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PUBLIC

To: Members of Cabinet

Wednesday, 7 April 2021

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 15 April 2021**. 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 that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)

4. To confirm the minutes of the meeting of Cabinet held on 11 March 2021 (Pages 1 - 42)
5. To receive minutes of Cabinet Member Meetings as follows:
 - 5 (a) Young People - 2 March 2021 (Pages 43 - 46)
 - 5 (b) Adult Care - 3 & 18 March 2021 (Pages 47 - 50)
 - 5 (c) Corporate Services - 11 March 2021 (Pages 51 - 52)
 - 5 (d) Highways, Transport & Infrastructure - 11 March 2021 (Pages 53 - 58)

To consider the following reports:

- 6 (a) Budget Monitoring/Forecast Outturn 2020-21 as at Quarter 3 (31 December 2020) (Pages 59 - 90)
- 6 (b) Out of Area Sexual Health Services (Pages 91 - 94)
- 6 (c) Urgent Decision taken by Executive Director and Approval for Procurement Process and Award of Contract for Holiday Activities and Food Programme Fund (Pages 95 - 110)
- 6 (d) Urgent Decision taken by the Executive Director Children's Services - Covid Winter Grant Scheme - Extension (Pages 111 - 118)

PART II - EXEMPT ITEMS

7. Exclusion of the Public

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

8. To receive declarations of Interests (if any)
9. To confirm the exempt minutes of the meeting of Cabinet held on 11 March 2021 (Pages 119 - 130)
10. To receive the exempt minutes of Cabinet Member Meetings as follows:
 - 10 (a) Young People - 2 March 2021 (Pages 131 - 132)

10 (b) Corporate Services - 11 March 2021 (Pages 133 - 136)

10 (c) Highways, Transport & Infrastructure - 11 March 2021 (Pages 137 - 138)

To consider the following exempt reports:

11 (a) Portfolio Review with PSP (Derbyshire) LLP (Pages 139 - 146)

11 (b) Extension of Block Payments for Derbyshire Integrated Sexual Health Services for Quarter 1 and Quarter 2 for the 2021-22 Financial Year (Pages 147 - 150)

11 (c) Data Centre Storage and Computer Infrastructure Move to the Cloud (Pages 151 - 164)

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MINUTES of a meeting of **CABINET** held virtually on 11 March 2021.

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 6(u) – Children’s Services Capital Programme – Further Allocations as a Governor of a School receiving an allocation.

Councillor B Lewis declared a personal interest in Agenda Item 6(r) – Proposed Conversion of Mickley Infant School to a Primary School as the School was within his Division.

37/21 MINORITY GROUP LEADERS’ QUESTIONS

There were no Minority Group Leaders’ questions.

38/21 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 11 February 2021 be confirmed as a correct record.

39/21 CABINET MEMBER MEETINGS - MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Young People – 2 February 2021
- (b) Adult Care – 4 and 18 February 2021
- (c) Health & Communities – 4 February 2021
- (d) Strategic Leadership, Culture and Tourism – 4 February 2021
- (e) Clean Growth and Regeneration – 11 February 2021
- (f) Corporate Services – 11 February 2021
- (g) Highways, Transport and Infrastructure – 11 February 2021

40/21 SCRUTINY OF THE NEXT STEPS IN RELATION TO DIRECT CARE HOMES FOR OLDER PEOPLE – UPDATE ON PROGRESS

Councillor G Musson, Chairman of the Improvement and Scrutiny Committee - People, informed Cabinet of the deliberations of the People Improvement and Scrutiny Committee regarding direct care homes for older people.

Following the Cabinet meeting on 4 June 2020, the Improvement and Scrutiny Committee - People was invited to deliberate on the next steps in relation to seven of Derbyshire County Council's direct care homes. The potential closure of these homes, together with the proposed refurbishment of three, had been the subject of a consultation conducted earlier in the year. After considering the consultation outcomes, Cabinet agreed that "none of the homes proposed for closure will close unless a local care home or alternative provision is available to replace it". The Cabinet report invited the Scrutiny Committee to adopt an overseeing role to ensure transparency of decision making and it was suggested that the focus should be on the need for, and type of local provision required.

The People Improvement and Scrutiny Committee at a meeting on 2 September 2020 agreed their approach and extended the scope of this area of work to include the following key lines of enquiry:

1. How will the robustness and durability of ongoing mitigation measures be assessed?
2. How will demand for current and future provision for older people be assessed?
3. How will the market be assessed?
4. What factors will be considered when determining what is local provision?
5. How will factors that determine what is suitable alternative provision be identified and assessed?
6. How will stakeholders be engaged?

The Committee submitted an interim report to Cabinet on 19 November 2020 which stated that the Committee was assured that the mitigation measures in place were sufficiently robust and durable to address the increased risk associated with the properties identified as needing rewiring in the near future. The report indicated that work would continue to pursue the remaining key lines of enquiry. On 10 December 2020, the Executive Director for Adult Social Care and Health submitted a report to Cabinet providing an update on actions relating to direct care homes for older people and a prospective timetable for future actions, further details of which were presented.

When the Committee agreed the lines of enquiry, it was anticipated that a revised strategy and investment plan (informed by a revised Market Position Statement and the strategic needs analysis) would be available at the end of 2020 to inform the Committee's deliberations. Due to the revised timetable, the Committee would not be able to deliver against the key lines of enquiry as anticipated. Therefore, it was proposed that an interim report be submitted to Cabinet.

The Committee was invited to comment on the methodology that might be used to determine what is “local” and “suitable” alternative provision, in the event of each of the above-mentioned care homes closing. To date the Committee had not been presented with any proposals for the future of the seven homes or asked to comment on any decisions. The comments made in the report relate to the proposed methodology and were based on information provided at a snapshot in time. The outcomes of the December 2020 engagement activities and the revised market position statement were not available at the time of the Scrutiny Members’ deliberations. To assist the Scrutiny Working Group, Officers from Adult Care provided descriptions of different types of alternative provision and suggested definitions for the terms “local”, “suitable” and “reasonable”.

The definitions provided were as follows:

- Residential care – a place where personal care and accommodation are provided over a 24/7 period. Residents continue to access community health services as required but do not need to have access to support by a qualified nurse 24/7. Services are provided for short or long periods, and this includes respite care and rehabilitation (in “Community Support Beds”). Residential care homes are required to be registered with the Care Quality Commission. Both the care that people receive, and the premises are regulated by CQC.

- Nursing Care – care homes with nursing are the same as residential care homes except in addition, qualified nursing care is available 24/7 to ensure that the full needs of the person using the service are met.

- Extra Care - a supported living environment for people over 50 years old where each resident live in their own apartment and have the opportunity to use communal facilities for social interaction and to benefit from an onsite 24/7 call system with staff on site who can respond to emergency assistance calls. These settings can be used by people who are able to manage independently and usually there are a range of people from those with no support needs to those with significant personal care needs who would have their support met from a domiciliary care agency visiting them in their apartment.

- Local – It was suggested that for the purposes of relocating people as a result of any residential care home closure any alternative accommodation within a 10-mile radius from their existing care home would be considered as local.

- Suitable – In the context of any proposed care home closure it is likely that for existing residents the most suitable alternative would be another residential care home. However, the care and support needs for each

individual resident would be reassessed at the point of any decision to close a care home and for some individuals that reassessment may identify a need for increased support requirements that could mean they need to move to a nursing care setting. It is also possible, but uncommon, for that reassessment to identify that a person's needs could be met in an extra care setting as an alternative.

- Reasonable – It was suggested that a reasonable alternative would be that which is the most appropriate setting for the individual, based on an assessment of need and which could offer a combination of “suitable” and “local” as defined above. We would expect that in the context of an alternative residential care home this would be any establishment within the whole market, not necessarily just a Council operated alternative.

For each of the seven homes, Scrutiny Members were provided with a map of the surrounding area with alternative accommodation identified with a 10-mile radius drawn on to indicate what falls within the definition of “local”. Members were advised that for current residential care home residents, ‘suitable’ alternative provision would most likely be another residential care home. Information was provided about how many residential care home vacancies were currently available within that local radius and how many residents were currently within the directly provided service. The concept of “reasonable” was addressed by indicating which alternative options met the good or above CQC registration requirements. The vacancy data provided related to a snapshot in time and was for illustrative purposes, therefore it had not been reproduced in this report. However up to date vacancy data is available on the Council’s website. The information provided to the Scrutiny Members included an explanation of other factors that might influence individual decision-making in relation to what was local, suitable and reasonable. It was made clear that during any closure and relocation process, the following factors would be considered when determining the options for each resident:

- The outcome of the individual assessment of current needs.
- The availability of alternative accommodation.
- Individual choice of the resident regarding what is suitable.

The Scrutiny Working Group commented as set out below:

- Given that there was the potential for both demand for residential care and the supply of appropriate provision to fluctuate considerably during the on-going uncertainties created by the pandemic, the timing of the decision about the future of the seven care homes and the long-term accommodation strategy, needed to be carefully considered.

- When the Committee conducts pre-decision scrutiny deliberations in relation to the future of the seven care homes, Members would require up-to date information about demand for, and the supply of, residential care. It was understood that a process is planned to gather this information in due course.

- When considering the proposed methodology, Members placed great importance on the individual assessment of current needs when determining what was “local” for each resident. There was unanimous agreement that whilst distance was an important factor, it was not sufficient to determine “local” in terms of a 10-mile radius from a person’s existing residence. Therefore, Members seek assurance that factors outlined in the explanation of individual assessment of current need (such as accessibility to transport routes, location of family and friends and a person’s connectedness to the area), would be given sufficient consideration when identifying options for each individual.

- The maps provided were a helpful visual aid to see the number and location of provision in each area. However, it was felt that it was an oversimplification to ask Members to form a view about the approach for future provision by merely counting up the number of vacancies in an area and comparing that to the number of residents in each of the DCC home under consideration. Members had questions about on-going affordability for existing and future residents, the sustainability of the market given the current economic pressures brought about by the pandemic, and whether the care provided at the alternative locations would be appropriate if existing residents were to move to them.

- Based on the information provided at the time (and with the exception of Goyt Valley House), it appeared that there were vacancies within a 10-mile radius of each of the care homes referred to in the report. It also appeared that the number of the vacancies exceed the number of residents in each home under consideration. However, Members were mindful that the figures related to a “snapshot” in time at an unprecedented moment in history, when occupancy rates are at an all-time low and the market is under considerable financial pressure.

- Members were informed that the Council does not operate a waiting list for care homes. They were advised that when someone is assessed as requiring long- term residential care they are provided with information about all of the care homes in the area they are wishing to live and encouraged to read CQC reports as well as visit establishments (subject to current restrictions around COVID-19) and then they are enabled to request a place in any home that has available vacancies. Whilst some private sector care homes may operate waiting lists for people who are considering entering

residential care under normal circumstances those assessed as needing to move into a residential care setting need to do so at that point in time and are not able to safely remain at home whilst they await a vacancy to arise in a specific establishment.

- It was noted that at the time the working group met there were 90 full-time equivalent vacancies across all of the Council run care homes. Members asked what impact these vacancies would have on the running of the care homes and what the departmental view was regarding the sustainability of staffing levels in the short, medium and long-term. Officers advised that front-line care staffing is a long-standing challenge both in Derbyshire and nationally. In order to continue to run these services effectively, the Council requires the use of on agency staff to fill gaps in staffing. The aspiration was not to do this, and the department continuously runs recruitment campaigns, encourages apprenticeship uptake and is actively involved with partner agencies in the Joined-Up Careers Derbyshire initiative to try to fill vacancies.

- When exploring affordability for service users, Members were advised that the Council funded weekly fee rates for all the homes identified, as potentially providing alternative provision, are currently set at a standard £563.64 per bed. It was noted that the standard fee rates are reviewed annually and are generally uplifted in line with inflation and or any other cost increase issues, such as minimum wage increase. The working group learnt that many establishments provide beds at the Council funded rate but some establishments charge individuals ‘top up’ payments on top of this and these can range from under £50 per week to over £100 per week. Members noted that in the majority of areas (notably urban areas) there was a significant number of vacancies in establishments rated as “good” that did not require a top-up fee. However, the data provided at the time showed that, there were two areas where this was not the case. In New Mills there were no vacancies in establishments rated as “good” that did not require a top up fee and only four vacancies in Bakewell.

- The Committee were provided with current DCC unit cost information. It was clarified that the figure provided was based on the standard 90% occupancy rate. Members are mindful that the unit cost information does not take into account the current situation in terms of low occupancy rates and costs associated with COVID-19 mitigation measures. On 10 February the People Improvement and Scrutiny Committee agreed to a report being submitted to Cabinet setting out the work undertaken by the Scrutiny Members so far and stating that further scrutiny will not be possible until more information is available.

RESOLVED to (1) note that due to the revised timetable (referred to above) the Committee will not be able to deliver against all of the key lines of enquiry in the timeframe anticipated;

(2) note that the Improvement and Scrutiny Committee - People had considered the proposed methodology to determine what is “local” and “suitable” alternative provision;

(3) recommend that when determining what was “local” provision, not only consider distance but also place a high priority on a person’s connectedness to an area, the location of family and friends and accessibility to transport routes;

(4) recommend that when determining what is “suitable” provision, place a high degree of importance on the ongoing affordability for individual service users of CQC rated “good” or above provision;

(5) note that the Committee recognises that in this current pandemic climate occupancy levels have been significantly reduced and the operating costs are temporarily well above the norm. The situation is unlikely to change in any significant way in the immediate term, but measures are being put in place, both nationally and locally, to improve the situation in the more medium-term. The Committee understands the need to delay the development of the Market Position Statement and think it sensible to delay decisions on long term strategies until such a time that future service needs, and the state of the market are more predictable; and

(6) note that when the Committee conducts pre-decision scrutiny deliberations in relation to the future of the seven care homes, Members will require demand and the supply data for residential care that can be viewed with a high degree of certainty.

41/21 **COUNCIL PLAN 2021-25** (Strategic Leadership, Culture and Tourism) The Managing Executive Director recommended the Authority’s draft Council Plan 2021-25 for approval by full Council.

Work had been taking place across the Council to implement the Council Plan 2019-21. Over recent months, work had also been undertaken to develop the new Council Plan 2021-25, to drive forward activity over the next four years, and ensure that the Council continued to deliver value for money and support communities and places to thrive. The Council Plan for 2021-25, attached at Appendix A to the report, sets out the Council’s ambition and values together with the outcomes that the Council was seeking to achieve, working with partners and local communities. The Plan also sets out priorities to focus the Council’s effort and resource as follows:

- Resilient, healthy and safe communities
- High performing, value for money and resident focused services

- Effective early help for individuals and communities

• A prosperous and green Derbyshire. The Council has committed to move forward on delivering six headline initiatives as set out below, and a range of actions are included in the Plan to support the delivery of the priorities and headline initiatives:

- Leading the county's economic and community recovery from the COVID-19 pandemic creating a £15m fund to support local businesses and residents in need 2
- Investing £40m in well maintained roads and pathways and developing sustainable methods of travel
- Taking action on climate change, providing community grants for sustainable and green projects and launching the Green Entrepreneurs scheme to help local people and businesses to reduce carbon emissions
- Continuing our ongoing transformation of social care to improve outcomes and make the most effective use of resources
- Mainstreaming the Thriving Communities approach, working alongside a further eight communities, to reduce demand for high cost services
- Promoting our employees' wellbeing and developing their potential

The outbreak of coronavirus and the ensuing pandemic has had a significant impact on the work of the Council. The Plan reflects the vital community leadership role the Council has played and will continue to play, in ensuring work with partners and local communities addresses both the challenges and opportunities presented by Covid-19.

Details of consultation undertaken to develop the Plan and its outcomes were presented in the report.

RESOLVED to (1) recommend the Authority's draft Council Plan 2021-25 for approval by full Council; and

(2) receive regular reports on progress in delivering the Council Plan on a quarterly basis.

42/21 **DEPARTMENTAL SERVICE PLANS 2021-25** (Strategic Leadership, Culture and Tourism) The Managing Executive Director sought approval for the Departmental Service Plans to be submitted to full Council for approval.

Service Plans set out how each department would contribute to the outcomes and priorities set out in new Council Plan 2021-25. The Council Plan outcomes, which outline what the Council was working towards with partners and local people were as follows:

- Resilient, thriving and green communities which share responsibility for improving their areas and supporting each other
- Happy, safe and healthy people, with solid networks of support, who feel in control of their personal circumstances and aspirations
- A strong, diverse and clean economy which makes the most of Derbyshire's rich assets and provides meaningful opportunities for local people to achieve their full potential
- Great places to live, work and visit with high performing schools, diverse cultural opportunities, transport connections that keep things moving and a healthy and sustainable environment for all
- High quality public services that work together alongside communities to deliver services that meet people's needs

The five priorities outlined in the Council Plan, which provided a focus for effort and resource, were:

- Resilient, healthy and safe communities
- High performing, value for money and resident focused services
- Effective early help for individuals and communities
- A prosperous and green Derbyshire.

The Service Plans described how departments would work towards achieving the outcomes and priorities set out above. Performance measures were included in the Service Plans, however in some cases baseline and target information were still to be confirmed due to the need for data that was not fully available until later in the year. Copies of the Service Plans were appended to the report.

RESOLVED to approve the Departmental Service Plans 2021-25 and recommend them to full Council for endorsement.

43/21 **CAPITAL BUDGET MONITORING/FORECAST 2021 AS AT**
QUARTER 3 (Strategic Leadership, Culture and Tourism) The Director of

Finance and ICT informed Cabinet of the latest capital budget monitoring position as at 31 December 2020.

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

Due to subsequent approvals and project adjustments, the 2020-21 Capital programme now stood at £139.3m, an increase of 19% from the reported amount of £117.1m included within the Quarter 2 monitoring report. 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 £692.86m, with the latest monitoring showing a forecast underspend over the life of the projects of £9.85m which was represented in Appendix 1 to the report. The current budget for schemes that remain open as at 31 December was £650.29m. Departmental updates were presented in the report.

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

44/21 PUBLIC SECTOR DECARBONISATION SCHEME AND THE INSTALLATION OF LOW CARBON HEAT TECHNOLOGIES (Corporate Services) The Managing Executive Director sought approval to accept £1,891,220 of Section 31 grant funding to install low carbon heat technologies, to utilise £36,623 of capital funding that was allocated in 2012 for carbon reduction projects to match fund the Section 31 grant and to use the Crown Commercial Services' Heat Networks and Electricity Generation Assets Framework Dynamic Purchasing System under protocol 2A of the County Council's financial regulations for the supply and installation of low carbon heat technologies.

In November 2019, the Council approved two key documents; the Derbyshire Environment and Climate Change Framework, which sets out how the Council would work with partners to achieve a county wide net zero greenhouse gas emissions target by 2050; and the Carbon Reduction Plan, which set an ambitious target to have net zero greenhouse gas emissions from its estate and operations by 2032.

In the 2020 Summer Statement, the Government announced £3bn of green investment for energy efficiency improvements to domestic and public sector buildings. On 30 September, the Department for Business, Energy and

Industrial Strategy (BEIS) launched two grant funding schemes for public sector bodies, both of which were being administered by Salix Finance Ltd, further details of which were presented.

This presented an opportunity to explore and finance low carbon heat projects within the Council's estate to help contribute to the Council's net zero ambitions. As such, an application was submitted to the LCSF on 24 November 2020 for £446k to undertake feasibility and design work to switch 31 existing oil heated sites as to low carbon heat source; and switch 2 existing gas heating systems to low carbon heat sources.

On 3 December 2020, the Council was notified that applications to the PSDS had exceeded the £1bn budget. As such, the Council were asked to stipulate whether they wanted to withdraw their application to the LCSF or keep it in the system in the hope that more funding would become available in future, the latter option was chosen. Following further dialogue with Salix during December, the initial application to undertake feasibility at 33 sites was reduced to 3 sites and the Council was awarded £11k to undertake feasibility work looking at the switch to low carbon heat sources at Buxton Junior School, Ambergate Transport Workshop and Whitehall Centre. Although the PSDS had been oversubscribed, the condition of the LCSF grant was that the feasibility work still had to be completed and an application submitted to the PSDS by 11 January 2021, with a view that it would be held in a queue should any future funding be made available.

A bid to the PSDS was made for £1,927,843 for the replacement of oil boilers at Ambergate Transport Workshop to air source heat and at Whitehall Centre to ground source heat; and the replacement of a gas boiler at Buxton Junior School with air source heat and solar PV. On 29 January 2021, Salix informed the Council that as the PSDS grant fund was oversubscribed, they were eligible to receive the grant through Section 31 of the Local Government Act. The criteria of the Section 31 grant was the same as the PSDS grant in that the investment must achieve a ratio of £500 for each tonne of CO₂ saved throughout the lifetime of the project and that projects must be completed by September 2021. Due to the delays in allocating the funding, Salix had since suggested seeking extensions until the end of March 2022.

Following the technical assessment of the Council's application, the cost of investment was higher than the £500/tCO₂ criteria and as such, Salix had confirmed that grant funding of £1,891,220 would be allocated and the Council would need to match this by £36,623. It was proposed that this was met from the Council's 2012 capital allocation for carbon reduction projects, of which there was £218k remaining. From the initial feasibility work that was undertaken through the LCSF, the anticipated cost and carbon savings for each project were presented in the report.

The sites selected to benefit from low carbon heat installations had been selected in accordance with on-going asset management processes that were used to determine the Council's future portfolio. As a school, there were no plans to dispose of Buxton Junior School. Discussions had taken place with Children's Services and there were no current plans for disposal of Whitehall Centre. The installation of low carbon technology aligns closely with the ethos of the facility and its outdoor and environmental education programme. There is currently a review of the Council's depots of which Ambergate Transport Workshop had formed part of and a decision would be made by the governance group as whether to pursue the scheme at Ambergate prior to any commissioning of works.

