertas Finance & Operational teams in order to develop a joint understanding of what efficiencies and improvement opportunities could be realised through the formation of the Joint Venture.

Financial modelling has been undertaken by the Council and Vertas to help understand any efficiencies and new business opportunities that Vertas intend to bring to the JV. The financial benefit to the Council would be reflected in a

reduced service cost for the Soft Grounds Maintenance operation and through the receipt of annual dividend payments from the JV back to the Council. Dividends will be split 50:50 between the Council and Vertas Group Limited. No dividends will be payable by the JV in Year 1.

Financial modelling has been completed to forecast the future operational cost to the Council over 10 years if it were to remain in-house. Various assumptions have been reflected to show any growth/decline in operational activity and inflationary effects of labour rates and material costs. This has then been compared with the Vertas modelling which factors in their assumptions around growth in business and efficiency savings from the JV perspective.

The Council would benefit from the receipt of dividends on profits generated by the Joint Venture, which would be achieved by generating new and additional commercial sales opportunities to schools and external clients and through operational efficiencies and cost control.

Equipment & Asset Transfer and Buildings

The Soft Grounds Maintenance function makes use of a wide range of assets and equipment to undertake the service, some of which are material in valuation. These include; tractors, mowers and hedge trimmers etc.

There is scope for a number of these assets and equipment to be transferred to the JV, by way of the JV purchasing the assets from the Council outright or the Council leasing the assets to the JV. Both of these options are being discussed further with the JV.

The Grounds Maintenance service uses numerous locations and buildings. The intention is to review these locations with the desire to reduce the number, and therefore the associated costs, of the accommodation. Any buildings that are not required for the Grounds Maintenance service will be considered for alternative use or disposal.

Other Financial Considerations

For employees transferring from the Council to the JV, the working assumption is that the JV will contribute an agreed pension contribution equal to the Council contribution rate. A cost neutral impact from a Council perspective for the employees transferring into the JV has therefore been assumed.

It's worth noting that no potential reductions in Council building locations have been factored into the calculations. Therefore, any future projects which

assess the feasibility of site rationalisations or disposals should include the associated facilities management savings within their respective Business Cases.

Benchmarking of services delivered by the JV will be undertaken as part of services agreement in order to demonstrate to the Council that costs being incurred are in line/lower than industry standard.

Pensions

VDL has admitted body status to the Local Government Pension Scheme ('**LGPS**'), which for employees who TUPE from the Council will mean they will remain within the LGPS. Current Council employees who transfer and are not in the LGPS, will be automatically joined at the point of transfer and will need to opt out if they do not want to be a member of the scheme.

The pension scheme will be closed for new members and VDL has made separate arrangements for new employees. The employers' contribution rate has been agreed with the Derbyshire Pension Fund through an Admitted Body agreement.

Apprenticeship Levy

The Council, typical of many local authorities, has unspent funds in its apprenticeship levy account, which after twenty-four months are recouped by the Government. VDL has a comprehensive training programme for staff. The Council are currently exploring levy regulations to establish how VDL can access the Council's levy funding in particular for those apprentices who are transferring if required.

Risk

There is a risk that after transfer with greater scrutiny of both cost and income, some activities may be required which are currently not budgeted for, albeit they should be. This would result in an increase in costs to the Council.

VDL will be seeking to make efficiencies in the delivery of services to reduce costs and secure new clients as well as safeguard existing clients. This will lead to both a reduction in cost to the Council and with potential increased profits in the JV, a potential increase in future dividend to the Council from any distributed profits.

The Corporate Property 2020 programme maintains a risk and issues register and this has been updated and managed as part of the transformation programme.

For completeness, the risks of not proceeding with the proposals should also be noted. Whilst these in themselves do not justify proceeding with an unproven business case, they should be recognised. The key risks of not proceeding are:

- A primary driver of Corporate Property 2020 is improved Asset Management to drive efficiency and savings out of the Council's property portfolio. Retaining non-core property services will dilute this.
- VDL has been established to address a skills deficit within the Council and a need to be more commercial and customer focused with internally delivered property services. The Council would have to secure new skills if these services continued to be retained.
- As the Council's portfolio will reduce in size as a consequence of improved Asset Management, opportunity for Council staff including the number of employees would reduce.
- The JV model is designed to provide on-going financial benefits to the Council through dividend payments which would be lost.
- Whilst it was always made clear to staff that the final decision to proceed is for Cabinet, there would be uncertainty to the workforce following a stop or pause decision.
- For customers and other stakeholders who have bought into the concept, there may be reputational damage to the Council.

2.2.4. Commercial Appraisal

This section of the FBC details the proposed sourcing options and the key features of the proposed commercial arrangements.