Due to the project delivery timescales, it had been determined that accessing an existing framework would be the most efficient route to market for the supply and installation of low carbon heat technologies. Crown Commercial Services (CCS) had procured an OJEU compliant dynamic purchasing system (DPS), "Heat Networks and Electricity Generation Assets DPS", for energy management and generation services, which runs until November 2022. It was proposed that the Council accesses Lot 2 of this DPS, which was for the delivery and installation of services. Call-off from the CCS DPS would be by way of mini competition.

In accordance with Protocol 2A of the County Council's Financial Regulations, a business case for the use of the Crown Commercial Services Dynamic Purchasing System, Heat Networks and Electricity General Assets for energy management generation services had been approved by the Director of Finance and ICT and Director of Legal Services. In accordance with Protocol 2B of the County Council's Financial Regulations, Call-off from the Crown Commercial Services DPS was delegated to the Managing Executive Director. The design and project management of the low carbon heat projects would be delivered through the Joint Venture with Concertus Derbyshire Ltd.

RESOLVED to (1) to accept the £1,891,220 of Section 31 grant funding for the installation of low carbon heat technologies;

(2) approve the use of £36,623 from the Council's 2012 capital allocation for carbon reduction projects; and

(3) approve the use of the Crown Commercial Services' Heat Networks and Electricity Generation Assets Framework Dynamic Purchasing System under protocol 2A of the County Council's financial regulations for the supply and installation of low carbon heat technologies.

45/21 TEMPORARY PAYMENT ARRANGEMENTS TO BUS, COACH AND TAXI OPERATORS FOR CONTRACTED TRANSPORT SERVICES

AND CONCESSIONARY FARES REIMBURSEMENT DUE TO THE ON-GOING IMPACT OF CORONAVIRUS (Highways, Transport & Infrastructure)

The Director – Economy, Transport and Environment updated Cabinet on current Coronavirus (COVID-19) related public transport issues and sought approval for flexible payment arrangements for bus, coach and taxi operators providing contracted Council transport services and for concessionary fares reimbursement after the current provision ends on 31 March 2021.

On 20 March 2020, following the worsening health situation and the Government's more specific advice to avoid travel by public transport, it became clear that urgent action was required to secure the short-term future of the Council's contracted transport services and public bus services in Derbyshire more generally. The Executive Director - Economy, Transport and Environment therefore made an emergency decision to maintain normal contract payments to transport providers who operated services for the Council, further details of which were presented.

The roll out of the national COVID vaccination programme now provided hope that the end of the pandemic was in sight. Research carried out for the Council in autumn 2020, reported that operators anticipated passenger numbers and revenue on their commercial networks would only reach 70%-80% of pre-COVID-19 levels 12 months after all lockdown restrictions were removed. The same research showed there was a considerable risk that a large number of commercial routes would either be withdrawn or see significant reductions in service frequencies if the current Government and Council funding support was removed too quickly.

The experience of how bus passenger numbers recovered after the first lockdown restrictions eased did, however, provide some optimism. Even during the period from October 2020 to December 2020 when the tiering arrangements were in place and a second lockdown was introduced, bus passenger numbers continued to rise slowly. The Government's new National Bus Strategy was due to be published in the Spring and was likely to have a significant effect on the longer-term direction of the industry. Details of the proposed Strategy are awaited, but from information received via informal discussions, it would appear that Government would be expecting councils to take on a greater role in influencing/directing the current commercial bus network. The Strategy was likely to see the introduction of 'recovery partnerships' between councils and bus companies this summer, followed by formal, compulsory enhanced partnership agreements and perhaps even franchising across the whole commercial network from spring 2022. It was anticipated that the National Bus Strategy would set out how these arrangements would be implemented and funded. Due to the uncertainty on the exact content and implications of the Strategy, it was proposed that a further report be submitted for Member consideration later in the year setting out the detail of any new responsibilities for the Council and a plan for how this would be achieved.

The formal end of the franchise system, under which train services have operated since the mid-1990s, took place in September 2020. Rail services were now being provided under Emergency Recovery Management Agreements (ERMAs) between the DfT and the train operators. ERMA's were expected to be a transitional arrangement which would last for up to two years. It seems likely this will then be replaced by a concession-based model as already operated by Merseyrail and Transport for London rail services. This would see all aspects of the service set by the DfT, with each operation run by a private company who would receive a fee under a management contract.

With the continued uncertainty about the impact of COVID-19 on the long-term demand for public transport services and wider Government policy changes in the commercial bus sector, the Council needs to maintain a level of flexibility and responsiveness in the way bus services are supported, managed and commissioned until the way ahead becomes clearer; in any event, statutory mainstream school and SEND services were still required. Transport to ASCH day centres would also be required along with the need to continue making payments for journeys made by concessionary card holders, although the current scheme might well be reformed by Government.

The financial support provided by the Council to the transport operators throughout the pandemic had been invaluable in stabilising the sector and safeguarding the contracted services for the residents of Derbyshire. This work had been further enhanced by involvement of the sector in the formal recovery workstreams and in regular operator liaison meetings. The outputs of these discussions were reflected in the Derbyshire Economic Recovery Strategy and demonstrated the critical role that public transport had to play in enabling full and inclusive recovery to the business, retail, learning and visitor sectors across the County. In particular, the potential impact on 'honey pot communities' and the local highway network was being actively considered prior to Government announcing the formal lifting of restrictions and prior to the predicted peak in 'staycations during 2021. Thinking/planning around the role of public transport in ameliorating this impact was being developed already and it. It was therefore essential that a good network of local bus services remains available to provide an alternative means of travel for leisure trips and to promote recovery.

Whilst many of the concerns which led to the Director's emergency decision were still valid, there was an expectation that as Derbyshire begins to move into a recovery phase from April 2021, there would need to be flexibility to alter the current payment arrangements, to take account of changing local circumstances, new national guidance and any modifications to the Government's existing emergency funding arrangements. The following arrangements were therefore proposed for payments from 1 April 2021;

- Payments for adult care transport to remain at 75% of the contracted levels for those services which continue not to operate due to the closure of the day care centre concerned.
- Payments for adult care transport, contracted local bus, Derbyshire Connect, mainstream home to school and SEND services which continue to operate normally to remain at 100% of contract levels.
- Payments for swimming transport services to remain at 0% of contracted costs until services can resume, which is not anticipated to be until the new school year begins in September 2021.
- Concessionary fares payments to continue to be made based on the level of bus travel before the pandemic, subject to any changes which may be needed in response to updated DfT advice.

Due to the dynamic nature of the virus, the potential need to introduce local restrictions to take account of this and further changes in Government guidance or policy it was proposed that:

- Should local lockdown arrangements be introduced that require the withdrawal of any local bus, Derbyshire Connect, mainstream or SEND home to school transport services or adult care services in the affected area, then payments would be reduced to 75% of the contracted levels for those services until such time as normal services could be reintroduced or until it is determined that transport requirements have changed and alternative recommendations are made, whichever is soonest
- Should a transport operator be unable to fulfil a contracted service due to instruction by an authorised body (such as NHS Test and Trace) that a driver or passenger assistant must self-isolate, then the operator should find a replacement member of staff to cover that service. However, in the extreme circumstance that an entire company has to self-isolate and therefore is unable to provide any contracted services, then payments will be reduced to 75% of the contracted level until such time as normal services are resumed.
- Any increase in Council legal responsibilities in relation to how the current commercial bus networks are funded and specified as a result of the national bus strategy are incorporated into the payment arrangement proposed in this report.

It was anticipated that future transport requirements for SEND, mainstream school, adult care services, local bus and Derbyshire Connect transport would be reassessed and reviewed in 2021, and most notably following publication of National Bus Strategy. It was therefore proposed that these payment arrangements should remain in place until 31 December 2021,

or until the assessment of on-going requirements was completed and alternative recommendations were made, whichever was soonest.

RESOLVED that Cabinet (1) notes the current situation with regard to public transport services in the County and the need to maintain flexibility and responsiveness in the adopted approaches;

(2) approves the proposed payment arrangements to bus, coach and taxi operators for contracted Council transport services and concessionary fares reimbursement from 1 April 2021 until the 31 December 2021 or until the completion of the assessment of on-going transport requirements is completed and alternative recommendations made or until changes in Government guidance if this is earlier; and

(3) agrees to receive a further report later in the year which will set out any changes in the Council responsibilities regarding bus services and funding following the publishing of the new National Bus Strategy.

46/21 RURAL GIGABIT BROADBAND TOP UP VOUCHER SCHEME

(Highways, Transport and Infrastructure) The Director – Economy, Transport and Environment updated Cabinet of the opportunity afforded by a recent Department of Culture, Media and Sport (DCMS) initiative enabling ‘local bodies’ to provide a “top up” contribution to the Rural Gigabit Voucher Scheme, to identify the most appropriate potential funding options and to sought approval to participate in this scheme.

DCMS was currently implementing a £5bn Government initiative to provide gigabit (100mbps) capability to all homes and businesses by 2025. Initial indications were that DCMS views “demand led” schemes such as the Rural Gigabit Broadband Voucher scheme as an important part of the overall strategy to increase the fibre broadband footprint to harder to reach/rural communities.

The national Rural Gigabit Scheme had a maximum available budget of £200m within the wider Rural Gigabit Connectivity Programme. It was a micro grant scheme which offered vouchers worth £1,500 per home and up to £3,500 for each small to medium enterprises (SMEs) to support the cost of installing gigabit-capable broadband in rural communities.

The “Top Up” Scheme kicks in at the point where the existing voucher values were not sufficient to cover the cost of infrastructure installation. The scheme itself works on a list of confirmed, eligible postcodes that meet the Department for Environment, Food and Rural Affairs (DEFRA’s) definition of a rural location. As with the existing voucher scheme, marketing of the offer would take place both nationally and locally to encourage take up and

interested premises or communities would be actively signposted to the website of suppliers that support the application process.

The primary benefit of the 'Top Up' scheme was that an even greater number of residential and business premises in the hardest to reach locations (the last 5%) in Derbyshire would have the opportunity to access exceptionally fast broadband or improve the speed and quality of their current provision; this opportunity was essential to levelling up economic advantage and supporting sustainable growth in areas which typically would not be able to access the current Digital Derbyshire programme. A Council contribution of £500,000 (this was the minimum amount required by DCMS) would potentially enable at least circa 330 residential or 140 SME premises to take advantage of the voucher scheme in the hardest to reach locations. This figure was likely to be greater due to full top up contribution not being utilised in every case.

To date, 14 new projects had been registered in Derbyshire with a combined total value of just under £1m and it was anticipated these projects would require a combined "top up" contribution from the Council of approximately £100,000. The planned roll forward of the top up scheme by DCMS would mean that any unallocated Government or Council funding would remain available for local residents and businesses after 31 March 2021.

A number of funding options have been considered in the development of this proposal. These were set out below alongside the relevant advantages and disadvantages of each:

(a) Allocate a proportion of the Gainshare earned from the Digital Derbyshire Contract 1; Despite several attempts to secure clarity, BDUK had not given clear assurances that the Council can utilise Gainshare for this scheme - without losing the BDUK element of the Gainshare. This could mean that the BDUK element of the current Gainshare pot was returned to Government and therefore lost from future local investment in Digital Derbyshire. Furthermore, the Council had been advised that the Treasury was reluctant to move funding from one programme to another.

(b) Submit a bid to D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) as part of the current pipeline call: Unfortunately, the call was for future projects with no indication of implementation timescales or available funds. Given the pressing timescales of the Rural Gigabit Scheme, this was not a timely option.

(c) Utilise nominated Council core funding: The Council had set aside a Recovery Fund of £15m to support those economic and community initiatives that would aid recovery post Coronavirus (COVID-19). Although there were many competing priorities for this fund, the proposed 'Top Up'

Scheme was aligned to the broad principles of the Fund. The COVID-19 crisis had demonstrated the critical importance of good digital connectivity for both residents and businesses to ensure access to e-commerce, health advice, learning and other things and this top-up scheme would help support the 'levelling up' of economic growth opportunities in rural areas which otherwise would struggle to access broadband connectivity at any time in the foreseeable future.

RESOLVED to (1) note the Department of Culture, Media and Sport (DCMS) 'Top Up Scheme', including any extended roll out beyond 31 March 2021, and that confirms the County Council's participation and contribution of £500,000 to the programme;

(2) approve funding to be secured from the Coronavirus (COVID-19) Recovery Fund up to a maximum of £500,000.

47/21 **FUTURE HIGHWAYS MODEL AND HIGHWAYS CAPITAL PROGRAMME 2021-22** (Highways, Transport and Infrastructure) The Director – Economy, Transport and Environment sought approval for the adoption of the next stage of the Future Highways Model (FHM) and for the delivery of the Highways Capital Programme for the year 2021-22.

A waypoint review had been conducted by Proving Services, the organisation that advised the Council in 2018, on the progress to implement the Future Highways Model, (FHM). It was clear that this work had been significantly disrupted by the challenging circumstances over the past 18 months, with Toddbrook Reservoir, three flooding events impacting the County and the impacts of COVID-19. In addition, staff pressures and lack of capacity have meant that inadequate resources have been available to develop the work.

The review had identified a number of areas that were not working effectively, with major changes required to improve accountability and responsibility, internal processes, customer enquiries, capital planning and financial costing and management. Fundamentally, it had been determined that the current internal structures and processes were not sustainable and were not supporting the future needs of the Council. The Future Highways Model (as a "mixed economy" operating model) was designed to provide a flexible, efficient and effective service and was based on a client/delivery (or commissioner/provider) structure. The mixed economy approach had been widely adopted by the top performing members of the Future Highways Research Group (FHRG) and was a top-scoring future option for the many authorities approaching contract renewal.

The waypoint review endorsed the mixed economy model and nationally this was becoming the model of choice for Highways Authorities due

to its flexibility and responsiveness, while enabling the use of external partners to provide specialist, complex and additional services. However, the effective working of this model was dependent on the establishment of an effective client team. This necessitated a delineation between the commissioning and the delivery components of the service. This was not in place at present with overlaps, a lack of clarity regarding accountability and gaps in capability to commission and manage the provision of services at the scale required.

As the report lays out, this was particularly important now in the delivery of the capital programme, given the scale of external commissioning that would be required over the next few years. At least £20m+/- per year would need to be commissioned externally, in addition to the maximum of £20m per year that could be delivered internally, in order to deliver the scale of the capital programme. Having a robust commissioning capability that defined the scope of projects, sources and contracts for the packages of work and assures value for money and quality was essential moving forward. The changes proposed to the Highways Service in the implementation of the FHM as a result of the waypoint review were radical and far reaching. A plan for this change had been developed and this was to be adopted, in a staged process, over the next 2 years with dedicated programme support, further details of which were presented.

A programme team to support this change would need to be established for the duration of this change programme, with a senior executive officer to act as the sponsor to formally oversee and monitor progress at regular review points. It was proposed to initially commit up to £1.5m of Economy, Transport and Environment unallocated reserve funds to support this change process over the 2-year period, to be controlled by the Managing Executive Director in consultation with the Cabinet Member for Highways, Transport and Infrastructure and the Director of Finance and ICT. The proposed initial resource requirement was set out below, but may need refinement as the work progresses. In addition, success was also dependent upon the commitment of considerable internal resources from Highways and from the Council's corporate functions.

This programme was designed to significantly improve service delivery and was not a cost-based review. There were no specific savings targets associated with this change. The service was under-resourced and would continue to recruit to fill vacant posts and to manage succession, in what was a workforce with an older age profile. The analysis indicated that the Highways Service was not currently running at maximum productivity, and that the changes proposed would facilitate more cost effective, well managed services, driven by the already highly effective asset management approach.

Inevitably, there were risks to the programme, such as short-term challenges taking priority over the programme, or inadequate resourcing.

There was risk of change fatigue and of some interruption to services. To minimise these and to assure overall delivery, a delivery board would be established, led by the Service Director Highways, to manage the overall delivery of the programme.

Following approval of this FHM programme, and in parallel with establishing the programme team, an Outline Business Case would be developed, along with the detailed Business Change Plan and the Highways Services Commissioning Framework. The aim was to have these available for review by the FHM programme Board in mid May.

The delivery of the Highways Capital Programme had been a challenge to the Council in recent years. Funding allocations had grown and the timings of allocations from central Government had varied. Together with a number of severe weather incidents and COVID-19, the size of the allocations had exceeded the approximate £20m capacity of the service to deliver each year. This had resulted in a backlog of highways schemes still to be delivered and this was increasing each year.

The 2021-2022 capital funding allocations from DfT were announced on 15 February 2021, with the Council's allocation being a total of £27.3m. Together with delays and underspends from previous years, the value of the Highways capital programme was expected to be in excess of £70m. The Council had set itself a target to deliver the £70m of capital schemes during the next three financial years to bring the programme up to date. This was likely to mean that a programme in the region of £40m would need to be delivered in each of the next three financial years. This was more than double that which had been achieved in recent years. In determining which schemes would be prioritised to be delivered in 2021-2022, an assessment had been made based upon the Department for Transport's Early Assessment and Sifting Tool (EAST). This evaluated all schemes on the current programme that had not yet been delivered, together with new schemes identified for inclusion on the basis of the asset management analysis or other priorities. All criteria were scored on a scale of 1 to 5. The scoring definitions were shown in Appendix A to the report.

Highway maintenance and integrated transport schemes with the highest total scores were proposed for allocation of funding for 2021-2022 as shown in Appendix B to the report. In accordance with the Council's asset management strategy, the proposed programme for delivery in 2021-2022 included a large number of carriageway maintenance schemes. These were proposed in response to the impacts upon the network of the recent severe weather, together with preventative maintenance to mitigate future severe weather impacts upon the network. A major programme of drainage and flood management was proposed, in response to the repetitive and serious flood challenges the Council has faced over the past 18 months and the likelihood

of reoccurrence. Significant investment in local road safety schemes would be delivered, reinforcing the Council's commitment to enhancing road safety and aiming to reduce the numbers of people killed or seriously injured on Derbyshire's roads. A large programme of further improvements to the County's cycle network and public transport infrastructure was also proposed together with advanced design on schemes for construction in future years. The proposed breakdown of blocks to be delivered in the 2021-2022 were presented in the report.

The value of the 2021-2022 programme far exceeded the current delivery capacity of the Council's in-house service. Together with bespoke sub-contractors, the in-house team could deliver a maximum of approximately £20m per year. To deliver this radically increased programme, the Council would deliver the schemes through the mixed economy model of in-house resources, delivering schemes to a similar value as in previous years, with significant packages of schemes sourced from external design and construction providers to deliver the additional volume. These would be commissioned through previously approved local and national frameworks in order to deliver best value to the Council and to its residents. These routes were authorised in the Capital Programme report considered by Cabinet on 14 January 2021.

Schemes identified to be delivered by the in-house teams included footway resurfacing, structures, reactive capital improvements, drainage investigations, highway improvements, road safety, rights of way, cycle routes and greenways. Schemes identified for delivery from external provider support had been packaged up in order to deliver greater value for money for the Council. These included packages by type and/or location and include large resurfacing schemes, surface dressing, structures, traffic signals, drainage and street lighting schemes. In order to minimise any possible disruption to Derbyshire residents and users, network availability would need to be secured for each individual scheme, to ensure coordination between the works by the Council and others. Where clashes were identified, schemes may have to be reallocated to a different delivery time.

It was proposed to establish a new capital programme delivery team whose responsibilities would be to commission works, manage the delivery of the programme, monitor the performance of delivery teams and undertake the commercial reconciliations. The team would be funded from the Capital programme resources. In the short-term it would be necessary to appoint some external resources while the Council builds its in-house commissioning and contract management capability and meets the capacity needs. This was the only option if the programme was to be delivered at the scale required. It was recommended that £2.5m of underspends in the capital programme identified during this review be allocated to support the external commissioning of works in the next 2 years under the control of the Director

Highways and monitored through the FHM Programme Board. The approximate split of works to be delivered in the mixed economy model by the in-house service and those to be supported by external providers were presented.

Appendix C to the report lists those schemes which would be included within future year's programmes. This included schemes which had been previously approved for delivery and some schemes where early design would be undertaken in 2021-2022. It was recognised that not all previously approved schemes were included within the proposed 2021-22 programme due to prioritisation and the scale of the challenge.

It was proposed that a new business cycle be adopted, with a plan to develop a 5-year rolling capital programme of schemes, based upon the Council's robust asset management approach. This would be reviewed annually, as a minimum, but would enable more detailed forward planning, incorporating those schemes previously approved and identifying when the schemes would be delivered. Where it was clear that a change is needed to be made to the 2021-2022 programme, it was recommended that Cabinet delegates to the Managing Executive Director, the authorisation to consider and approve any changes in consultation with the Cabinet Member for Highways, Transport and Infrastructure.

RESOLVED to (1) approve the next stage of Future Highways Model (FHM) programme of change for the Highways service, agrees the establishment of a £1.5m FHM reserve from Economy, Transport and Environment unallocated reserves to fund the change programme under the control of the Managing Executive Director, in consultation with the Cabinet Member – Highways, Transport and Infrastructure and the Director of Finance & ICT;

(2) note the outline programme governance arrangements for the FHM programme of change, the development of the Outline Business Case, the Business Change Plan and the Highways Services Commissioning Framework;

(3) approve the delivery of the 2021-2022 Highways Capital Programme as set out in Appendix B to the report;

(4) approve the allocation of £2.5m from the Highways capital programme underspends to establish a commissioning team to commission, manage and monitor the delivery of the capital programme;

(5) delegate to the Managing Executive Director, in consultation with the Cabinet Member - Highways, Transport and Infrastructure, the authorisation to

approve any changes to the Highways Capital Programme 2021-2022, (within the tolerance of the overall budget); and

(6) approve the development of a new business cycle for the highways capital programme leading to a 5 year forward capital programme of schemes, incorporating the Appendix C to the report list of pre-approved schemes.

48/21 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT (Health and Communities) The Health and Social Care Act (2012), sets out a statutory requirement for all Directors of Public Health to provide an annual independent report on the health of the local population and for the local authority to publish it. The report needed to highlight areas of specific concern and make recommendations for change.

The Director of Public Health could tailor the report to align with local issues and priorities. The Director of Public Health Annual Report was currently aligned to the calendar year and the last report, entitled 'Stronger for Longer' was published and reported to Cabinet on 16 January 2020. Due to the on-going COVID-19 response, the Director of Public Health had been unable to produce a report in the 2020 calendar year due to limited capacity and a need to focus on responding to and managing the evolving situation to co-ordinate the health protection and wider public health response. To mitigate the absence of a formal Annual Report for 2020 the Public Health department would produce a short report, most likely in the form of a video, to cover 2020 focusing on the response to COVID-19 and the work undertaken by the Director of Public Health. From 1 April 2021 Cabinet was asked to agree that the Annual Report is aligned to the financial year rather than the calendar year.

RESOLVED to (1) note the delay to the drafting and publication of the 2020 Director of Public Health Annual Report;

(2) agree that the Director of Public Health Annual Report be aligned to reporting within the financial year, with the next report to be published within the first quarter of the 2021-22 financial year.

49/21 REIMBURSEMENT OF STOP SMOKING PHARMACOTHERAPY PRODUCT COSTS FOR THE FINANCIAL YEAR 2021-22 (Health and Communities) The Director of Public Health sought approval to reimburse the Derby and Derbyshire Clinical Commissioning Group (CCG), for the costs of stop smoking pharmacotherapy products available on prescription only for the 2021-22 financial year.

There were a range of smoking cessation pharmacotherapy products available to help smokers quit smoking including nicotine replacement therapy (e.g. patches or gum) which were provided directly by LLBD, and others such

as bupropion and varenicline, which are only available on prescription. A local pathway exists to allow smokers to access bupropion and varenicline whilst receiving behavioural support from the LLBD stop smoking service.

The monies for smoking cessation pharmacotherapy products issued on a prescription did not originally transfer to local authorities when Public Health responsibilities transferred on 1 April 2013 under the Health and Social Care Act 2012 and instead were included within CCG budgets. Following discussions with the Derby and Derbyshire CCG, it was agreed the County Council would hold the budgets associated with the cost of smoking cessation pharmacotherapy products issued on a prescription (bupropion and varenicline only). Therefore, the budgets were transferred from the Derby and Derbyshire CCG by the Department of Health to Derbyshire's ring-fenced Public Health Grant with effect from 1 April 2016. However prescriptions issued in general practice were initially charged to CCG prescribing budgets and therefore it was expected that CCG would invoice Derbyshire Public Health for these costs as they no longer hold the budget for prescriptions related to stop smoking products (bupropion and varenicline only).

A maximum annual charge for 2021-22 of £326,150 had been agreed with the CCG based on historic prescribing costs.

RESOLVED to approve the reimbursement of prescription only smoking cessation pharmacotherapy product costs (bupropion and varenicline only) to the Derby and Derbyshire CCG to a maximum cost of £326,150.

50/21 FEEDING DERBYSHIRE – AFFORDABLE FOOD NETWORK

(Health and Communities) The Director of Public Health sought approval to provide a grant to the value of £0.300m to Rural Action Derbyshire to enhance work of the Feeding Derbyshire project, by supporting the set-up of an additional affordable food network across Derbyshire over a 2-year period.

Over the last few years, household food insecurity had increased amongst Britain's families and more people are turning to food banks for support. Feeding Derbyshire seeks to help those struggling with low incomes, debt and poor access to affordable, nutritious food. It aimed to reduce the negative impact of hunger by working to ensure projects were inclusive and reach the most vulnerable people in the County and give families and individuals the confidence and capacity to be self-reliant, able to meet their own and their children's needs.

Rural Action Derbyshire (RAD) co-ordinate a network of 34 foodbanks operating across 41 locations, as part of the Feeding Derbyshire Partnership. The alliance also currently supported the work of a number of Community Cafés, School Holiday Clubs, Breakfast and After-School Clubs across Derbyshire. Additionally, in direct response to COVID-19, RAD set-up a batch

cook-delivery scheme involving 12 projects providing ready meals to some of the most vulnerable people in the county. All were essential and even more so in the current climate but alone they cannot form a long-term solution to food insecurity.

The affordable food network work would add value and provide a steppingstone out of crisis by creating a longer-term and more sustainable alternative to food banks, further details of which were presented. The proposed cost of £0.300m would be grant funded to Rural Action Derbyshire to deliver the project outlined in the report. Costs would be met from the existing Public Health ring-fenced budget.

RESOLVED to approve the funding of £0.300m to Rural Action Derbyshire, to support the set-up of an affordable food network across Derbyshire over a 2-year period, as outlined in the report.

51/21 URGENT OFFICER DECISION – IMPLEMENTATION OF COMMUNITY TESTING IN DERBYSHIRE (Health and Communities) The Director of Public Health advised Cabinet of a decision made using delegated powers arising from the on-going response to Covid-19 in relation to the commencement of a community testing programme. Retrospective approval was also sought for the programme of activity. A copy of the Officer Decision form was attached at Appendix 1 to the report along with an Equality Impact Analysis attached at Appendix 2.

RESOLVED to note the decision made using delegated powers arising from the ongoing response to the COVID-19 pandemic in relation to the commencement of a community testing programme. ii. Seek retrospective approval from Cabinet for the programme of activity.

52/21 HOME CARE FEES (Adult Care) The Executive Director – Adult Social Care and Health reported to Cabinet on Home Care Fees. The home care fee rate proposals for 2021-22 had taken account of the feedback received from Home Care providers about inflationary pressures as detailed in the report. Appendix 1 to the report, details how these inflationary pressures impact on the standard cost headings used in Derbyshire Home Care fee model to give a proposed inflationary uplift of 2.29% for 2021-22. The proposed inflationary value of 2.29% on the hourly rate for the provision of Independent Sector Home Care was also used as a standard inflationary value for the other service types as detailed in the report.

The proposals focussed on the basic fee rates for the provision of home care. The Council also funded specialist home care services for people who live in supported living care settings.

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

Specialist home care providers received higher hourly fee rates than those recorded above which reflect the greater investment in staff and training to meet an individual's needs. It was proposed that an increase in payments of up to 2.3% can be agreed with providers that provide specialist home care provision in supported living care settings where they could evidence that their costs had increased.

A Well Being Service was provided in all the Extracare schemes and it included 24-hour staffing on-site or on-hand, 365 days a year, help in an emergency and the co-ordination of an activities and events programme. The weekly payment was the same across all the schemes and it was proposed that this is increased by 2.29% for 2021-22 from £14.03 to £14.35.

RESOLVED to agree (1) to make an inflationary increase of 2.29% for independent sector home care provision from 1 April 2021;

(2) to increase travel/visit rates by an average of 2.30% from 1 April 2021;

(3) to increase the fee rate for in-house home care and extra care provision from 1 April 2021 by 2.29%;

(4) to make an inflationary increase of up to 2.29% for specialist home care placements where evidence is provided of inflationary pressures; and

(5) to make an inflationary increase of up to 2.29% on the Well Being payment made to providers in extracare settings.

53/21 **CARE HOME AND DAY CARE FEES 2021-22** (Adult Care) The Executive Director – Adult Social Care and Health reported to Cabinet on Care Home and Day Care Fees.

The method for identifying the proposed fee rates builds on the work previously undertaken to identify a basic care home fee rate. As part of this work the Council asked care home providers to complete a questionnaire to evidence their costs. The Council then used standard cost headings to analyse the returns before identifying values against each cost head - see Appendix 2 to the report.

To develop fee rate proposals for 2021-22, the amount paid under each cost heading had been increased based on a set of assumptions about inflationary pressures. These proposals had taken account of the feedback received from Care Home providers. Based on this analysis, it was proposed to increase fee rates for basic care home provision by £14.28 per week which was equivalent to a 2.53% increase on the fee rate for 2020-21. This methodology had been consistently challenged by the Association and a request had been made at meetings for the Council to commission an independent review of the actual costs of care. The Council was satisfied that its analysis and transparent methodology as shown in Appendix 2 was correct and so such a review was not necessary.

In terms of the impact of the proposals on care home fees for other client groups and specialist placements, the proposals focussed on the basic fee rates for older people. It was proposed to also increase the base fee rates for Residential Care Home by 2.53% and Nursing Homes by 2.53% for other client group placements. This included care home provision for people with a physical disability, people with learning disabilities and people with mental ill health as detailed in Appendix 3 to the report.

The changes proposed to the basic fee rates for other client groups would not change the level of funding already paid against specialist care home placements where fee rates had been individually negotiated to ensure that the needs of people who require complex support/care arrangements were met. The fees for specialist placements were often substantially more than the standard care home fees.

The additional funding (top-up) paid for a specialist placement reflected the greater investment in staff and training to meet an individual's needs. It was proposed that up to 2.53% could be agreed with providers in receipt of specialist placements where they could evidence their increase in costs.

An additional payment of £46.62 per week was currently paid towards supporting people with a diagnosis of dementia which was payable to homes that meet set criteria of dementia-friendly provision. It was proposed this payment be increased by 2.53% to give a new value of £47.81 per week from 1 April 2021.

The Dementia fee was introduced to encourage homes to demonstrate that they have the skills, experience, environment and organisational culture in place to provide high quality dementia care. The Council presented this criterion as many providers describe their service as being able to meet the needs of people with dementia, but were unable to evidence that staff have adequate training, that the culture of the service was dementia friendly or that the environment had been adapted to be suitable for someone with a

diagnosis of dementia. The importance of this award would continue to be promoted with care home providers to increase the take up.

In terms of day care placements in care homes for older people, some people who were supported to live in their own homes were able to use day care places in care homes for older people. The care home was often situated close to where an individual resides and the homes frequently help with transport to and from the home, as well as providing meals. In some cases, homes would also provide a bathing service and were very flexible with places being made available at weekends and evenings, which could help Carers to get a break. The standard fee rate paid by the Council for day care placements in independent sector care homes was currently £41.72 per day. It was proposed for 2021-22 that this fee level to be paid to providers be increased by 2.53% to provide a new daily fee of £42.78 per day.

Adult Care had a small number of block contracts with independent sector profit and not for profit organisations. A number of these agreements were established before the introduction of the National Living Wage. A number of these providers had requested an inflationary increase to assist them with meeting this additional unforeseen cost. It was proposed that payments of up to 2.53% could be agreed with providers who operated block contracts on behalf of the Council where they could provide detailed evidence of their increase in costs relating especially to the increase in minimum wage rates as well as showing that they were meeting their agreed targets for activity and performance.

RESOLVED to agree to (1) increase the rate paid to independent sector residential care homes for the financial year 2021-22 by 2.53% per week;

(2) increase the rate paid to independent sector nursing homes for the financial year 2021-22 by 2.53% per week;

(3) make an inflationary payment of up to 2.53% for specialist care home placements where evidence is provided of inflationary pressures;

(4) an updated fee rate of £42.78 per day (from £41.72 per day) for a day care placement in a care home;

(5) increase the rates for in-house day care and residential care by 2.53%;

(6) an updated dementia rate of £47.81 per week (from £46.62); and

(7) make an inflationary payment of up to 2.53% for well-performing block contracts in specific circumstances.

53/21 WITHDRAWAL OF BI-WEEKLY REVIEW OF SPECIFIC URGENT OFFICER DECISIONS DURING CORONAVIRUS PANDEMIC

(Adult Care) The Executive Director – Adult Social Care and Health sought approval withdraw 3 specific decisions from bi-weekly Officer and Cabinet Member review as they were now subject to Government guidance and some progress had been made since the original decisions. These decisions include cessation of care home visiting and temporary closure of day service’s for both older adults and adults with a learning disability and Autism. In addition, approval was also sought to withdraw 1 specific decision from bi-weekly Officer and Cabinet Member review as it no longer required an on-going decision to be made. This related to Fire Risk Mitigation Work.

RESOLVED to approve the (1) withdrawal of the three specific decisions from bi-weekly officer and Cabinet Member review as they were now subject to government guidance, and some progress had been made since the original decisions, these decisions included cessation of care home visiting and temporary closure of day service’s for both older adults and adults with a learning disability and Autism; and

(2) withdrawal of one specific decision from bi-weekly officer and Cabinet Member review as it no longer required an on-going decision to be made relating to Fire Risk Mitigation Work where all essential work was now complete.

54/21 CHILDREN’S SERVICES CAPITAL PROGRAMME 2020-21 EXPANSION PROJECT AT THE ECCLESBOURNE SCHOOL (Children’s

Services) The Executive Director – Children’s Services sought approval for funding for projects to expand the Ecclesbourne School in response to housing growth in its normal area.

There was significant housing growth in the normal area of The Ecclesbourne School. The School had a masterplan to expand and improve its provision to meet the increased demand for places. It took the decision however, to move forward with its building plans, ahead of the receipt of the Section 106 funding, on the basis that it would be repaid once those funds were received by the Council. The most recent projects were an expansion of the sixth form block at a cost of £1,151,105 and the improvement to the science block costing £507,075 – making a total of £1,658,180.

On 20 July 2017, Cabinet approved the allocation of £52,980 S106 funding towards the science block project and on 22 February 2018, Cabinet also approved the allocation of £70,637.75 towards the sixth form block. The total already approved therefore was £123,617.75. The Council has received £1,163,701.07 in Section 106 from the developers of the Kedleston Road site under planning reference AVA/2014/0928. A final S106 contribution of £477,636 plus indexation from this planning reference would be paid in June

2021 and would be the subject of a separate report. The proposal was to allocate the funds received to the projects at The Ecclesbourne School.

RESOLVED to approve the allocation of £1,163,701.07 in Section 106 funding to repay The Ecclesbourne School for the sixth form and science block projects.

55/21 CHILDREN'S SERVICES – PROPOSED ALTERATION OF THE LOWER AGE LIMIT OF BRACKENFIELD SEND SCHOOL (Children's Services) The Executive Director – Children's Services advised Cabinet of the outcome of an initial consultation carried out by Brackenfield School on a proposal to alter the school's lower age limit from 4 years to 3 years so that it could offer nursery provision and approval was sought for the publication by the Local Authority of a formal statutory proposal to lower the school's age limit, as described above.

The Authority proposes to alter the lower age limit of Brackenfield School from 4 years to 3 years by extending the provision to include both Foundation Stage 1 and Foundation Stage 2 children. The Authority had confirmed that the school already had adequate staffing and premises for a maximum 8-place Nursery. If implemented, this proposal would allow the school to offer families a seamless and comprehensive education program for children from 3 years. The school had carried out a pre-publication consultation and 44 responses were received. The summary of those responses is at Appendix 1 to the report. The Head teacher had reported that Governors and staff were supportive of the proposed alteration of the school's lower age limit and that the Governing Body were therefore eager for the Authority to publish the proposal (a copy of which was detailed at Appendix 2 to the report) in accordance with the formal statutory process prescribed by the School Organisation Page 759 Agenda Item 6(q)2 (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

RESOLVED to note the response to the informal consultation carried out by Brackenfield School and approve the publication by the Authority of a formal statutory proposal to lower the school's age limit from 4 years to 3 years so that it can offer nursery provision.

56/21 PROPOSED CONVERSION OF MICKLEY INFANT SCHOOL TO A PRIMARY SCHOOL (Children's Services) The Executive Director – Children's Services reported the outcome of the non-statutory consultation on the growth of Mickley Infant School to primary status and sought permission to proceed to the issue of a Statutory Notice.

Mickley Infant and Nursery School currently provides education for children aged 3 to 7 years. The school was designed as an infant only site to accommodate 40 infant age pupils and a 20 place nursery. The nursery

numbers were fluid dependent on the number of reception children already in school as the class was run as an Early Years Foundation Stage (EYFS) unit. The school also offers 30 hour funded places for those parents who can access this. The core facilities (hall and dining) accommodate their existing pupils. There was no library or separate physical education facility.

The expansion of the school would support the housing development in the locality with land potentially being available next to the school or at the rear of the school as it backs onto farmland. The school and local community recognised and supported the need for the expansion of the age range to become a primary school and last year a petition in support of the expansion was forwarded to the Cabinet Member for Young People. Currently most children attend Shirland Primary School for their junior provision.

The estate where Mickley Infant & Nursery School is situated has poor public transport links and this was exacerbated by the fact that the bus that they currently use had been stopped in the evenings. Historically, the parents had organised and funded this, but it was no longer financially viable. As a result, parents were struggling to ensure that their children arrive and return from Shirland Primary School in time for the school day. As a response to this, Mickley Infant School had been forced to shorten its school day as parents could not be in two places at once.

There was a planning application for 120 dwellings in the normal area of the school which would yield an additional 24 primary school aged children. Shirland Primary School was unable to expand any further and following the DfE Building Bulletin 103 guidance on accommodation requirements, Mickley Infant School had space to become a Primary School with a pupil admission number of 10 and a capacity of 70. A non-statutory consultation had been undertaken. A copy of the consultation paper was attached at Appendix A to the report and details of the outcome of the consultation were presented.

RESOLVED to note the outcome of the non-statutory consultation and to approve the issue of the Statutory Notice for the conversion of Mickley School to a Primary whilst planning and funding was sought.

57/21 **EARLY YEARS FUNDING SETTLEMENT 2021-22** (Children's Services) The Executive Director – Children's Services reported on the Early Years settlement of the Dedicated Schools Grant (DSG) and the related decisions of the Schools Forum, and to sought approval to the Early Years funding formula for 2021-22.

RESOLVED to (1) note the Early Years settlement for 2021-22;

(2) agree the increase in Derbyshire's universal rate to £4.16 from April 2021;

(3) agree that the enhanced hourly rate for nursery schools and the nursery school lump sum and deprivation allocations remain unchanged for 2021-22;

(4) note the central early years budgets approved by the Schools Forum as set out in section 2.3 of the report; and

(5) note that the proposals meet the government's early years passporting test as set out in section 2.4 to the report.

58/21 CENTRAL SCHOOL SERVICES BLOCK AND PUPIL GROWTH FUND SETTLEMENT 2021-22 (Children's Services) The Executive Director – Children's Services informed Cabinet of the Central School Services Block (CSSB) and Pupil Growth settlements for 2021-22 and the decisions of Schools Forum regarding their allocation.

RESOLVED to (1) note the Central School Services Block and Pupil Growth settlements for 2021-22;

(2) note the decisions of Schools Forum regarding the allocation of these grants; and

(3) Notes the contribution that the CSSB is expected to make towards DSG reserves in 2021-22.

59/21 CHILDREN'S SERVICES CAPITAL PROGRAMME 2020-21-FURTHER ALLOCATION (Children's Services) The Executive Director – Children's Services reported on allocations approved under delegated powers by the Executive Director for Children's Services. To approve a further allocation to the Children's Services Capital Programme 2020-21 for Dronfield Henry Fanshawe School.

There was a 3 classroom temporary block at the school that had reached the end of its economic life. It had been on the 'buildings at risk' register for some years awaiting funding. The school was popular and the numbers on roll were high therefore it was necessary to replace this accommodation to meet the school's need for teaching accommodation. A project had been identified to replace the 3 classrooms at a cost of £550,000. A contribution from the School towards the project was to be agreed.

Approvals made under delegated powers by the Executive Director for Children's Services and Children's Services Head of Development for allocations from the Children's Services Capital budget were set out in Appendix A to the report. The allocations total £382,394 (£886 allocated from 2019-20 BN, £380,050 from SCA 2020-21 and £1,458 from 2017-18 savings)

leaving a balance of £6,414,100 from the 2020-21 School Condition allocation and an overall unallocated balance of £8,421,446. If the allocation £550,000 for Dronfield Henry Fanshaw School was approved from the 2020-21 School Condition allocation, this would leave a balance of £5,864,100 from the 2020-21 School Condition allocation and an overall unallocated balance of £7,871,446 available for future allocations.

RESOLVED to (1) note the allocations made under delegated powers by the Executive Director for Children's Services from the Children's Services Capital Budget totalling £370,265;

(2) note the allocations made under delegated powers by the Children's Services Head of Development from the Children's Services Capital Budget totalling £12,129; and

(3) approve the allocation of £550,000 to Dronfield Henry Fanshawe for a replacement teaching block.

60/21 HIGH NEEDS BLOCK FUNDING SETTLEMENT 2021-22

(Children's Services) The Executive Director – Children's Services informed Cabinet of the High Needs Block (HNB) settlement of the Dedicated Schools Grant (DSG) for 2021-22 and sought approval to its allocation.

Details of local authorities' 2021-22 high needs allocations were published on 17 December 2020. Derbyshire's high needs funding would increase by £9.194m (+11.53%) from £79.771m to £88.965m. It should be noted that the 2021-22 allocation incorporates the former Teachers Pay Employers' Contribution Grant (TPECG) specific grant. This grant helped fund the increase in employers' superannuation contributions for teachers which rose from 16.48% to 23.68% of gross pay in September 2019. Adjusting for this technical change, the like for like increase in high needs funding was approximately 10%. A summary of the high needs allocation was provided in Appendix 1 to the report.

Details of the places the the Local Authority had agreed to fund from the High Needs Block were detailed at Appendix 2 to the report and details of the top-up rates at Appendix 3. In terms of the high needs services, the estimated allocations for 2021-22 totalled £17.336m and figures for each service area were detailed at Appendix 4 to the report.