Corporate Structure

In September 2020, the Council established Vertas (Derbyshire) Limited, trading as Vertas. VDL has the option for expansion and for the Council to transfer in further services, subject to the completion and approval of appropriate business case(s). The company has 4 executive directors, two from each shareholder, which means decision making is 50/50, notwithstanding the 49/51 ownership split. There will also be a non-executive chair. Any profits distributed through dividends are also distributed 50/50.

The proposal is that the services provided by VDL are extended to include Grounds Maintenance, which means the same corporate structure and governance arrangements will cover all services delivered by VDL.

TUPE and the transfer of Council employees

The Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended, ('**TUPE**'), applies to approximately 41 Council employees who will transfer into VDL. Formal consultation with the affected employees and trade unions commenced in August 2020 with the Trade Unions, and presentations to affected staff in September in accordance with the TUPE requirements. A measures letters dated 1 August 2020 has been issued to the trade unions and the measures have subsequently been communicated by the Council to affected staff. Measures are defined as those areas in which there is a proposal to make changes to the transferor's (the Council's) terms and conditions such as alterations to pay dates, new procedures for recording time and attendance, sickness reporting, etc. The key proposed measures to be noted are:

Vertas (Derbyshire) Limited

- Post transfer NJC agreed pay awards will not be applied, but rather VDL will review salaries annually with increases being effective from the 1st April each year.
- VDL has admitted body status to the Local Government Pension Scheme and all employees who transfer will continue with the same pension arrangements. This is a closed fund and therefore new employees and Council transferees who voluntarily apply for new positions in VDL will not be able to join the scheme and separate pension arrangements will be put in place.
- VDL will undertake a review of mileage and transport methods to support a more sustainable way of working.
- New electronic procedures are to be introduced for recording time and attendance, sickness and booking holiday.
- VDL intend to review the service which may lead to changes in the workforce for economic, technical or organisational reasons.

Trade Unions

Although the Council does not have written Recognition Agreements with the joint Trade Unions, the custom and practice is that recognition has been in place for many years for the purposes of consultation, negotiation and engagement. The relationship is demonstrated and defined within records of regular engagement with the Trade Unions. From a Corporate Property perspective, the relevant trade unions are Unison, GMB and Unite.

When VDL was established on 1 September 2020, a Partnership Agreement was agreed with the above three Trade Unions and which sets out the working relationship with the Trade Unions. This Partnership Agreement will apply to the employees transferring as part of these proposals.

Schools

Schools are an important customer for all services delivered by Corporate Property. As schools have delegated budgets, grounds maintenance that is delivered to schools will, in future, be undertaken (subject to contract) by VDL under contract between VDL and the schools. In year one, VDL will mirror the Council's current SLA with the schools and during the first year VDL intends to meet with the schools individually who currently receive a service, with a view to providing a more tailored service to each school.

Schools have been kept informed of the changes within Corporate Property through notifications on the S4S website, and these will continue.

VDL will also seek new school customers and seek to reverse the current trend which is for schools to move away from Corporate Property. The Vertas Group operate nationally for several Multi-Academy Trusts as well as Academies and schools throughout East Anglia. This expertise and track record will be used to grow the customer base in Derbyshire and Nottinghamshire.

2.2.5. Achievability (The Project Management Case)

To date, a structured programme management arrangement has been adopted with regular Cabinet Member engagement; a Programme Board, chaired by the Executive Director Commissioning, Communities & Policy; and a Programme Team led by Corporate Property with HR, Legal, Finance, Procurement and Communications support. This structured arrangement will continue throughout implementation.

In the table below are the next milestone dates for this activity within the Corporate Property 2020 programme. A separate detailed programme plan has been prepared for the other workstreams within the overall programme.

Date	Activity
1 st September 2020	<ul style="list-style-type: none"> Go live date for Vertas (Derbyshire) Limited, this included, the transfer of staff in accordance with the TUPE regulations
October 2020	<ul style="list-style-type: none"> Cabinet approval to the Full Business Case to extend the services of Vertas (Derbyshire) Limited to include Grounds Maintenance
1 st November 2020	<ul style="list-style-type: none"> The transfer of approximately 43 grounds maintenance staff in accordance with the TUPE regulations

Communications

As part of the overall Corporate Property 2020 programme, monthly newsletters have been issued to Corporate Property staff and in November/December 2019 all staff were invited to one of 24 briefing sessions across the county, led by the Director of Corporate Property. A website has also been set up with further information on relevant topic areas, such as TUPE.

There are monthly meetings with the Trade Unions and at key milestones opposition Members have been engaged. In addition, there have been targeted communications with schools and other stakeholders to appraise them of the proposals.

As indicated above, TUPE requires formal consultation with affected staff and Trade Unions, and this commenced in August 2020 with the Trade Unions, and presentations to affected staff in September, with representatives from Vertas also present.