RESOLVED to (1) note the High Needs Block settlement for 2021-22;

(2) agree the places to be funded in Appendix 2 to the report;

(3) approve the top-up budgets and the associated top-up rates in Appendix 3 to the report;

(4) approve the centrally held budgets in Appendix 4 to the report; and

(5) agree to top-slice funding for LA maintained special schools in respect of redundancy costs and former ESG funded services as set out in the report.

61/21 SUFFICIENCY OF EDUCATIONAL PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITY

(SEND) (Children's Services) The Executive Director – Children's Services reported on a review the sufficiency of current and future requirements for educational provision for children and young people with special educational needs across Derbyshire. In 2017, the Department for Education (DfE) allocated a £215m fund from 2018 – 2021 to support local authorities to invest in provision for children and young people with special educational needs and disabilities (SEND) between birth and 25 years, to improve the quality and range of provision available to families within the local authority. Further investments of £50m in May 2018 and £100m in December 2018 were made, totalling £365m.

Derbyshire's share of this was £2,177,809 involving four small projects at Elmsleigh Infant School (2 projects), Blackwell Primary School and Springfield Junior School, leaving a balance of ££2,134,531. Derbyshire's longer-term proposal for this grant was to fund developments prioritized as part of a county-wide strategic, evidence-based study. The desktop sufficiency analysis was conducted between July and November 2020 before a call for views from a wide range of stakeholders. The report presented the county-wide study and the resulting findings of the call for views to Derbyshire Cabinet for comment and an agreement to proceed with formal consultation/direction of travel on the proposed plans to increase provision.

The full SEND Sufficiency strategic study could be found in Appendix 1 to the report and the questions from the Call for Views at Appendix 2.

The main recommendations could be summarized as:

1. Developing a County specialist provision plan. This should take account of the previous rise in places and predicted rising numbers over the next three years and include plans to increase provision across the County's special schools and enhanced resources in line with predicted numbers.

2. An investigation of provision for autism across the County and development of an autism strategy to address needs across the County.

3. Development of a strategy and collective responsibility model for those children and young people with Social, Emotional and Mental Health (SEMH) needs.

4. That the report be considered alongside current discussions taking place regarding alternative provision available to support children and young people across Derbyshire.

5. To complete the review the impact of Graduated Response to Individual Pupils (GRIP) funding on the ability of schools and settings to meet need early and maintain the stability of a lower rate of EHCPs.

6. A further investigation into the rising numbers of children in early years requiring an EHCP. Page 8077. Making sure that the numbers of young people who are not accessing Education, Employment or Training (NEET) but continue to be supported by an EHCP have their situations reviewed as a matter of urgency.

It was proposed a County wide plan would be developed based on the following principles:

- Wherever possible, children with special educational needs and disability would be educated as close to home as possible to ensure their place in their local community, and to reduce daily or unnecessary travelling.
- The sufficiency plan would aim to increase the choice of provision available to families within their local area.
- Where possible and appropriate children would be educated within their local community mainstream provision, alongside their peers.

Details of the responses to the survey were presented in the report.

With Cabinet agreement, a further formal consultation with all stakeholders would take place on the plan resulting from this study. Although a version of the call for views questions was adapted and sent on to young people's groups, the response to this was limited in the time available and, if a formal consultation was agreed, a version would be coproduced with young people to ensure views could be gathered and recorded.

RESOLVED to (1) note this County-wide study and the resulting findings of the Call for Views; and

(2) agree to proceed with formal consultation/direction of travel on the proposed plans to increase provision.

62/21 DERBYSHIRE SHORT-BREAK PRINCIPLES PROPOSAL

(Children's Services) The Executive Director – Children's Services outlined the findings from reviews of Derbyshire's short break offer for disabled children and their families and to propose a vision from which to develop Derbyshire's short-break strategy and offer to meet the future needs of children and families. The report also sought approval to commence engagement and consultation with stakeholders on proposals to develop the Council's short-break strategy for disabled children and their families and to delegate decision-making on the application of the service to the Cabinet Member and Executive Director, Children's Services.

Recent reviews, details of which were presented, had identified a number of opportunities to improve efficiency, impact and appropriate service delivery to support the changing needs of disabled children and their families in Derbyshire.

There was a statutory requirement to review and update the short-break statement. There were opportunities to improve the transparency of assessment and communication of Derbyshire's offer to children and families, improving empowerment and independence as well as ensuring services considered whole family and whole life support. This would be considered within the engagement and consultation process.

The key findings outlined identified several challenges brought about by current and potential future demands on services. Services that were supporting some of our most complex children and families, improving outcomes and lifelong opportunities. Challenges for services to support our disabled children to lead 'ordinary lives' through the improved independence and reduce dependency on Childrens and then Adult Services.

Future service provision had an opportunity to benefit from cultural and operational change, adapting service provision to the future needs of children with disability, families and communities across Derbyshire. The opportunities offered the potential to deliver services that support families and children with a whole family approach, ensure support packages provide a long-term view which enabled families to be independent, supported and enabled. Empowering families and children by ensuring greater transparency of service provision and support.

The future vision to be consulted upon sought to:

- Strengthen whole families with a lifelong view, rather than simply providing 'care' for the children.

- Supporting independence.

- Increasing stability and resilience in families and communities to enable disabled children to continue to grow and develop within their own families and communities.

- Enable families to provide sustainable empowered care into adulthood as would be the case with any other child.

Appendix 5 to the report provided the outline for the 12 weeks consultation plan Appendix 6 illustrated current thinking regards a potential flexible dynamic home and potential flagship build strategy. Further detail would be provided when these proposals were developed and shared with Cabinet when appropriate.

RESOLVED to approve (1) the key principles of the Community Offer Proposal;

(2) the programme of consultation on proposals on all three areas, regarding the Council's short-break strategy as detailed in the report to be commenced and the consultation outcomes and conclusion to inform and support the decision-making as detailed below; and

(3) delegate all decision-making of the service delivery arrangements to Cabinet Member and Executive Director of Children's Services.

63/21 REPORT ON THE COVID-19 TESTING PROGRAMMES IN MAINTAINED SCHOOLS WITH SECONDARY AGED CHILDREN AND PRIMARY AGED CHILDREN (INCLUDING MAINTAINED NURSERY SCHOOLS) (Children's Services) The Executive Director – Children's Services

and the Director of Legal and Democratic Services reported to Cabinet on the arrangements for COVID19 testing programmes in maintained schools with secondary aged children and schools with primary aged children, and maintained nursery schools.

On 15 December 2020, the Department for Education (DfE) announced their intention to introduce a staff and student COVID-19 testing programme for schools with secondary age children. Over the Christmas period 2020, the DfE released more information about the programme and with an introduction date of week beginning 4 January 2021 if schools were ready to do so. The purpose of the voluntary programme was to identify asymptomatic staff or students and to require them to self-isolate which in turn would reduce the spread of the virus, protect the most vulnerable and drive down the infection rate across the County area of Derbyshire (excluding Derby City).

The testing programme was a supervised self-administered programme which was to be undertaken on school sites. Whilst the DfE provided support materials and webinars for schools, Derbyshire County Council initially

advised maintained schools with secondary age students to pause the introduction of the programme pending:

- clarification with regards to insurance since maintained schools had no insurance in place for this activity (self-administered tests and administered swabbing), a significant excess falls to Derbyshire County Council to cover in the event of a claim. Similarly, there is no insurance cover in place for Derbyshire maintained schools in the event of a data protection breach and, therefore, this posed a further financial risk to the Council;

- whilst the DfE guidance included provision for serial testing to release pupils from self-isolation, the legislation does not currently allow for direct contacts to cease isolation if they are taking part in serial testing, therefore, the legal basis was not clear.

The Council had sought to mitigate these risks completely by seeking a letter of comfort from the Department for Education which replicates the indemnities provided in the letter of comfort received from the Secretary of State for Health when the Council commenced community testing, however, this had not been forthcoming. Whilst the DfE had still not provided a letter of comfort, the Council would continue to pursue the Department for Education for this. Further enquiries were also being made to establish whether the letter of comfort received from the Secretary of State for Health for community testing extends to testing in schools.

In the meantime, the Council had balanced the current risk and in consideration of the risk assessment had determined that the public health risk of not approving the roll-out of self-administered testing in Derbyshire County Council maintained schools with secondary age students outweighed the financial risk of proceeding with the testing. This was agreed by Corporate Management Team (CMT) on 18 January 2021 as detailed at Appendix A to the report.

On 18 January 2021, the DfE launched several webinars for schools with primary age children to learn about the Government's strategy for primary school staff testing, including testing of staff in maintained nursery schools. This was a home testing strategy whereby staff used tests twice per week at home and not on a school site. No primary age children should be tested although the Government was investigating whether this should be extended to primary age children at some time in the future. The purpose of this testing strategy was to identify asymptomatic staff and to require them to take a confirmatory PCR COVID-19 test to determine whether they were carrying the virus, which in turn, would reduce the spread of the virus, protect the most vulnerable and drive down the infection rate across the County area of Derbyshire (excluding Derby City).

During the week of 18 January 2021, the DfE released training materials and guidance for primary schools and testing kits were dispatched to schools to start testing from the week beginning 25 January 2021 if they were ready to do so. After initially advising primary schools to pause whilst the Council further investigated issues such as insurance, staff and pupil isolation, human resources issues in schools, the recommendation was that schools start when they were ready to do so.

The testing must be carried out in accordance with DfE guidance, standard operating procedures and mitigation measures set out in the risk assessment. Derbyshire's maintained schools now had insurance in place for this activity (self-administered tests), although there was a significant excess which falls to the Council to cover in the event of a claim. The Council needed to balance the risk of claims (financial and reputational) against the risk of not proceeding with the testing (public health and reputational). There was no insurance cover in place for Derbyshire's maintained schools with primary age children in the event of a data protection breach and, therefore, this posed a further financial risk to the Council.

As with secondary school testing, the Council had sought to mitigate these risks completely by seeking a letter of comfort from the Department for Education, this had similarly not been forthcoming. In the meantime, the Council had balanced the current risk and in consideration of the risk assessment, had determined that the public health risk of not approving the roll-out of self-administered testing for staff in Derbyshire's maintained primary schools and maintained bursary schools outweighed the financial risk of proceeding with the testing. This was agreed by CMT on 1 February 2021 as detailed in Appendix B to the report.

RESOLVED to note the decision to progress with self – administered COVID-19 testing in maintained schools with secondary age students for staff and pupils and maintained schools with primary age children and maintained nursery schools (staff only).

64/21 EXCLUSION OF THE PUBLIC FROM THE MEETING

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

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 11 February 2021.
3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Strategic Leadership, Culture & Tourism – 4 February 2021
 - (b) Corporate Services – 11 February 2021
 - (c) Highways, Transport & Infrastructure – 11 February 2021
4. To consider exempt reports as follows:
 - (a) Contract for the Supply of Mobile Voice and Data Services – Managing Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (b) Microsoft Enterprise Desktop Licensing Agreement – Managing Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (c) Development of land at Glossop in partnership with a Community Sports Club – Managing Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (d) Extension of Variation of Payment for the Provision of Household Waste Recycling Centre Services due to Coronavirus (Covid-19) – Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (e) Project Support – External Advisors – Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (f) Use of ESPO Consultancy Services Framework for Appointment of Technical Advisors – Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
 - (g) Extension of contracts beyond current award period of the Advisory Services in General Practices and Advisory Services for

Community Wellbeing Approach – Director of Public Health
(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 – YOUNG PEOPLE** held on 2 March 2021.

PRESENT

Cabinet Member - Councillor A Dale

Also in attendance – Councillor J Coyle

Apologies had been received from Councillor J Patten

07/21 **MINUTES** **RESOLVED** that the minutes of the meeting of the Cabinet Member for Young People held on 2 February 2021 be confirmed as a correct record.

08/21 **CONFIRMATION OF NOMINATIONS OF SCHOOL GOVERNORS**

The Cabinet member had been asked to confirm the nominations of persons to serve as local authority school governors.

Nominations to school governing boards were proposed as set out below.

Any appointments made by governing boards would be subject to the completion of a Declaration of Eligibility form, a proof of identity check and an enhanced DBS check.

Name	School	Nominating Councillor	Appointment
Amber Valley S Beigton	Ripley, St John's Primary School	R Ashton	Re-appointment
C Keyte	Aldercar High School	A Stevenson	New appointment
Derbyshire Dales L John	Hathersage, St Michael's Primary School	J Twigg	New appointment
High Peak L Burnett	The Woodland Federation of Schools	J Twigg J Perkins	New appointment
North East K Potts	Pilsley Primary School	K Gillott	Re-appointment

RESOLVED that the Cabinet Member confirms the nominations for persons to serve as local authority governors as detailed in the report.

09/21 **WELLBEING FOR EDUCATION RETURN** As a result of the pandemic, children and young people may have been presented with a range of mental health and wellbeing issues. The majority would be normal reactions to their experiences over the last six months; others may have new, different or increased mental health needs or be struggling to access the services they need.

Teachers and education staff would need to be able to recognise, understand and respond appropriately to these reactions and have the confidence to support their colleagues, children and young people and their parents and carers. To support children's emotional health and wellbeing, the Department for Education had worked with the Department of Health and Social Care, Health Education England, Public Health England and NHS England and Improvement and an expert advisory group to develop Wellbeing for Education Return. This was a support offer with two parts:

- A new, nationally developed training package for education staff;
- Funding for local authorities to appoint one or more local experts to work with local partners to adapt this training to a local context, deliver it to nominated staff in education settings, and provide ongoing advice and support until March 2021.

Derbyshire County Council Children's Services had been working with schools, NHS England and other external partners to locally tailor the training materials. This had further enhanced the content of the package now being offered to schools and brought a local focus to the training materials.

The course was made available to all state-funded education settings in Derbyshire, including academies, special schools, pupil referral units and alternative provision.

As of 10th February 2021, 157 educational staff from 95 educational settings had attended training and more than 50% provided feedback.

There were a further 8 webinars planned for 2021, which it was hoped would reach a further 150 educational staff. Recordings of the webinar series would be available following the delivery, leaving a legacy when the programme concluded in March 2021.

RESOLVED to note (1) the positive impact the project has had on staff in schools and education settings in responding to the emotional impact of the Coronavirus pandemic on students and staff; and

(2) the cross council working exemplified through the delivery.

10/21 **PERFORMANCE AND BUDGET MONITORING/FORECAST**
OUTTURN 2020/2021 AS AT QUARTER 3 The performance summary set

out progress on the Council Plan deliverables and measures led by the Young People portfolio. The remainder of the report gave a summary and detail on the revenue budget position for the portfolio.

As an overview, the report showed that progress was "good" for the majority of the Council Plan deliverables led by the portfolio, however the deliverables Review care and support offer, Council ran residential children's homes and Schools which were 'Good' or 'Outstanding' had been flagged as "requiring review" however as OFSTED inspections were currently suspended, any changes to this position would be unachievable. Assurance visits had been undertaken of some of the homes however these were not graded events therefore did not change the overall picture. After the use of additional Covid-19 funding, the budget forecast position for 2020/2021 was an overspend of £4.244m. It had been forecast that £1.207m of savings would have been achieved by the year end. This compared to target savings of £3.179m and the value of savings initiatives, which had been identified for implementation in the current year, of £2.350m.

The net controllable budget for the Young People portfolio was £120.833m. An additional £9.599m Covid-19 funding would be added to the budget to give a total of £130.432m.

The Revenue Budget Monitoring Statement prepared for quarter 3 indicated that there had been a forecast year-end overspend of £13.843m.

This overspend would be supported by the use of £9.599m of additional Covid-19 funding which had been allocated to the Council to support the costs incurred as a result of the pandemic. After the use of this funding, the forecast position was an overspend of £4.244m.

In addition to any use of earmarked reserves, the forecast outturn position included the following significant items of one-off income: £1.390m - Dedicated Schools Grant income transferred to contribute to costs incurred within Children's Services supporting Early Help services and children with additional needs.

RESOLVED to note the report and the actions undertaken to improve the budget position and performance

11/21 DEDICATED SCHOOLS GRANT MONITORING 2020-21 - QUARTER 3 (AS AT 31 DECEMBER 2020) The Cabinet Member had been provided with an update of the Revenue Budget position of the Dedicated Schools Grant (Young People portfolio) for 2020-21 up to the end of December 2020 (Quarter 3).

The expected Dedicated Schools Grant (DSG) and 6th form grant income due to the Authority in 2020-21 was £371.665m.

The Revenue Budget Monitoring Statement prepared at quarter 2 showed projected year-end expenditure of £373.639m. The expected overspend compared to income was £1.994m, however this included an underspend of £0.622m which was ring-fenced to schools, the overspend falling to the Authority was therefore £2.616m.

This overspend included the benefit of £1.325m which Schools Forum agreed could remain uncommitted to assist with the pressures within the DSG therefore the underlying overspend against in-year grant was £3.941m.

The net total DSG reserves as at the end of 2019-20 were £0.188m surplus, within which the uncommitted DSG reserve stood at a deficit of £3.140m.

The DfE had included provisions in the School and Early Years Finance (England) Regulations 2020 - which came into force in February 2020 - that a DSG deficit must be carried forward to be dealt with from future DSG income, unless the Secretary of State authorised the LA not to do this.

The Authority would continue to seek opportunities to make reductions in DSG spend in 2020-21 where possible. Proposals for 2021-22 had recently been considered at Schools Forum and at Cabinet and contributions of £0.012m from Pupil Growth Fund and £0.209m had been approved by School Forum.

RESOLVED to note the report.

12/21 **EXCLUSION OF THE PUBLIC** **RESOLVED** that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

1. To consider the exempt report of the Executive Director of Children's Services on Donut Creative Arts Studio (DCAS)
(contains information which is likely to reveal the identity of any individual)

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 03 March 2021

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance was Councillors C Dale and S Swann.

No apologies had been received

10/21 **MINUTES RESOLVED** that the minutes of the meeting held on 18 February 2021 be confirmed as a correct record.

11/21 **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 related to short-term temporary arrangements which were subject to regular review. It had been 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 had been 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 18 February 2021. 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 would be made on a fortnightly basis by the Cabinet Member for Adult Care.

12/11 ADULT SOCIAL CARE RAPID TESTING FUND AND WORKFORCE CAPACITY GRANT FOR SOCIAL CARE The Department of Health and Social Care (DHSC) had transferred the following two funds to the Council and requested that the funds were distributed to eligible care providers:

Adult Social Care Rapid Testing Fund

The main purpose of this funding was to support additional rapid testing of staff in care homes, and to support visiting professionals and to assist with close contact visiting, for instance supporting families to be able to undertake end of life visiting. The grant funding allocated by the Government was to be shared and spent by the Care Homes by 31 March 2021.

Workforce Capacity Grant for Adult Social Care

The purpose of this funding was to enable local authorities to deliver measures to supplement and strengthen adult social care staff capacity to ensure that safe and continuous care was achieved. This grant funding could be used by Care Providers to increase activities which delivered additional workforce capacity. This funding had to be allocated and spent by 31 March 2021.

A further spending update would be given at the Adult Care Cabinet Member meeting on Thursday 18 March 2021.

RESOLVED that the Cabinet Member support (1) the distribution of the Adult Social Care Testing Fund to Care Home Providers to assist with introduction of increased testing regime; and (2) the distribution of the workforce capacity grant for social care to be shared between eligible care homes and home care providers to further assist with meeting the costs associated with provision of infection prevention and control procedures.

PUBLIC

MINUTES of a meeting of the **CABINET MEMBER – ADULT CARE** held on 18 March 2021

PRESENT

Councillor J Wharmby (in the Chair)

Also in attendance was Councillors C Dale and S Swann.

No apologies had been received

13/21 **MINUTES RESOLVED** that the minutes of the meeting held on 03 March 2021 be confirmed as a correct record.

14/21 **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 related to short-term temporary arrangements which were subject to regular review. It had been 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 had been 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 03 March 2021. 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 would be made on a fortnightly basis by the Cabinet Member for Adult Care.

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PUBLIC

MINUTES of a meeting of the **CABINET MEMBER FOR CORPORATE SERVICES** held on 11 March 2021.

PRESENT

Cabinet Member – Councillor A Foster

Also in attendance – Councillor P Murray

12/21 **MINUTES RESOLVED** that the minutes of the meeting held on 11 February 2021 be confirmed as a correct record.

13/21 **EXCLUSION OF THE PUBLIC RESOLVED** that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

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

1. To confirm the exempt minutes of the meeting held on 11 February 2021 (contains exempt information)
2. To consider the exempt reports of the Managing Executive Director Commissioning, Communities and Policy on:
 - a) Extension of Corporate Telephony, supply, support and maintenance and associated services contract
 - b) Supply of an externally hosted Claims Management Solution
 - c) Terms of sale of former Chesterfield Register Office and 1 New Beetwell Street – Noting report
 - d) Acceptance of offer – former Infant & Junior School, Chesterfield Road, North Wingfield
(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 HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held on 11 March 2021**PRESENT**

Cabinet Member - Councillor S Spencer

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

16/21 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 11 February 2021 be confirmed as a correct record.

17/21 **PETITION: CRESSBROOK – REQUEST FOR SPEED MANAGEMENT MEASURES TO ADDRESS ROAD SAFETY ISSUES** Following the receipt of a petition requesting the consideration of speed management measures for Cressbrook investigations have been undertaken.

The County Council's limited funding for traffic calming measures targeted areas with a history of speed-related collisions resulting in personal injury, and prioritised to those locations with the greatest number of collisions, with pattern and severity also taken into account.

Speed limits were set in accordance with the County Council's Speed Management Protocol and the criteria laid down by the Department of Transport (DfT). DfT guidance for a 30mph speed limit was based on a simple criteria relating to the density of frontage development and distance, 20 or more houses on one or both sides of the road, over a length of around 600m. The Police database for Recorded Injury Collisions in the latest three year period, 1 August 2017 to 31 July 2020, recorded one serious collision on Bottomhill Road prior to its junction with Middle Row.

Cressbrook did not meet the criteria for the introduction of traffic calming measures as detailed in the County Council's Speed Management Protocol and did not meet the criteria for a 30mph speed limit outside the existing 30mph zone.

An improvement to the village entrance signs could be considered, such as a village gateway, might be beneficial to residents by helping to highlighting the extents of the village to passing motorists.

An email had been received from the lead petition following publication of the report and this was considered at the meeting.

Taking into account the comments made in the email the Cabinet member requested that officers undertake further speed monitoring in this location and that the Casualty Reduction Enforcement Support Team (CREST) be informed of the reports of excessive vehicle speeds and requested to undertake enforcement action.

RESOLVED that (1) a reduction to a 30mph speed limit on Bottomhill Road and surrounding Streets, Cressbrook is not justified at this time;

(2) officers liaise with the Parish Council with regard to the potential to introduce village gateway signing;

(3) officers arrange for speed monitoring to be undertaken;

(4) the reports of excessive vehicle speeds be reported to the Police/CREST (Casualty Reduction Enforcement Support Team) and enforcement be requested; and

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

18/21 PETITION: BOUGHTON LANE, CLOWNE – CONTROLLED CROSSING FACILITY Investigations have been carried out following the receipt of a petition requesting the provision of a controlled crossing facility on Boughton Lane, Clowne adjacent to Heritage High School.

The section of Boughton Lane, outside of Heritage High School where the crossing has been requested, was a straight road with a clear line of sight and no major obstructions to pedestrian visibility in either direction. A 30mph speed restriction was in place on Boughton Lane with traffic calming features located outside the school to further reduce the speed of traffic. The traffic calming was complemented by two school safety zone warning signs with flashing amber warning lights which illuminated at school drop off/pick up times. Due to the location of the school bus bay and the direction of the foot traffic, only a small percentage of the pupils experience a need to cross the road.

The PV² formula, a nationally recognised assessment tool), was used to assess the many requests received by the County Council for the provision of controlled crossing facilities. A vehicle/pedestrian count was carried out on Boughton Lane adjacent to the school in October 2020 with the survey results showing a factor of 10 below that which would satisfy the PV² formula.

RESOLVED that (1) the request for the provision of a controlled crossing on Boughton Lane, Clowne adjacent to Heritage High School be refused; and

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

19/21 GRASSMOOR COUNTRY PARK – NATIONAL FLOOD MANAGEMENT SCHEME Restoration of the Grassmoor Lagoons area, adjacent to the Grassmoor Country Park, was nearing completion and would soon be opened for public recreation as part of the country park.

As part of early improvements to the publicly accessible parts of the country park, the Don Catchment Rivers Trust (DCRT), supported by the Countryside Service and the Flood Risk Management Team, has developed a natural flood management (NFM) scheme which proposed the creation of a sustainable drainage system formed by a series of bunds and shallow depressions that would restrict surface water and create permanent and semi-permanent water storage areas. The Grassmoor Country Park NFM scheme would be a key piece in a wider programme of NFM activities throughout the catchment, aiming to reduce flood risk in downstream Chesterfield.

DCRT was the lead organisation of the NFM scheme and was the sole applicant on all funding applications. Contractors would be appointed and managed by DCRT to deliver the works. The Council would provide land to deliver the scheme and would maintain the newly formed habitat. Due to funding criteria, the timescales for delivery were tight and the scheme must commence by July 2021.

Consultation has taken place with Derbyshire Wildlife Trust and the Friends of Grassmoor Country Park, who were both supportive of the NFM scheme. A community engagement event would be arranged should the scheme be given approval to proceed. DCRT was awaiting confirmation from North East Derbyshire District Council's Planning Team as to whether the scheme may progress as permitted development, or if planning consent was required.

The Director of Legal and Democratic Services has advised that a collaboration agreement should be used to determine key principles of the project that would best minimise any risk to the Council throughout and after project delivery.

RESOLVED to (1) to note the proposed developments at Grassmoor Country Park;

(2) approve Don Catchment Rivers Trust to deliver a natural flood management (NFM) and habitat creation scheme within Grassmoor Country Park as detailed in the report; and

(3) that the Director - Economy, Transport and Environment, in conjunction with the Director of Legal and Democratic Services, be delegated authority to agree the terms of and enter into an agreement that documents the delivery of the NFM scheme as detailed in the report.

20/21 INITIATING FEASIBILITY STUDIES FROM CHALLENGE FUND RESERVES

It was proposed to undertake feasibility studies for the Potential Derwent Valley Cycle Route; and improving access to Shirebrook; drawing down funding from the Challenge Fund Reserves to commission the studies.

The potential Derwent Valley Cycle route offered significant 'active travel' and sustainable development potential for local people and tourists to the area. This route has potential to connect Derby to the Peak District cycle network, the start of the Monsal Trail and an extensive and developing network of routes for cycle tourism,

including Routes 6 and 54 of the National Cycle Network. It would also showcase industrial heritage and natural beauty, as well as offering significant economic potential by opening up cycle/pedestrian access to local housing and employment sites. It was proposed to commission an appropriate feasibility study to help understand the size and scale of the routes challenges, assess how they could be addressed and prepare a range of fully costed proposals to help assess overall viability of the route. Initial scoping of the feasibility study would suggest a two phase approach.

Highway connectivity in and around Shirebrook was a long-standing issue. Consideration has been given to new highway connections to Shirebrook in association with a bypass of Glapwell in some form, however such a project remains feasible in principle, although it faces substantial environmental challenges. Whilst this remained an option, it was proposed that a review was undertaken to confirm the issues and opportunities apparent in the locality. A first phase of work would encompass assessment of regeneration potential and barriers; access to employment and skills for Shirebrook residents and current challenges facing bus services. These would largely be carried out by a partnership team of officers with no immediate requirement to draw upon the Challenge Fund budget. The potential second phase would take place if access was identified as a critical constraint to growth. It was proposed that the 'gateway review' after Phase one be carried out through a further report to the Cabinet Member.

It is estimated a maximum of £100,000 from Challenge Fund reserves will be required to undertake the work described above on the Potential Derwent Valley Cycle Route and £150,000 for Improving Access to Shirebrook. The Derbyshire Challenge Fund was established initially to focus on 'invest to save' initiatives but which could provide one-off support for potential projects.

RESOLVED to approve (1) the release of funding, up to a maximum of £100,000, from Challenge Fund Reserves to commission and undertake a feasibility study on the potential Derwent Valley Cycle Route; and

(2) the release of funding from the Challenge Fund Reserves, up to a maximum of £150,000, to undertake studies into Improving Access to Shirebrook, to be released subject to a gateway review of the first phase of work and a further report to the Cabinet Member.

21/21 CONSULTATION BY MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT ON THE RIGHT TO REGENERATE: REFORM OF THE RIGHT TO CONTEST

The Ministry of Housing, Communities and Local Government (MHCLG) has published a consultation entitled, 'Right to Regenerate: Reform of the Right to Contest' which sets out proposals to provide greater rights and powers for the public, businesses and other organisations to purchase local authority owned land.

Strand 1 of the Right to Contest applied to Central Government land and was administered by the Cabinet Office; and Strand 2 powers, were administered and exercised by the Secretary of State for Housing, Communities and Local Government. The consultation paper sets out a number of questions relating to the effectiveness of Strand 2 based on increasing the usefulness and effectiveness of the right; making it clearer when land is unused or underused; extending the scope of the right; land where a public body has an intended use; a greater role for local authorities; presumption in favour of disposal; publicity and reporting; right of first refusal; and conditions attached to disposals.

The key implications for the County Council in its role and responsibilities as owner of public sector land were detailed in the report and included the following comments.

It should be acknowledged that the Right to Contest has not been a significant issue or problem for Derbyshire County Council. The County Council has a well-established 'Non-Operational Asset' review process involving consultation by the Director of Property with relevant Council departments, to establish why property was acquired, the reasons for retaining it, what future uses may be either planned or considered acceptable and whether or not any constraints on the use may exist. The system was used to assess requests to purchase land or property received from the public or businesses and was efficient and transparent.

The County Council also worked collaboratively with its district and borough councils through the Local Plan process to identify land in the Council's ownership that it was necessary to retain or safeguard for future development, particularly longer-term development; and the Council also acquired and retained land for long-term projects, for example the White Peak Loop, a multi user trail. One Public Estate partnerships across the country have shown the value of working together across the public sector and taking a strategic approach to asset management.

Proposals in the consultation which would effectively give the Secretary of State powers to order sales of 'underused' land in such circumstances, could dis-incentivise local authorities from taking a strategic longer-term view for major projects and schemes and potentially, could render such proposals almost impossible to deliver. There were concerns that the principal challenge was likely to come from developers and other profit making organisations. If the proposals were introduced, it was considered important that where there was intervention from the Secretary of State to force land to be sold, there needs to be a 'test of certainty' of the proposed future use, preventing purely speculative purchase of land from local authorities.

The consultation narrowly focused on publicly owned land and should be widened to include land held by the private sector. There should be a recognition that privately held land could also undermine regeneration.

The Council's proposed responses to the 11 questions were set out in the Appendix to the report and are framed in the context of the issues reported.

Concern was expressed by the Cabinet member at the proposals in this consultation which could affect the ability of the Council to have a long strategic vision and affect the delivery of long term strategic plans; and requested that a separate letter expanding on the consultation questionnaire be forwarded, on his behalf, to the Secretary of State.

RESOLVED to (1) agree the draft response to the consultation as set out in the summary in the report and in detail in the Appendix to the report; and

(2) authorise the Director – Economy, Transport and Environment to take account of any further comments and considerations (in consultation with the Cabinet Member) prior to submitting a response to Government on the Right to Regenerate: Reform of the Right to Consent.

22/21 **EXCLUSION OF THE PUBLIC** **RESOLVED** that under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.

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 11 February 2021
2. To consider the exempt Report of the Director – Economy Transport and Environment on Award of Contract for Heat-Strengthening Repairs to Shire Lane Bridge, Heath, Chesterfield
(contains information relating to the financial or business affairs of a particular company (including the Authority holding that information))

Agenda Item No 6(a)

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Director of Finance & ICT

**BUDGET MONITORING/FORECAST OUTTURN 2020-21 AS AT
QUARTER 3 (31 December 2020)
(STRATEGIC LEADERSHIP, CULTURE AND TOURISM)**

1 Purpose of the Report

To provide Cabinet with an update of the Revenue Budget position/forecast outturn for 2020-21 as at 31 December 2020 (Quarter 3) and seek approval for a number of budget virements in accordance with the Financial Regulations.

2 Information and Analysis

The Revenue Budget Position and Financial Summary provides an overview of the Council's overall budget position and forecast outturn as at 31 December 2020.

The remainder of the report summarises the controllable budget position by Cabinet Member Portfolio as at 31 December 2020. Further reports will be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

2.1 Revenue Budget Position and Financial Summary

Forecast Outturn

The forecast outturn for 2020-21 as at Quarter 3 (31 December 2020), compared to controllable budget, is summarised below.

The Covid-19 pandemic is having a significant impact on the Council's 2020-21 forecast outturn.

An overall Council underspend of £15.514m is forecast, after accounting for £45.037m of Ministry of Housing Communities & Local Government (MHCLG) Covid-19 emergency grant funding awarded and additional income of £3.485m compensation for lost sales, fees and charges income estimated to be claimable under the Government scheme announced on 2 July 2020.

	Budget	Use of MHCLG Covid-19 & SFC Grant Funding	Adjusted Budget	Forecast Outturn	Forecast Variance to Budget	Budget Performance
	£ Millions	£ Millions	£ Millions	£ Millions	£ Millions	
Adult Care	263.862	14.329	278.191	271.813	-6.378	✓
Clean Growth and Regeneration	0.803	0.471	1.274	1.171	-0.103	✓
Corporate Services	44.036	3.274	47.310	49.646	2.336	✗
Health and Communities (exc. Public Health)	4.225	1.956	6.181	4.986	-1.195	✓
Highways, Transport and Infrastructure	75.311	6.654	81.965	83.372	1.407	✗
Strategic Leadership, Culture and Tourism	12.413	0.703	13.116	12.857	-0.259	✓
Young People	120.833	9.599	130.432	134.676	4.244	✗
Total Portfolio Outturn	521.483	36.986	558.469	558.521	0.052	✗
Risk Management	66.597	-39.164	27.433	14.239	-13.194	✓
Debt Charges	34.442	0.000	34.442	32.054	-2.388	✓
Interest and Dividend Income	-6.198	0.366	-5.832	-5.832	0.000	✓
Levies and Precepts	0.343	0.000	0.343	0.343	0.000	✓
Corporate Adjustments	2.630	1.812	4.442	4.458	0.016	✗
Total	619.297	0.000	619.297	603.783	-15.514	✓

Portfolio Costs

A Council portfolio overspend of £0.052m is forecast, after the use of MHCLG Covid-19 grant funding for Covid-19 related costs forecast to be incurred in 2020-21. The table above shows the Covid-19 related costs across the portfolios as £36.986m. This is the forecast additional cost and lost income of the Council's response up to the end of March 2021, including the impact of slippage to the planned programme of savings which cannot yet be implemented as a result. This amount allows for any specific funding to offset the gross Covid-19 related costs which has already been forecasted to be allocated to individual portfolios; these amounts are detailed in Appendix Four. Budget of £36.986m will be allocated to portfolios from the Risk Management Budget, where the emergency Covid-19 grant funding and reimbursement for lost income from sales, fees and charges received from Government has been temporarily allocated, to match these costs.

Portfolio costs are explained in more detail later in this report.

Risk Management Budget

There is a forecast underspend on the Risk Management Budget of £13.194m, which represents the funding the Council has received, or is expected to receive, additional to its planned requirements and forecast Covid-19 related costs for 2020-21. However, there is considerable uncertainty about the impact on the Council's finances of the current and future waves of the pandemic and any measures taken to mitigate its effects and the rate of infection, therefore caution is advised when considering this figure. Should costs rise in excess of current and future funding allocations, there will be a drawdown on the General Reserve to fund the overspend.

The Risk Management Budget of £66.597m includes:

- £7.200m of contingency funding, including £2.200m for increases in costs of Continuing Health Care clients and £5.000m for social care cost increases.
- £5.299m of contingency funding set aside in the 2020-21 Revenue Budget that has been confirmed not to be required. This comprises:
 - £3.213 for independent sector care home fee increases;
 - £0.811m for increased employer pensions contributions;
 - £0.543m for Learning Disability Short Term Breaks;
 - £0.454m general contingency; and
 - £0.278m for Street Lighting energy inflation.
- £45.037m of MHCLG emergency grant funding received to help the Council respond to Covid-19 pressures across the services it delivers. The Council has received the following amounts:
 - £22.996m announced on 19 March 2020;
 - £14.111m announced 18 April 2020;
 - £4.888m announced 2 July 2020; and
 - £3.042m announced 22 October 2020.
- £4.876m of additional non-ringfenced grants received in the year, announced after the 2020-21 Revenue Budget was approved by Council on 5 February 2020. These additional grants are
 - £2.714m additional Business Rates Relief Grant;
 - £1.169m Extended Rights to Free Travel Grant;
 - £0.520m Local Reform Community Voices Grant
 - £0.106m Social Care in Prisons Grant;
 - £0.158m War Pension Disregard; and
 - £0.209m Clinically Extremely Vulnerable Individuals Grant
- £3.677m of one-off funding transferred from the Adult Care portfolio, approved in the Council's 2020-21 Revenue Budget but no longer required after it was funded from the portfolio's 2019-20 underspend.
- £0.508m of additional Business Rates income, after amounts were finalised after the 2020-21 Revenue Budget was approved by Council on 5 February 2020.

The following £53.403m of forecast expenditure of the Risk Management Budget is:

- £36.986m to reimburse portfolios for Covid-19 costs incurred and lost income suffered in 2020-21, reflected in the portfolio outturn above.
- £0.366m to reimburse the Council's interest and dividend income budget for forecast lost dividend and interest income due to Covid-19.
- £1.812m to reimburse the Council's corporate adjustments budget for unachieved savings in respect of the Council paying its Local Government Pension Scheme contributions early due to Covid-19.
- £0.224m to reimburse the General Reserve for portfolio costs incurred in 2019-20 in respect of Covid-19.
- £2.500m proposed contribution to an earmarked reserve as a contingency to fund potential losses which may crystallise on the Council's investments in pooled funds.
- £15.000m estimated to be required to support the wider county and the Council's recovery from the impacts of the Covid-19 pandemic. It is proposed that an earmarked reserve is established, for this purpose and amount, which may be drawn upon at the appropriate time.
- Less: £3.485m of additional income estimated to be claimable under the Government's scheme to compensate local authorities for lost sales, fees and charges income, as a result of the Covid-19 pandemic, at a rate of 75p in every pound, over and above the first 5% of budgeted income for the year.

Debt Charges

The Debt Charges budget is projected to underspend by £2.388m. This is based on forecast interest payments, anticipated Capital Financing Requirement (CFR), a Minimum Revenue Provision (MRP) of 2.5% in keeping with the policy reported to Cabinet on 22 November 2016 and a £3.500m one-off reduction in the Council's Capital Adjustment Account Reserve. This reduction is made on the basis that the amounts set aside to repay debt over the last ten years are well in excess of what is required to ensure the Council can repay its debts.

Interest and Dividend Income

The Council utilises a range of investments, including pooled funds, to maximise its interest and dividend income. Interest and Dividends received on balances is estimated to breakeven after the allocation of £0.366m of MHCLG Covid-19 grant funding, to address a forecast decrease in income from investments in pooled funds of £0.902m and other lost income due to Covid-19. Interest also accrues to the loan advances to Buxton Crescent Ltd. The interest base rate has remained at an historically low rate of 0.10% since 10 March 2020.

The Council's investments in pooled funds are recognised and measured at Fair Value through Profit or Loss (FVPL) in accordance with accounting standard IFRS 9 Financial Instruments. To date there has been no impact on the Council's General Reserve to recognise any gains or losses in the value of these funds because these effects are reversed out as required by the statutory temporary override that MHCLG has issued. The override is effective for financial years 2018-19 to 2022-23. It is proposed to establish an earmarked reserve of £2.500m, as a contingency to fund any losses which may crystallise on these investments after the statutory temporary override issued by MHCLG has lapsed in 2023-24.

Corporate Adjustments

Corporate Adjustments are forecast to overspend by £0.016m after the allocation of £1.812m of MHCLG Covid-19 grant funding. The allocation of MHCLG Covid-19 grant funding is to reimburse the cost of both a savings target which can no longer be achieved and an increase in the allowances the Council makes for loans it may not be able to recover.

Only £0.601m of the £1.000m savings target allocated is expected to be achieved by the Council paying its Local Government Pension Scheme employer contributions early. This is because of the decision not to pay in advance all the contributions due for the entire period 2020-21 to 2022-23, but rather to make separate early lump sum payments for each year over that period. This decision was made in light of Covid-19, to preserve the Council's liquidity of cash flow amongst other considerations.

The Council is likely to increase its allowances for potential credit losses based on a decline in the expectation of the amount it will recover from loans it has made, in light of the current economic climate.

Earmarked Reserves

Details of the Council's Earmarked Reserves balances as at 31 December 2020 are set out in Appendix One.

The Council's response to the Covid-19 pandemic and its effects on the Council's finances are expected to continue into 2021-22. It is proposed to establish earmarked reserves and to contribute any funding received to support Covid-19 impacts, which has not been utilised by 31 March 2021, to these reserves. This will enable this funding to be used for relevant expenditure over the two-year period 2020-21 to 2021-22. It is proposed that delegated authority is given to the Director or Finance & ICT to approve the establishment of any earmarked reserves that are required to support the Council's response to the Covid-19 pandemic, and that any funding received to support Covid-19 impacts, which has not been utilised by 31 March 2021, is contributed to these reserves, to allow this funding to be used for relevant expenditure after that date.

A complete register of funding expected to be receivable to meet Covid-19 related costs is disclosed in Appendix Five.

Budget Savings

A summary of the expected achievement of budget savings targets is provided at Appendix Two. The budget savings target for 2020-21 is £18.795m, with a further £6.332m target brought forward from previous years. The savings initiatives identified to meet this target currently fall short by £7.742m, therefore further proposals will need to be brought forward to ensure the Council continues to balance its budget. Of this total target of £25.127m, £12.266m is expected to be achieved by the end of the financial year. Therefore, there is a £12.861m forecast shortfall in achievement of budget savings. The resulting base budget overspend is offset to some extent by one-off underspends or is being met from one-off funding from earmarked reserves and additional grant funding received.

Debt Age Profile

The age profile of debts owed to the Council and the value of debts written off is disclosed in Appendix Three. This information is collected on a departmental rather than a portfolio basis.

General Reserve

The General Reserve stands at £49.845m as at 31 December 2020. The level of General Reserve is currently 9.14% of the Council's Net Budget Requirement for 2020-21. Commitments are held against this General Reserve balance, which were referred to in the Council's 2021-22 Revenue Budget Report. At that time the General Reserve, in a pessimistic forecast, was predicted to decrease to 1.6% (£9.591m) of the Council's Net Budget Requirement by 2025-26. The majority of chief financial officers consider 3% to 5% of a council's net spending to be a prudent level of risk-based reserves. It is recognised that the forecast General Reserve balance over the medium term is lower than would be preferred, therefore restorative measures will be utilised over the Five Year Financial Plan to build back up the balance of the General Reserve to a reasonable, risk assessed level.