3. Financial Considerations

These are included in Section 2.2.3 Affordability (Financial Case).

4. Legal Considerations

Section 1 of the Localism Act 2011 provides the Council with the power to do anything that individuals generally may do. This power can be used for commercial purposes or otherwise but when it is exercised for a commercial purpose, this must be done through a company. The Council may exercise this power for the benefit of the authority, its area, or persons resident or present in its area.

Accordingly, subject to its Financial Regulations and public law considerations (set out below) the Council has the power to enter into arrangements such as the creation and operation of Joint Venture companies (the ‘JV’) as described in this report and carry out activities for a commercial purpose through such JV companies.

The JV will comply with public law, and in particular, the Public Contracts Regulations 2015. In this regard, VDL, for the purposes of Grounds Maintenance is set up as a ‘Teckal’ company.

A “Teckal” company is the common name for a company to which a contracting authority or authorities who control it are able to award contracts for works, services or supply without being subject to the requirements of the

Public Contracts Regulations 2015. The “Teckal” exemption from the application of public procurement legislation originated in case law, but is now codified within Regulation 12 of the Public Contracts Regulations 2015.

Accordingly, the arrangements with VDL for the inclusion of Grounds Maintenance satisfy these requirements and allow the Council to comply with the Public Contracts Regulations 2015 (PCR) regulation 12. Procurements carried out by VDL are governed by PCR2015.

Furthermore, the transfer of employees will be undertaken in accordance with the requirements of the Transfer of Undertakings (Protection of Employment Regulations (TUPE) 2006 as amended. The staff transferring from the Council will transfer on their existing terms and conditions of employment save for the amendments contained within the measures letter. Changes to terms and conditions can only be made in limited circumstances, including where there is an economic, technical or organisational (ETO) reason which entails changes in the workforce.

5. Human Resources Considerations

As stated above the transfer of employees to VDL is being carried out in accordance with the TUPE Regulations, with formal consultation with transferees and the joint trade unions having taken place.

Work is well underway to support the JVs with payroll development, the continuation of Apprenticeship commitments for transferring staff and other key HR activities. Due diligence information and final lists of transferees will be provided to the JVs no later than 28 days prior to the transfer date.

Activities prior to and following the transfer of the council’s caretaking and cleaning employees to VDL and design employees to CDL on the 1st September have been continually reviewed. Feedback from transferring employees, both positive and negative, has been captured and, where appropriate, processes have been updated and improved for the transfer of Grounds Maintenance staff. This will ensure a smooth transition for those employees to VDL.

There are a number of examples where improvements have been made:

HR resources have been deployed in sufficient time and capacity with the benefit of previous experience to ensure employee data is available, and presented accurately to VDL.

Enquiries about the accuracy of employee data have resulted in repeated checks of all employee data. In turn the VDL payroll for the first transfer was

run in shadow form twice, for surety, prior to the first pay period to ensure that it matched the existing payroll. On both occasions the test runs were accurate. For the second transfer there are on-going discussions with VDL to understand their payroll requirements.

VDL uniforms were previously ordered prior to the Covid-19 lockdown resulting and therefore prior to the deferral of the JV transfer arrangements from 1 April until 1 September. The elapsed period resulted in difficulties with the uniforms which were subsequently resolved. VDL uniforms for Grounds Maintenance employees will be ordered at a time closer to the transfer, thus preventing any problems arising from undue time elapsed between ordering and provision to employees.

The training requirement for employee operation of mobile telephones, that are provided for HR management and communication purposes, was underestimated but issues were resolved with the provision of additional training. This included the retention and use of passwords when logging on. There will be revised training commitments to increase contact with transferring Grounds Maintenance employees to help them access and use their mobile HR and IT solutions operated by VDL.

The preparation of Health and Safety induction is complete and plans are in place to communicate to staff allowing sufficient time to assist with any follow up enquiries following this process.

On 1 September 2020, a Partnership Agreement was agreed with the three Trade Unions. Unlike the previous staff transfers the Partnership Agreement will be understood and available to the employees transferring as part of these proposals. This will give greater surety of the availability of support from the Trade Unions during the transfer.

6. Equality Considerations

An equality impact analysis was completed as part of the OBC and this has been updated. The proposals have been reviewed to consider and reduce any disproportionate impact on protected groups. Monitoring of ongoing adherence to equality policies and procedures will be undertaken through governance/management of the new providers. In addition, ongoing monitoring of impact will be carried out throughout the Corporate Property 2020 programme with the EIA being reviewed and updated as necessary.

7. Other considerations

In preparing this report the relevance of the following factors has been considered: Human rights, health, environmental, transport, and social value.

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 Recommendations

That Cabinet notes the content of this report.

Emma Alexander
Executive Director – Commissioning, Communities & Policy

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