2.2 Portfolio Summaries

A summary of each of the individual portfolio positions/forecast outturn for 2020-21 is detailed below.

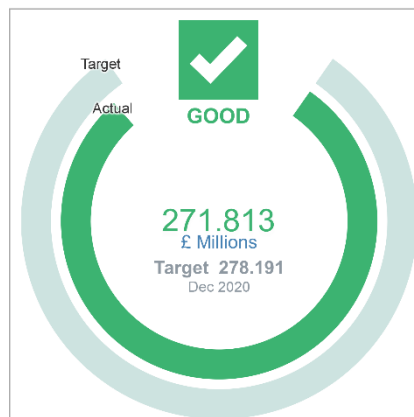
Whilst budgets are monitored by portfolio, the individual portfolios are not separate entities. All the portfolios operate in conjunction with the others and it is important to consider the Council's budgetary position as a whole in the context of its Five-Year Financial Plan and its overall level of reserves.

Adult Care

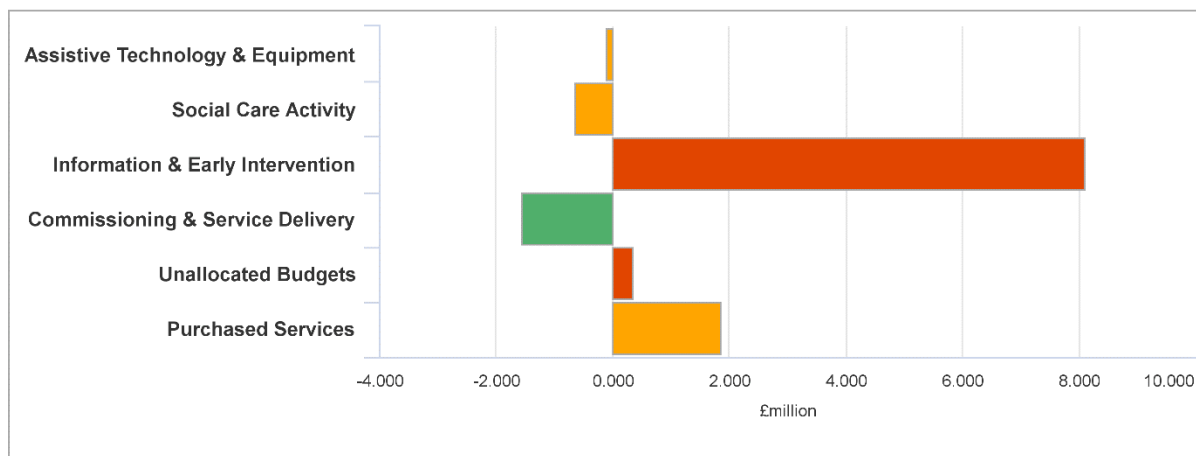
There is a projected year-end underspend of £6.378m, after the allocation of £14.329m of funding from MHCLG Covid-19 emergency grants and compensation for lost income under the sales, fees and charges scheme. Before the allocation of this funding, the main variances are:

- Information and Early Intervention, £8.086m overspend – mainly due to the additional costs of personal protective equipment (PPE) and additional independent sector fees in response to the Covid-19 pandemic.
- Purchased Services, £1.863m overspend – due to additional care package costs and hospital discharge services as a result of the Covid-19 pandemic.
- Commissioning and Service Delivery, £1.572m underspend – due to vacancy control and reduced spend on staffing.

Forecast Outturn against Target Budget



Forecast Under (-)/Over Spend by Service Line



A sum of £3.677m of the £4.210m one-off funding identified in the 2020-21 Revenue Budget Report to fund the Better Lives Project has been transferred from the Adult Care portfolio to the Risk Management budget. The full amount was no longer required after Adult Care transferred its 2019-20 underspend to an earmarked reserve to fund these services.

The budget savings target for 2020-21 is £3.784m. An over-achievement of budget savings of £0.427m has been brought forward, resulting in total reductions to be achieved of £3.357m at the start of the financial year. Of this target, £1.173m is expected to be achieved by the end of the financial year. Therefore, there is currently a £2.184m forecast shortfall in achievement of

budget savings. The implementation of planned savings has been significantly delayed by the impacts of Covid-19.

Additional funding has been provided in the 2020-21 budget for the main growth items:

- Care Home and Home Care Fees - £8.787m, to meet the increase in independent sector fees. This has been fully allocated and the additional spend started in April 2020 and is expected to be incurred evenly throughout the whole year.
- Demographic Growth - £4.500m, to fund the additional costs due to the year-on-year increase in the number of clients supported.
- Winter Pressures - £3.627m, to fund the additional services put in place to help reduce hospital admissions and delays in hospital discharges.
- Homes for Older People - £3.000m (one-off), to meet some of the costs associated with the remedial work and additional staff required to meet safety standards in a number of the Council's homes.
- Transformational Care Programme (TCP) - £0.800m, to fund the additional care packages for clients that have been discharged from long-term health provision. This funding has now been fully spent on providing new or increased care packages to TCP clients.
- Implementation of Better Lives - £0.533m (one-off), to fund the balance of the cost of consultancy services for the Better Lives project. £0.103m has been spent to date with the balance expected to be fully spent by the end of the financial year.

Other significant additional items of funding that the portfolio has received since the budget was set are:

- Hospital Discharge - £14.214m (one-off) recharge to Clinical Commissioning Groups (CCGs) of Covid-19 spending pressures to enhance hospital discharges.
- Infection Control Funds - £18.255m (one-off) ring-fenced grant from the Department of Health and Social Care to provide funding to care providers to meet the additional costs associated in Covid-19 infection control.

It is now anticipated that the costs associated with the work to address safety standards in the Council's Homes for Older People can be funded from resources already approved in the Capital Programme. Therefore, it is proposed that the £3.000m of one-off funding given for this purpose is transferred from Adult Care to the Risk Management budget.

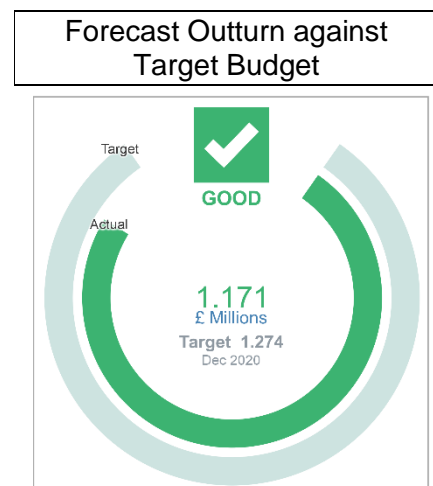
It is also proposed that any Transition Funding, within the £4.500m allocation for Demographic Growth, which has not been utilised by the end of March 2021, is transferred from Adult Care to the Risk Management budget. This is currently estimated to be £0.942m of ongoing and £0.316m of one-off funding.

Adult Care are aiming to develop a countywide Assistive Technology (AT) offer that will remove the current fragmentation of the service offer, target improved appropriate use of AT and reduce costs incurred supporting people to live safe and independent lives in the community. It will complement the Better Lives transformation programme in Adult Care because it will speed up the Transformation programme and deliver greater savings than originally projected - through a greater willingness to use complementary or alternative-to-care AT, thereby deferring or reducing direct care costs. It is proposed to create a £1.500m earmarked reserve to be used for pump-priming this initiative.

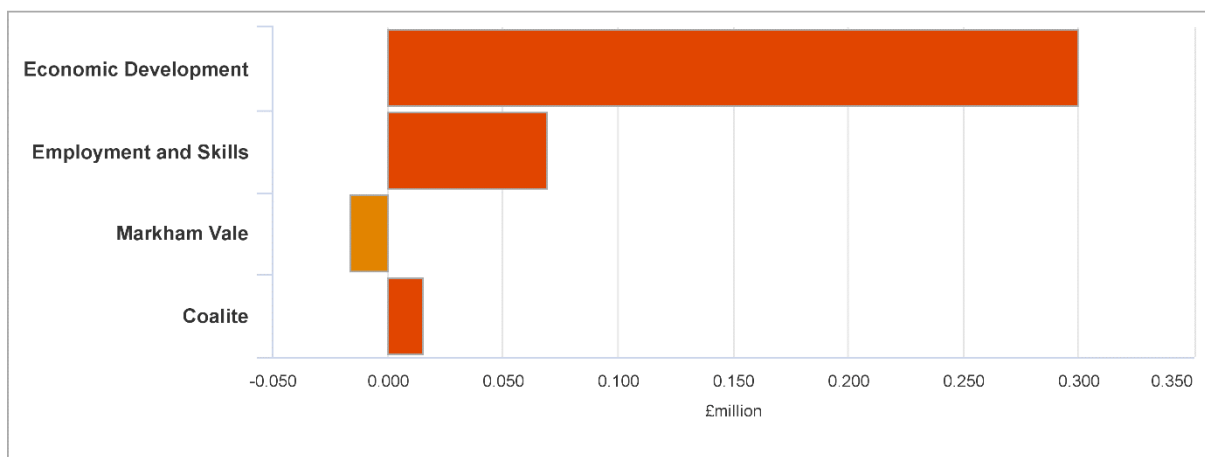
Clean Growth and Regeneration

There is a projected year-end underspend of £0.103m after the allocation of £0.471m of funding from MHCLG Covid-19 emergency grants and compensation for lost income under the sales, fees and charges scheme. Before the allocation of this funding, the main variances are:

- Economic Development, £0.300m overspend – due to the cost of supporting businesses and administering grants as a result of the Covid-19 pandemic.



Forecast Under (-)/Over Spend by Service Line



No budget savings target has been allocated to this portfolio for 2020-21.

No additional funding has been provided to this portfolio in the 2020-21 budget.

Corporate Services

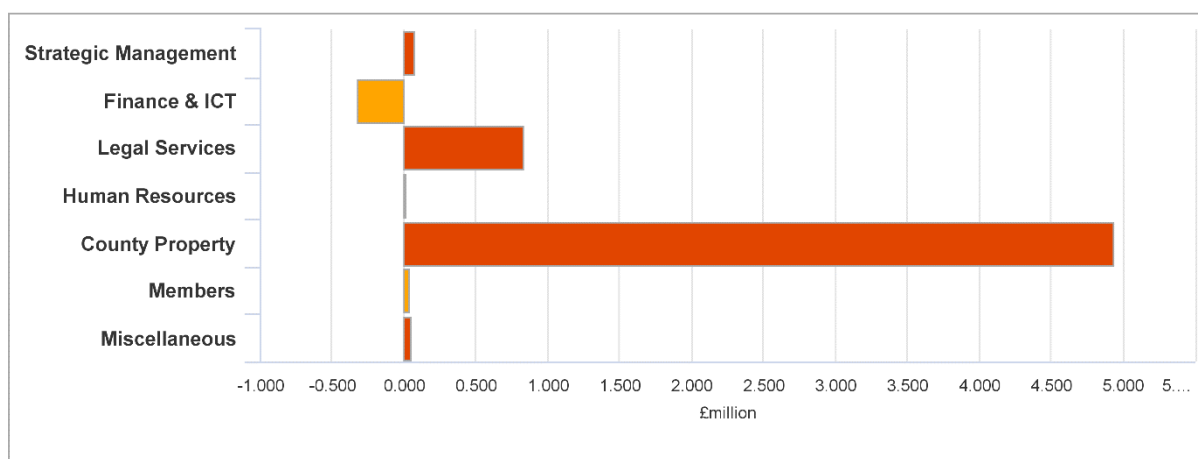
There is a projected year-end overspend of £2.336m after the allocation of £3.274m of funding from MHCLG Covid-19 emergency grants compensation for lost income under the sales, fees and charges scheme. Before the allocation of this funding, the main variances are:

- County Property, £4.938m overspend – costs associated with the Covid-19 pandemic such as savings from property rationalisation not expected to be realised, reduced design fee income from capital projects and the Disabled Facilities Grant scheme, reduced recovery of rents on some industrial and small business units, and under-absorption of overheads on the Property Direct Service Organisation (DSO) as operative productivity has been reduced.
- Legal Services, £0.830m overspend - due to an increase in demand for the service in respect of childcare cases. Other contributing factors include salary overspends as vacant posts have been filled, ongoing costs for the audio-visual system in the Council Chamber, the impact of Covid-19 on the Business Centre and a savings target in Democratic Services which has yet to be identified.
- ✓ Finance and ICT, £0.319m underspend - due to vacancy control. This will assist in managing a planned restructure of the ICT function, aiming to deliver significant savings over the three years from 2020-21.

Forecast Outturn against Target Budget



Forecast Under (-)/Over Spend by Service Line



A budget savings target for 2020-21 of £5.190m has been allocated, with a further £0.676m target brought forward from previous years. Of this total target of £5.866m, £2.513m is expected to be achieved by the end of 2020-21.

Therefore, there is currently a £3.353m forecast shortfall in the achievement of budget savings.

Additional funding has been provided in the 2020-21 budget for the main growth items:

- Legal Services - £0.300m (one-off), to support the high levels of demand for the service in respect of childcare cases. It is forecast that this allocation will be fully spent by the end of the financial year.
- ICT Strategy - £0.200m, to ensure that ICT is aligned with the needs of the business and to assist with the delivery of priorities. It is forecast that additional expenditure of this amount will be incurred by the end of the financial year.

Other significant additional items of funding that the portfolio has received since the budget was set are:

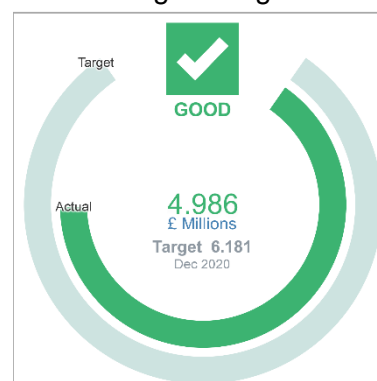
- GDPR (General Data Protection Regulation) - £0.180m (one-off) to complete the work to comply with these regulations.

It is proposed to transfer £0.500m from the Change Management earmarked reserve to an earmarked reserve to fund property feasibility studies.

Health and Communities

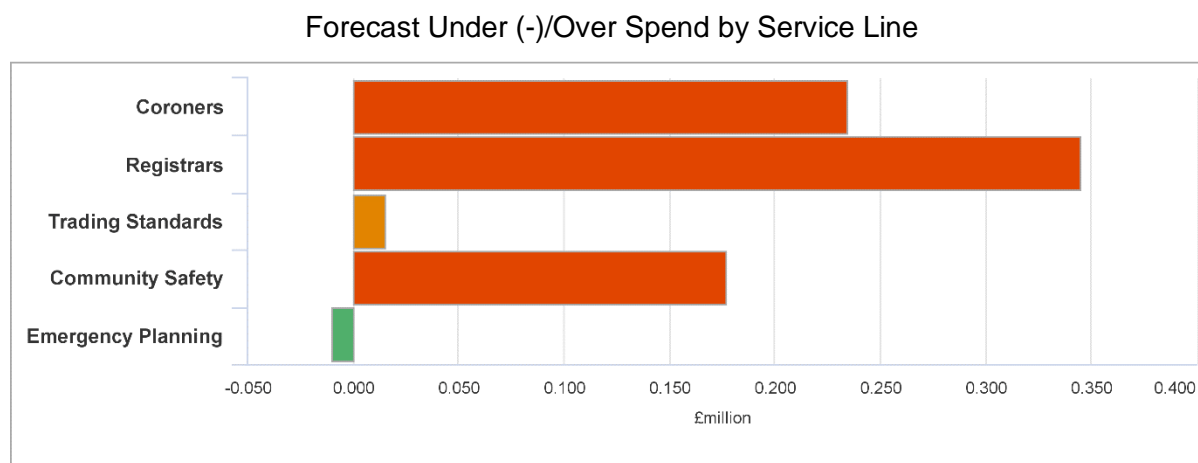
The Health and Communities portfolio includes the Public Health budget of £42.175m, which is fully funded by the ring-fenced Public Health Grant for 2020-21. The forecast year-end position for the portfolio is an underspend of £1.298m. Excluding Public Health, the portfolio is forecast to underspend by £1.195m after the allocation of £1.956m of funding from MHCLG Covid-19 emergency grants and the compensation for lost sales, fees and charges income scheme. Before the allocation of this funding, the main variances are:

Forecast Outturn against Target Budget



- ✓ Public Health, £2.059m underspend – the activity of the Live Life Better Derbyshire service and the Sexual Health genitourinary medicine (GUM) clinical activity has been affected by the Covid-19 pandemic and the need to socially distance and self-isolate. Also, several Outcome Based Accountability (OBA) projects have been paused or delayed due to Covid-19 restrictions.
- ✘ Registrars, £0.345m overspend – loss of income from registrations of births and marriages due to current Covid-19 restrictions.
- ✘ Coroners, £0.234m overspend – residual running costs on old premises, a backlog of invoices relating to Pathology fees and an increase in post-mortems and other professional services.

- Community Safety, £0.177m overspend – additional costs in Domestic Abuse service as a consequence of the Covid-19 pandemic.



A budget savings target of £0.216m has been allocated for 2020-21. An over-achievement of budget savings of £0.066m has been brought forward from previous years, resulting in total reductions to be achieved of £0.150m at the start of the financial year. Of this target, £0.166m is anticipated to be achieved by the end of the financial year. Therefore, there is currently a forecast over-achievement of budget savings of £0.016m.

Additional funding has been provided in the 2020-21 budget for the following growth items:

- Coroners - £0.101m, to meet the increasing cost of fees due to a national shortage of pathologists.

Other significant additional items of funding that the portfolio has received since the budget was set are:

- Community Safety - £0.500m (one-off) to meet the increasing costs of the Domestic Violence service.
- Test and Trace - £3.861m (one-off) grant from the Department of Health and Social Care (DHSC) in relation to the mitigation against and management of local outbreaks of Covid-19.
- Emergency Assistance - £0.808m (one-off) grant from the Department for the Environment Food and Rural Affairs (DEFRA) to meet immediate need and help those who are struggling to afford food and essentials due to Covid-19.
- Contain Outbreak Management Fund (COMF) - £19.266m (one-off) grant from the DHSC for test and trace activity to reduce the spread of coronavirus in the local area and to support the local economy and public health. £9.632m of grant funding was awarded in November and

December 2020. The additional £9.634m assumes that grant funding is awarded at a similar level for the period January to March 2021.

- Support to Clinically Extremely Vulnerable (CEV) Individuals - £0.209m (one-off) grant from MHCLG to provide support to CEV people who need it for the period that Covid-19 restrictions are in force.

It is proposed that Public Health will contribute a further £1.500m in 2020-21 to support Children's Centres and the Early Years offer within the Young People portfolio. This additional investment reinforces Public Health's commitment to support partners with their Early Help offer and help towards improving the emotional health and wellbeing of children and their parents in Derbyshire.

Highways, Transport and Infrastructure

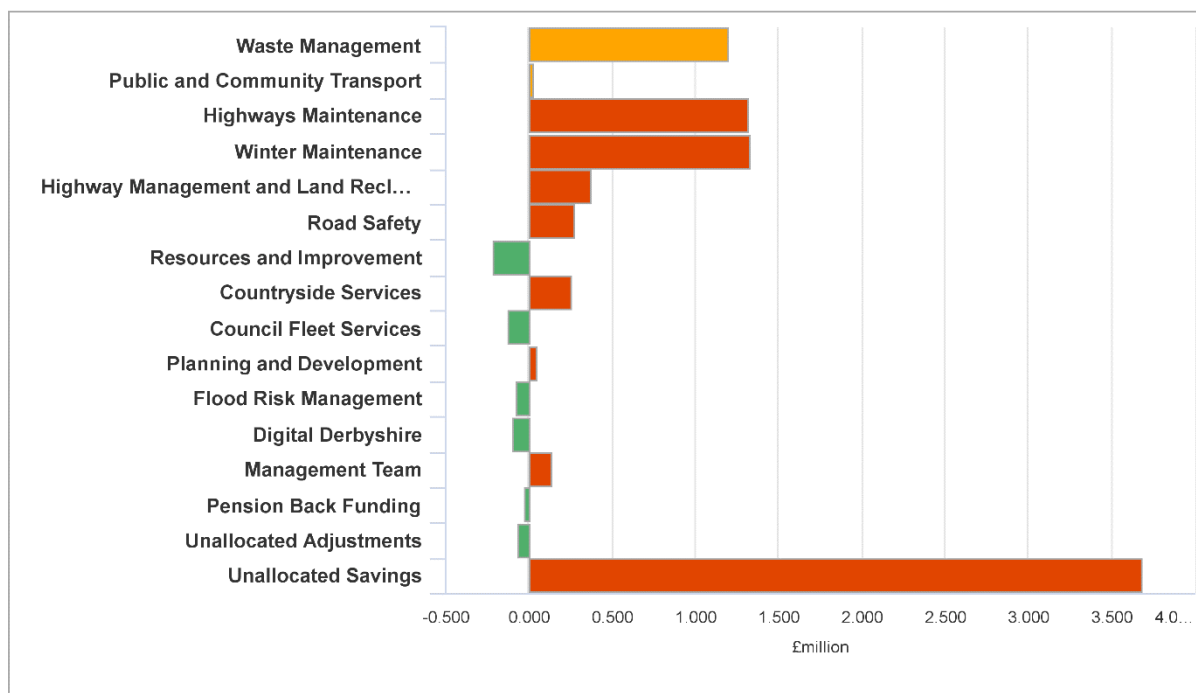
The Highways, Transport and Infrastructure portfolio is forecast to overspend by £1.407m after the allocation of £6.654m of funding from MHCLG Covid-19 emergency grants and the compensation for lost sales, fees and charges income scheme. Before the allocation of this funding, the main variances are:

- ❑ Unallocated Budget Savings, £3.684m overspend – savings targets not yet allocated to specific services.
- ❑ Winter Maintenance, £1.327m overspend – the Council has to build up a large stockpile of grit salt to comply with Department for Transport recommendations, based on an average year, prior to the onset of winter. The vehicles associated with gritting are a high fixed cost overhead, irrespective of the severity of the conditions. The Winter Service budget of £1.473m does not provide for more than a mild winter, so the Council is reliant on using contingency reserves for additional costs incurred as a result of a moderate or severe winter.
- ❑ Highways Maintenance, £1.320m overspend – mostly due to Covid-19 costs such as cycle and pedestrian temporary works, traffic management for testing centres and the supply of PPE.
- ❑ Waste Management, £1.203m overspend – there has been an increase in household residual waste tonnages due to more people working from home and home-schooling as part of the Covid-19 response.
- ❑ Highways Management and Land Reclamation, £0.376m overspend – mainly due to a reduction in the recharges to capital schemes as staff productivity has been affected by the need to self-isolate or shield because of the Covid-19 pandemic.

Forecast Outturn against Target Budget



Forecast Under (-)/Over Spend by Service Line



The budget savings target for 2020-21 is £1.426m, with a further £5.234m target brought forward from previous years. Of this total target of £6.660m, £2.346m is expected to be achieved by the end of the financial year. Therefore, there is currently a £4.314m forecast shortfall in achievement of budget savings, however the multi-year savings programme to 2024-25 does allow for some slippage to be covered by prior years' underspends, still delivering the savings target in total.




Additional funding has been provided in the 2020-21 budget for the main growth items:

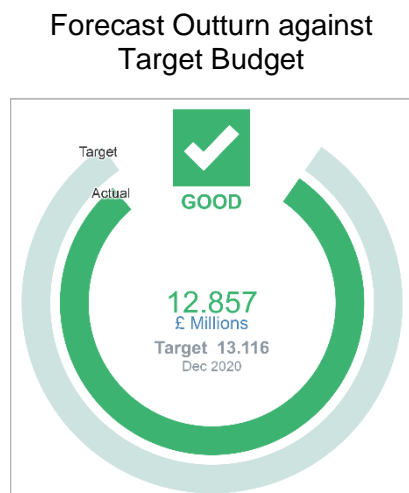
- Ash Dieback - £0.270m (one-off), to develop an action plan initiated by a programme of inspection to quantify the scale of the Ash Dieback problem across the Council's estate. It is anticipated that a multi-year funding commitment to survey, fell and replant trees on Council land will be required once this evaluation work has taken place. There has been no significant expenditure to date because of delays caused by the impact of Covid-19. This funding is currently being used for the felling works and related management costs. It will also support the salary costs of a project officer who is expected to be in post by Spring 2021.
- Elvaston Castle Masterplan - £0.200m (one-off), being spent on preparatory costs and design work, mainly associated with the construction of the access drive and car park. This is part of a programme of capital investment and income generation at Elvaston Castle approved by Cabinet on 20 December 2018. A delivery programme and business case to identify the capital investment required and income generation opportunities involved in delivering the Masterplan was presented to Cabinet in September 2020. Work is

progressing and it is anticipated that all of this funding will be spent in 2020-21.

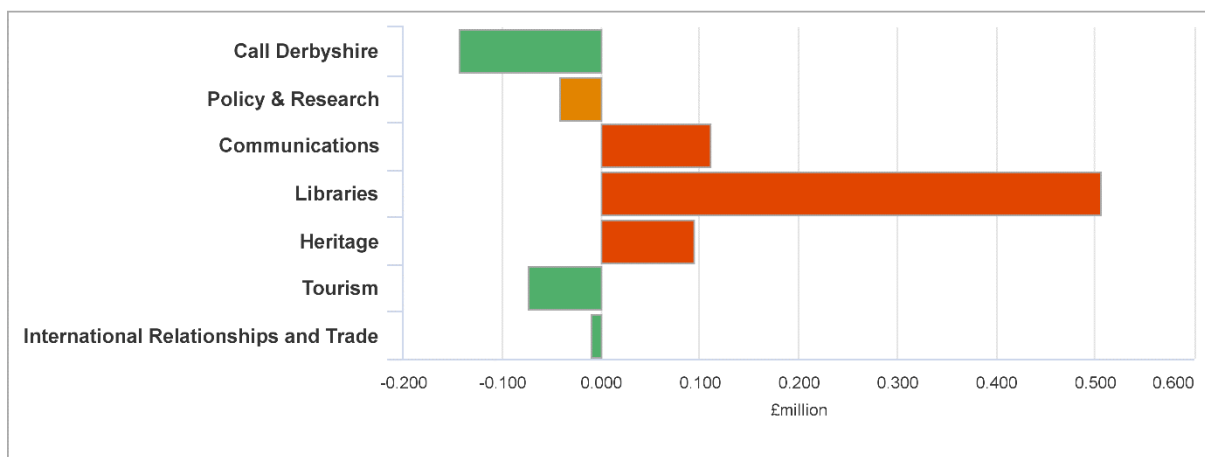
Strategic Leadership, Culture and Tourism

A year-end underspend of £0.259m is projected after the allocation of £0.703m of funding from MHCLG Covid-19 emergency grants and the compensation for lost sales, fees and charges income scheme. Before the allocation of this funding, the main variances are:

-  Libraries, £0.507m overspend – savings are not expected to be realised due to the Covid-19 pandemic as the Library Strategy and proposals to transfer the Library Service to community management have had to be suspended and proposals to transfer the Arts Development service to an alternative provider have been abandoned.
-  Call Derbyshire, £0.144m underspend – mainly due to staff turnover.
-  Communications, £0.111m overspend – the advertising income target is not able to be achieved this financial year.



Forecast Under (-)/Over Spend by Service Line



The budget savings target for 2020-21 is £0.829m, with a further £0.086m target brought forward from previous years. Of this total target of £0.915m, it is expected that £0.260m will be achieved by the end of the financial year. Therefore, there is currently a £0.655m forecast shortfall in achievement of budget savings.

Additional funding has been provided in the 2020-21 budget for the following items:

- Climate Change - £0.200m (ongoing), the Council published its Climate Change Manifesto in May 2019. This funding is to advance the priorities identified in the Manifesto. Due to the impact of Covid-19 it is uncertain when this funding will be utilised this financial year.

The responsibility for leading the Council's response to Climate Change will be moving. To reflect this new arrangement, Cabinet approval is sought to make a budget virement of £0.200m from the Commissioning, Communities and Policy department to the Economy, Transport and Environment department effective from 1 April 2021.

Young People

The Young People portfolio is forecast to overspend by £4.244m after the allocation of £9.599m of funding from MHCLG Covid-19 emergency grants and the compensation for lost sales, fees and charges income scheme.








The forecast outturn position includes £1.390m of Dedicated Schools Grant income, as a contribution to the cost of supporting Early Help services and children with additional needs. Income from this source is not guaranteed to continue at the same level in future years.

Before the allocation of the Covid-19 grant funding detailed above, the main variances are:

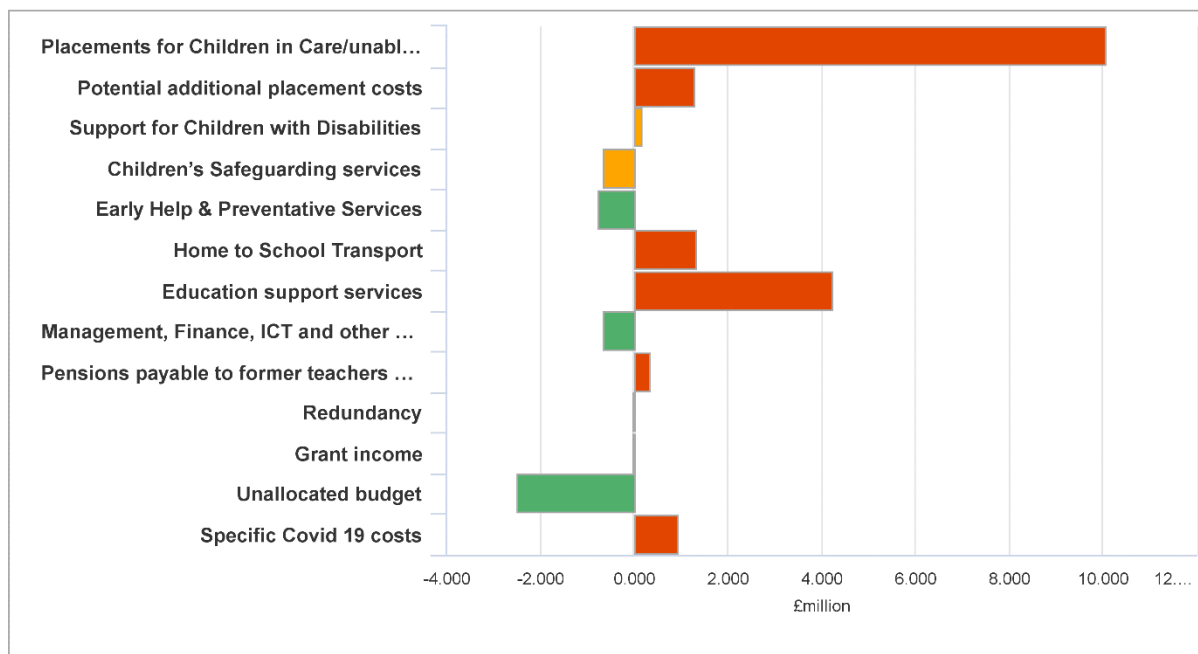
- Placements for Children in Care (or unable to remain at home), £11.362m overspend – placement numbers have continued to rise throughout the year in line with increases in the number of children in care, with the rate of increase in these numbers being especially high between April and July 2020. There are currently more placements required than can be funded from the allocated budget. The needs of individual children and the availability of placements has also meant that there are an increased number of children placed in both more expensive fostering arrangements and more expensive residential provision. There has however been a decrease in the number of external residential placements since August 2020, but external fostering numbers have continued to rise. The planned introduction of a specialist fostering service for children with disabilities has been deferred for a year, after the tender closing date for this service coincided with the Covid-19 pandemic, resulting in no tenders being received to provide this service.

Forecast Outturn against Target Budget



-  Education Support Services, £4.246m overspend – sales of school meals provided by the Catering Service have been impacted by the absence of pupils between March and July 2020 and from January 2021. Also, whilst in school, the number of children taking school meals has reduced by around 19% compared to plan. The Sport and Outdoor Education service has been unable to provide outdoor experiences and adventure activities since March, which has resulted in a loss of income.
-  Unallocated Budget, £2.485m underspend – amounts which have not yet been allocated to services. The largest unallocated item is £1.390m from the Dedicated Schools Grant.
-  Home to School Transport, £1.339m overspend – this overspend includes the supplier relief support grants paid to providers covering the period between March and July 2020 when schools were closed and assumes similar support will be provided from January 2021.
-  Other Covid-19 specific costs, £0.930m overspend – there have been increases in the costs associated with transporting SEN pupils to school as a result of Covid-19 requirements. This is partially offset by grant funding provided by the Department for Education towards this increased cost.
-  Early Help and Preventative Services, £0.743m underspend – due to vacancies in Multi-Agency Teams, Children’s Centres, Youth Support and Youth Offending Support.
-  Children’s Safeguarding Services, £0.657m underspend – reductions in travel expenditure due to administration support staff working from home and undertaking many aspects of their roles virtually. Also, expenditure to support families in need and to prevent children coming into care has reduced. Offsetting this are increased legal expenses associated with care proceedings and an increase in the number of social workers and Business Services posts.
-  Pensions Payable to Former Teachers and Other Staff, £0.335m overspend – enhanced pension obligations payable to staff who left under efficiency programmes during the early 1990s. Whilst the number of pensions being paid reduces each year, this is outweighed by the annual increase to those pensions still in payment.

Forecast Under (-)/Over Spend by Service Line



A savings target of £2.350m has been allocated for 2020-21, with a further £0.829m target brought forward from previous years. Savings initiatives totalling £2.350m have been identified, of which £1.207m are expected to be achieved by the end of the financial year. Therefore, there is currently a £1.972m forecast shortfall in achievement of budget savings.

Additional funding has been provided in the 2020-21 budget for the main growth items:

- Placement Demand Pressures - £11.000m, to support the increase in the demand for placements and the increasing complexity of children and young peoples' needs. These costs have continued to increase in 2020-21 and there is concern for the wellbeing of children who have been less visible to school professionals during the first part of 2020-21. It is forecast that this allocation will be fully spent by the end of the financial year.
- Social Worker Recruitment - £1.300m plus one-off funding of £1.300m, as part of a recruitment plan to increase the number of social workers to ensure caseloads are at a healthy working level consistent with an individual worker's experience. It is forecast that this allocation will be fully spent by the end of the financial year.
- Home to School Transport (SEN) - £1.000m plus one-off funding of £0.971m, to support the increased cost of transporting children and young people to school, pupil referral units or alternative provision when they have been excluded from mainstream schools. It is forecast that this allocation will be fully spent by the end of the financial year.
- Children in Care Legal Proceedings - £1.100m (one-off), reflecting the greater number of court proceedings and the increased use of external

legal firms to present cases. It is expected that this funding will be fully spent by the end of the year.

- Preventative Support to Families - £1.000m (one-off), to support work with children and families. The number of referrals and children identified as 'in need' is increasing. It is forecast that this allocation will be fully spent by the end of the financial year.
- SEND Assessment and Planning - £0.600m, to provide additional staffing. It is expected that this funding will not be fully spent in 2020-21 due to delays in recruitment.
- Child Protection - £0.500m, to fund the cost of staff needed to respond to an increased number of children on protection plans. It is forecast that this allocation will be fully spent by the end of the financial year.
- Care Leavers - £0.498m (one-off), to meet the cost of additional statutory duties towards care leavers. It is forecast that this allocation will be fully spent by the end of the financial year.
- Service Transformation - £0.438m (one-off), to identify and implement improvements to service quality and efficiency. It is expected that this funding will not be fully spent in 2020-21 due to delays in recruitment.
- Increase in Special Guardianship Placements - £0.336m, to ensure the budget is sufficient to meet the current level of costs payable to those who have parental responsibility under a special guardianship order. It is forecast that this allocation will be fully spent by the end of the financial year.
- Quality Assurance SEND & Fostering - £0.214m (one-off), to introduce new processes to enable managers to analyse the performance of the Fostering and SEND services. It is expected that this funding will not be fully spent in 2020-21 due to delays in recruitment. It is proposed to contribute any remaining funding to an earmarked reserve at the end of the year to fund the employment costs of additional Quality Assurance staff expected to be incurred in 2021-22.
- Elective Home Education - £0.207m (one-off), to fund staff visits to assess the education provision to children educated at home by choice. The number of these children is increasing. It is forecast that this allocation will be fully spent by the end of the financial year.
- Support to Achieving Great Futures - £0.108m (one-off), to fund staff seconded to this project to review the pathways for people with disabilities and the services provided to them by the Council. It is expected that this funding will not be spent in 2020-21 as the associated staffing costs are being met by the Adult Care portfolio. This funding is offsetting other overspending budgets in the portfolio.
- Foster Carers - £0.100m, to cover the inflationary increase to foster carer allowances from April 2020. It is forecast that this allocation will be fully spent by the end of the financial year.

Other significant additional items of funding that the portfolio has received since the budget was set are:

- Home to School Transport - £0.871m (one-off) grant from the Department for Education (DfE) to support additional transport costs, primarily SEN to ensure social distancing during the Covid-19 pandemic, especially where clinically vulnerable or extremely clinically vulnerable pupils are being transported to specialist or enhanced provision.

Dedicated Schools Grant

The Dedicated Schools Grant (DSG) is a ring-fenced grant comprising four individual blocks: Schools Block, High Needs Block (HNB), Early Years Block and Central Block. Allocations of the blocks are governed by the Schools and Early Years Finance Regulations. Any underspend or overspend on the grant is carried forward to future years within the accumulated balance of the DSG Earmarked Reserve.

The Department for Education (DfE) have clarified the ring-fenced status of the DSG by putting provisions into the School and Early Years Finance (England) Regulations 2020 that require that a cumulative DSG deficit must be carried forward to be dealt with from future years' DSG income, unless otherwise authorised by the Secretary of State not to do so. The updated regulations require the Council to engage formally with the DfE on recovery plans if it has a deficit balance on its DSG or if it reports a substantial reduction in its DSG surplus.

There was a surplus of £0.188m in the closing net total DSG reserves at the end of 2019-20. However, after taking account of commitments the underlying balance was a deficit of £3.140m.

The expected DSG and sixth form grant income due to the Council in 2020-21 is £371.645m and the projected year-end expenditure is £373.639m. The expected overspend compared to income is £1.994m, which includes a £0.622m underspend that is ring-fenced to the Schools Block.

In January 2020, the Schools Forum agreed to leave £1.325m of the Pupil Growth Fund unallocated as a contribution to resolving the deficit. Therefore, there is an underlying overspend compared to grant income in 2020-21 of £3.941m.

The Council will continue to seek opportunities to make reductions to DSG expenditure in 2020-21.

The forecast £0.622m underspend ring-fenced to the Schools Block is expected to arise due to maternity costs, redundancy costs and contingency

payments to Primary schools being below the allocated re-pooled schools funding.

The variances on the other three blocks are:

- Central Schools Services Block, £1.570m underspend – mainly due to unallocated growth. Also, support for schools to meet KS1 pupil/teacher ratios is projected to be below the allocated budget.
- High Needs Block, £4.707m overspend – additional support for children with high needs to attend mainstream schools and for children receiving their education at independent and non-maintained schools is above the allocated budget. Also, additional places have been purchased at Derbyshire special schools and academies. These areas of overspend are partially offset by a small contingency budget.
- Early Years Block, £0.065m underspend.

3 Financial Considerations

As set out above.

4 Other Considerations

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

5 Background Papers

Finance papers held electronically by Technical Section, Finance & ICT, Room 137, County Hall.

6 Key Decision

No.

7 Is it necessary to waive the call-in period?

No.

8 Officer's Recommendations

That Cabinet:

- 8.1 Notes the update of the Revenue Budget position/forecast outturn for 2020-21 as at 31 December 2020 (Quarter 3).
- 8.2 Approves a budget virement of £0.200m from the Commissioning, Communities and Policy department to the Economy, Transport and Environment department, effective from 1 April 2021, to reflect new

arrangements in place for leading the Council's response to Climate Change.

- 8.3 Approves a budget virement of £3.000m of one-off funding from Adult Care to the Risk Management Budget, as this is no longer required to fund the work taking place to address safety standards in the Council's Homes for Older People.
- 8.4 Approves a budget virement to transfer any Transition Funding which has not been utilised by the end of March 2021 from Adult Care to the Risk Management Budget. This is currently estimated to be £0.942m of ongoing and £0.316m of one-off funding.
- 8.5 Approves an earmarked reserve be established for the purpose of supporting the wider county and the Council's recovery from the impacts of the Covid-19 pandemic and to contribute £15.000m to this reserve from the Risk Management Budget.
- 8.6 Approves an earmarked reserve be established as a contingency to fund any losses which may crystallise on investments measured at Fair Value through Profit or Loss (FVPL) after the statutory temporary override issued by MHCLG has lapsed in 2023-24 and to contribute £2.500m to this reserve from the Risk Management Budget.
- 8.7 Approves an earmarked reserve be created for pump-priming a countywide Assistive Technology offer that will remove the current fragmentation of the service offer, target improved appropriate use of Assistive Technology and reduce costs incurred supporting people to live safe and independent lives in the community, to complement the Better Lives transformation programme in Adult Care, and to contribute £1.500m to this reserve from the Adult Care Budget.
- 8.8 Authorises the Director of Finance & ICT to establish any earmarked reserves that are required to support the Council's response to the Covid-19 pandemic, and agrees that any funding received to support Covid-19 impacts, which has not been utilised by 31 March 2021, is contributed to these reserves, to allow this funding to be used for relevant expenditure after that date.
- 8.9 Approves that any of the funding provided in the 2020-21 budget for Quality Assurance SEND & Fostering that has not been utilised by the end of March 2021 is contributed to an earmarked reserve to fund the employment costs of additional Quality Assurance staff expected to be incurred in 2021-22.
- 8.10 Approves the transfer of £0.500m from the Change Management earmarked reserve to an earmarked reserve to fund property feasibility studies.

- 8.11 Approves that £1.500m of funding from Public Health in 2020-21 is used to support Children's Centres and the Early Years offer within the Young People portfolio.

PETER HANDFORD

Director of Finance
& ICT

Earmarked Reserves as at 31 December 2020

Adult Care		£ Millions
Older People's Housing Strategy	▼	16.103
Other reserves	=	0.046

Total Adult Care	▼	16.149
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Clean Growth & Regeneration		£ Millions
Markham Environment Centre	=	0.114
Other reserves	↑	0.481

Total Clean Growth & Regeneration	▼	0.595
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Corporate Services		£ Millions
Revenue Contributions to Capital	=	25.682
Loan Modification Gains	=	25.254
Insurance and Risk Management	=	20.085
Planned Building Maintenance	=	6.525
Prior Year Underspends	▼	5.401
Business Rates Relief Grant	=	5.000
Business Rates Pool	=	4.672
Uninsured Financial Loss	▼	3.082
Computer Purchasing	↑	2.884
Property Insurance Maintenance Pool	▼	2.624
Budget Management	=	2.615
PFI Reserves	=	2.340
Property DLO	=	2.299
Business Rates Strategic Investment Fund	↑	1.988
Change Management	▼	1.778
Other reserves	▼	4.434

Total Corporate Services	▼	116.663
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Health & Communities		£ Millions
Domestic Abuse	=	1.622
S256/External Funding	=	0.244
Proceeds of Crime	=	0.135
Trusted Trader	=	0.101
Other reserves	=	0.218

Total Health & Communities	=	2.320
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APPENDIX 1**Public****Highways, Transport & Infrastructure****£ Millions**

Prior Year Underspends	▼	11.492
Winter Maintenance	=	2.000
Commuted Highways Maintenance	=	1.137
Road Safety Public Service Agreement (PSA)	=	1.079
Derby and Derbyshire Road Safety Partnership Reserve	=	0.632
Waste Recycling Initiatives	=	0.598
Other reserves	▼	1.711

Total Highways, Transport & Infrastructure	▼	18.649
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Strategic Leadership, Culture & Tourism**£ Millions**

Community Managed Libraries	=	0.742
Policy and Research	▼	0.680
Library Restructure	=	0.429
Derbyshire Challenge Fund	=	0.417
Derwent Valley Mills World Heritage Site	▼	0.154
Other reserves	=	0.568

Total Strategic Leadership, Culture & Tourism	▼	2.990
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Young People**£ Millions**

Tackling Troubled Families	↑	3.612
Standards Fund (Schools)	=	0.726
School Rates Refunds	=	0.721
Childrens Services IT Systems	▼	0.500
Prior Year Underspends/Commitments	=	0.302
Foster Carer Adaptations	=	0.295
Youth Activity Grants	=	0.271
Other reserves	↑	0.526



















Total Young People	▼	6.953
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Total Portfolio Earmarked Reserves**▼ 164.319****Schools**

Schools Balances	=	23.897
Dedicated Schools Grant (DSG)	↑	0.186

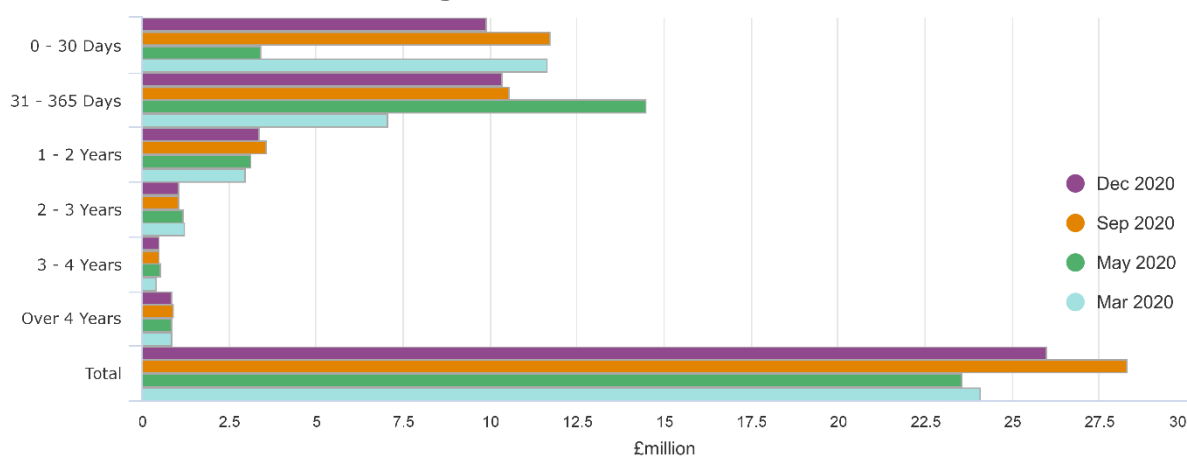
Total balances held for and on behalf of schools	↑	24.083
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Public Health Grant	=	7.424
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Portfolio	Budget Savings Target			Ongoing Savings Initiatives			Actual Savings Forecast	
	Prior Year not yet achieved Brought Forward	Current Year	Total Target	Total Identified	Shortfall (-)/ Additional Identified Savings	Forecast to be achieved by Financial Year End	Shortfall (-)/ Additional Achievement of Savings Target	
	£ Millions	£ Millions	£ Millions	£ Millions	£ Millions	£ Millions	£ Millions	
Adult Care	-0.427	3.784	3.357	0.919	-2.438 	1.173	-2.184 	
Clean Growth & Regeneration	0.000	0.000	0.000	0.000	0.000 	0.000	0.000 	
Corporate Services	0.676	5.190	5.866	4.931	-0.935 	2.513	-3.353 	
Health and Communities	-0.066	0.216	0.150	0.216	0.066 	0.166	0.016 	
Highways, Transport & Infrastructure	5.234	1.426	6.660	2.976	-3.684 	2.346	-4.314 	
Strategic Leadership, Culture & Tourism	0.086	0.829	0.915	0.993	0.078 	0.260	-0.655 	
Young People	0.829	2.350	3.179	2.350	-0.829 	1.207	-1.972 	
Cross Portfolio	0.000	5.000	5.000	5.000	0.000 	4.601	-0.399 	
Cabinet	6.332	18.795	25.127	17.385	-7.742 	12.266	-12.861 	

Age profile of debt, relating to income receivable, at 31 December 2020

	0 - 30 Days £m	31 - 365 Days £m	1 - 2 Years £m	2 - 3 Years £m	3 - 4 Years £m	Over 4 Years £m	Total £m
Adult Social Care and Health	7.082	6.686	1.353	0.525	0.356	0.659	16.661
	42.5%	40.1%	8.1%	3.2%	2.1%	4.0%	100.0%
Children's Services	0.151	0.204	0.087	0.014	0.013	0.013	0.482
	31.3%	42.3%	18.0%	2.9%	2.7%	2.7%	100.0%
Economy, Transport and Environment	1.521	1.770	1.171	0.330	0.021	0.015	4.828
	31.5%	36.7%	24.3%	6.8%	0.4%	0.3%	100.0%
Commissioning, Communities and Policy	1.133	1.677	0.758	0.187	0.082	0.180	4.017
	28.2%	41.7%	18.9%	4.7%	2.0%	4.5%	100.0%
All Departments	9.887	10.337	3.369	1.056	0.472	0.867	25.988
	38.0%	39.8%	13.0%	4.1%	1.8%	3.3%	100.0%

Aged Debt over Time**The value of debt written off in the 12 months up to 31 December 2020**

Department	£m	
Adult Social Care and Health	0.195	↓
Children's Services	0.035	↑
Economy, Transport and Environment	0.024	↑
Commissioning, Communities and Policy	0.029	↑
All Departments	0.283	↑

Covid-19 Impacts: Forecast Costs and Additional Income by Portfolio

	Covid-19 related Costs	LESS: Specific funding for Portfolio Covid-19 Costs	Use of MHCLG Covid-19 and SFC Grant Funding
	£m	£m	£m
Adult Care	46.798	(32.469)	14.329
Clean Growth and Regeneration	0.471		0.471
Corporate Services	3.274		3.274
Health and Communities	26.100	(24.144)	1.956
Highways, Transport and Infrastructure	7.138	(0.484)	6.654
Strategic Leadership, Culture and Tourism	0.725	(0.022)	0.703
Young People	10.470	(0.871)	9.599
Total Portfolio Outturn	94.976	(57.990)	36.986

APPENDIX 5

Public

Register of Covid-19 Funding Receivable (updated 24 Feb 2021)

Portfolio	Description	Type	Awarding Body	Funding Expected by 31 March 2021 £m	Expenditure Forecast by 31 March 2021 £m	Ring-Fenced	Purpose
N/A	Coronavirus (COVID-19): emergency funding for local government	Grant	MHCLG	45.037		No	Un-ringfenced funding for local authorities to use to respond to the Covid-19 pandemic.
N/A	Sales Fees and Charges Income Losses Compensation Scheme	Grant	MHCLG	3.485		No	To compensate lost sales, fees and charges income, as a result of the Covid-19 pandemic, at a rate of 75p in every pound, over and above the first 5% of budgeted income for the year
				48.522	39.388		
AC	Clinical Commissioning Group (CCG) funding for additional costs associated with COVID-19 including hospital discharge	Recharge	NHSE	14.060	14.060	Yes	NHS/CCG funding to help local authorities with Covid-19 associated costs including those relating to hospital discharge and follow-on care.
AC	Adult Social Care Infection Control Fund (ICF) - Round 1	Grant	DHSC	9.517	9.517	Yes	To support adult social care providers, to reduce the rate of Covid-19 transmission in and between care homes and support wider workforce resilience.

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AC	Adult Social Care Infection Control Fund (ICF) - Round 2	Grant	DHSC	8.774	8.774	Yes	As above.
AC	Rapid Testing Fund	Grant	DHSC	2.427	2.427	Yes	To support additional rapid testing of staff in care homes, and to support visiting professionals and enable indoors, close contact visiting where possible.
AC	Workforce Capacity Fund	Grant	DHSC	1.817	1.814	Yes	To provide additional care staff where shortages arise, support administrative tasks so experienced and skilled staff can focus on providing care, and help existing staff to take on additional hours if they wish with overtime payments or by covering childcare costs.
H&C	Test and Trace Service Support Grant	Grant	DHSC	3.859	0.870	Yes	For local authorities in England to develop and action their plans to reduce the spread of the virus in their area.
H&C	Emergency Assistance Grant for Food and Essential Supplies	Grant	DEFRA	0.808	0.808	No	For local authorities in England to use to support people who are struggling to afford food and other essentials due to Covid-19.
H&C	Contain Outbreak Management Fund (COMF)	Grant	DHSC	19.265	1.215	No	To support local authorities to deliver their non-pharmaceutical interventions and to support their Covid response. The funding is a non-recurring payment for the 2020–21 financial year.

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H&C	Clinically Extremely Vulnerable (CEV) Funding	Grant	MHCLG	0.418	0.069	No	Funding to support clinically extremely vulnerable (CEV).
H&C	Mass Community Testing	Grant	DHSC	7.401	1.865	Yes	To provide support to the Local Authority towards expenditure in relation to Community Testing in response to the Covid-19 outbreak.
HTI	Emergency Active Travel Fund (Tranche 1 only)	Grant	DfT	0.443	0.443	Yes	Supports local transport authorities with producing cycling and walking facilities. Tranche 1 supports the installation of temporary projects for the Covid-19 pandemic.
SLCT	Bridging between Two Worlds	Grant	Arts Council	0.022	0.022	Yes	To support coronavirus-related spending pressures within the Museum.
YP	Additional Home to School Transport	Grant	DfE	1.097	1.052	Yes	To create extra capacity and allow more students to use alternatives to public transport, while social distancing measures remain in place.
YP	COVID Winter Grant Scheme	Grant	DWP	2.181	2.181	Yes	Made available in early December 2020 to support those most in need with the cost of food, energy (heating, cooking, lighting), water bills (including sewerage) and other essentials.

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YP	Well-Being for Education Return	Grant	DfE	0.142	0.109	No	To better equip education settings to support pupils and students' wellbeing and psychosocial recovery as they return to full-time education following the disruptions to schooling because of Covid.
				72.231	45.226		
				120.753	84.614		

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Director of Public Health

**OUT OF AREA SEXUAL HEALTH SERVICES
(Health and Communities)**

1. Purpose of the report:

To seek Cabinet approval for the proposed terms and conditions to invoicing for out of area (OOA) sexual health services from April 2021.

2. Information and analysis:

Since 1 April 2013, Local Authorities have been mandated to ensure that comprehensive, open access, confidential sexual health services are available to all people who are present in their area, whether resident in that area or not. The requirement for Genito-Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) services to be provided on an open access basis is stipulated in the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013. From this year local authorities are required to initiate routine commissioning of HIV Pre-Exposure Prophylaxis (PrEP) under this national mandate.

The open access nature mandated for sexual health services results in residents having the choice to access a service in their home local authority provision or go out of area (OOA).

With the transfer of services over to local authorities, the Department of Health and Social Care issued guidance on cross charging in August 2013 updated in 2018 outlining principles for local authorities to make payment for residents accessing services outside the area. The guidance suggests that it is for local determination how these arrangements work and solutions that meet the needs of local areas and populations should be in place. The guidance was developed to encourage a consistent, equitable, fair and transparent approach to cross charging and billing for out of area service users, from both a Commissioner and Provider perspective.

The Council has current Derbyshire OOA terms developed within the national guidance. A review of these terms is now necessary due to recent analysis on the OOA charging position locally and nationally, with benchmarking against our

terms, to ensure Derbyshire remains efficient in its use of the OOA budget as well as being fair to OOA provider organisations delivering to our residents. Additionally, a new Derbyshire OOA tariff is required for HIV PrEP.

This paper seeks approval for the attached, Appendix One, Derbyshire OOA 2021-22 terms and conditions, detailing how Derbyshire County Council will manage non-contracted sexual health out of area activity (residents attending sexual health services commissioned by other Local Authorities in England) and provide clarity on the conditions and payment terms for cross charging. Derbyshire County Council's terms aim to ensure a consistent and fair approach to cross-charging with non-contracted providers outside of Derbyshire. These reviewed terms include the introduction of routine commissioning of HIV Pre-Exposure Prophylaxis (PrEP).

Once approved the Derbyshire OOA 2021-22 terms and conditions will be shared with local and national providers and across the national Commissioners forum.

These terms will be applied initially for a pilot period, from 01/04/21 until 31/03/22 when they will be reviewed, and we have much clearer picture of the demand and flow associated with the routine commissioning of PrEP.

3. Social Value considerations:

It is acknowledged that deterring people from attending open access sexual health services, e.g., in relation to the provision of emergency contraception to address unintended pregnancy and for those at risk of sexual exploitation presents a high level of risk to the individual. Any restriction in access to core reproductive and sexual health services carries a high reputational risk for Local Authorities.

4. Financial Considerations:

The annual budget to pay for out of area sexual health activity delivered to Derbyshire residents is £1.600m This has traditionally been underspent and OOA activity is gradually declining. The Department of Health and Social Care has not yet confirmed the total allocation for Derbyshire in 2021-22 for delivery of PrEP. Allocations are decided within the spending review process. However local authorities are informed that the 2021-22 allocation will be based on the methodology that calculated the local allocation this year (£66,520 based on 9 month period). This includes out of area costs.

The PrEP allocation is paid to the provider by block payments in line with the current block payment schedule within the contract

5. Legal considerations:

The Department of Health and Social Care non-statutory national guidance outlining key principles to cross charge for out of area sexual health activity is available to support both local authorities and service providers to determine their respective local charges. The guidance will be followed by the Council except in cases where it is concluded after due consideration there is a good reason to depart from it.

Councils are now required to support the transition into routine commissioning of PrEP as part of their mandatory commissioning function of local ISHS as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013.

6. Other considerations:

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

7. Background papers:

- Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013. [Local Authorities \(Public Health Functions and Entry to Premises by Local Healthwatch Representatives\) Regulations 2013](#)
- Cabinet Report 2 December 2014, Out of Area Sexual Health Services
- Department of Health - Sexual Health Services: Key Principles for Cross Charging Department of Health and Social Care '[Sexual Health Services: Key Principles for Cross Charging](#)' (August 2018)
- Public Health SMT Report 22 February 2021 and approved Business Case: Routine commissioning of HIV Pre-exposure Prophylaxis (PrEP) within the Derbyshire ISHS from 1 April 2021 to 31 March 2022.
- Derbyshire County Council Sexual and Reproductive Health Services Cross Charging Terms and Conditions 2021-2022 (Attached)

8. Key Decision:

No

9. Call-in:

Is it required that call-in be waived for any decision on this report?
No

10. Officer's recommendation:

To approve the attached proposed terms and conditions for out of area invoicing for sexual health activity from 1 April 2021 to 31 March 2022.

Dean Wallace
Director of Public Health

Appendix One



OOA Terms &
Conditions 21-22.pdf

Author: Sarah Edwards (07971839902)

Agenda Item 6 (c)

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Executive Director of Children's Services

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR AND
APPROVAL FOR PROCUREMENT PROCESS AND AWARD OF
CONTRACT FOR HOLIDAY ACTIVITIES AND FOOD PROGRAMME FUND**

Children's Services

Holiday Activities and Food Programme

1. Purpose of Report

Cabinet is requested to note the urgent decision taken by the Executive Director of Children's Services on 15 March 2021 to approve spending plans and other associated proposals for Derbyshire County Council's allocation of the Holiday Activities and Food Programme Fund.

Cabinet is also requested to delegate the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

2. Information and Analysis

On 8 November 2020, the Government announced that the holiday activities and food programme (HAF), which has provided healthy food and enriching activities to disadvantaged children since 2018, will be expanded across the whole of England in 2021. The programme covers the Easter, summer and Christmas holidays in 2021. It will be available to children in every local authority in England and will build on the success of the local holiday programmes that have been funded since 2018.

Further guidance to clarify the proposals was issued in February 2021 from the Department for Education with a go live date from the start of the Easter Holidays. Due to the planning restrictions imposed by the COVID lockdown and the eventual government COVID roadmap to recovery not being released until much later the parameters within which the scheme would operate and particularly the first element at Easter could not be determined. Therefore, time for normal decision-making protocols has not been possible. This Executive Directors Urgent Decision paper sets out the agreed options, delivery and spending plan for the Holiday Activity and Food Programme.

The request to delegate the award of contracts and/or grants in relation to the HAF programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process is made on the basis that there is not a meeting of Cabinet until June 2021. In order to comply with the timescales in relation to delivery of the HAF programme, the contractors and/or grantees will need to commence work to mobilise the new service before that date.

3. Financial Considerations

Derbyshire's grant award is £2.8m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.280m for Derbyshire.

The approach for Easter for virtual delivery is estimated to cost £55k for 4 days delivery, leaving £2.7m available for the administration, development and delivery of the five weeks face-to-face provision during the summer (4 weeks) and Christmas (1 week) holiday period.

The most appropriate procurement option will need to be assessed following the completion of the scoping work. Options, including estimates of the time required to mobilise the services (from the point at which a decision to move forward with the approach is made) are set out below:

- (a) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises. (16-18 weeks)
- (b) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises, in accordance with the accelerated procedure. (14-16 weeks).
- (c) Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier, under protocol 8 (10-12 weeks)
- (d) Publish an invitation for providers to submit an expression of interest, enabling supplier to provide details of services that could be provided and information on any constraints including minimum mobilisation periods. Following a review of the

information provided an informed decision could be made regarding the most appropriate procurement approach, as set out below:

- i. Undertake a procurement exercise under protocol 1. (20-22 weeks, including expression of interest period)
- ii. Undertake a procurement exercise under protocol 1, using the accelerated procedure (18-20 weeks including expression of interest period)
- iii. Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier identified through the expression of interest submissions and the wider market, under protocol 8 (14-16 weeks including expression of interest period)

4. Legal Considerations

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

The Director of Legal Services will provide appropriate advice in relation to procurement and award of contract/grant/s to ensure compliance with the County Council's Financial Regulations and relevant procurement regulations.

5. Other Considerations

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

6. Background Papers

See attached Executive Director of Children's Services Urgent Decision.

7. Key Decision

Yes

8. Call-in

Is it required that Call-In be waived in respect of the decisions proposed in the report?

It has been agreed that Call-In has been waived in respect of the urgent decisions taken by the Executive Director of Children's Services – please see attached report.

There is no request to waive Call-In in respect of the delegation of the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

9. Officer's Recommendation

That Cabinet:-

9.1 notes the urgent decision taken by the Executive Director of Children's Services on 15 March 2021 to approve spending plans and other associated proposals for Derbyshire County Council's allocation of the Holiday Activities and Food Programme Fund.

9.1 delegates the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

Jane Parfremment
Executive Director for Children's Services
CHILDREN'S SERVICES
EXECUTIVE DIRECTOR URGENT DECISION
Holiday Activity and Food Programme

Head of Service Submitting request	Isobel Fleming (Service Director – Commissioning and Transformation, Childrens Services)
Date of Submission	15 March 2021
Date submitted to Executive Director	15 March 2021
Executive Director Decision	Approved
Executive Director Approval	Signed:  JANE PARFREMENT
Date of Executive Director Decision	15 March 2021

DERBYSHIRE COUNTY COUNCIL

15 March 2021

Report of the Strategic Director for Children's Services

Holiday Activity and Food Programme

1. Purpose of Report

The purpose of this report is to ask the Executive Director for an urgent decision to approve spending plans and other associated proposals referred to in the report for Derbyshire County Council allocation of the Holiday Activities Fund. The scheme was announced in November 2020 with further clarifying guidance issued in February 2021 from the Department for Education with a go live date from the start of the Easter Holidays but due to the planning restrictions imposed by the COVID lockdown and the eventual government COVID roadmap [COVID-19 RESPONSE – SPRING 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92111/covid-19-response-spring-2021.pdf) to recovery not being released until much later the parameters within which the scheme would operate and particularly the first element at Easter could not be determined.

Therefore, time for normal decision-making protocols has not been possible. This paper sets out the recommended options for the delivery of a Holiday Activity and Food Programme for school children in Derbyshire aged 5-16 using the allocation of £2.8 million grant funding.

2. Background

On 8 November 2020, the Government announced that the holiday activities and food programme (HAF), which has provided healthy food and enriching activities to disadvantaged children since 2018, will be expanded across the whole of England in 2021. The programme will cover the Easter, summer and Christmas holidays in 2021. It will be available to children in every local authority in England and will build on the success of the local holiday programmes that have been funded since 2018. However, it should be noted that it is understood the funding model used by DfE was prepared before the Pandemic and assumes that not all eligible children will choose to access the service.

3. Analysis

School holidays can be particular pressure points for some families because of increased costs (such as food and childcare) and reduced incomes. For some children that can lead to a holiday experience gap - with children from disadvantaged families less likely to access organised out-of-school activities,

more likely to experience 'unhealthy holidays' in terms of nutrition and physical health and more likely to experience social isolation.

Free holiday clubs are a response to this issue and evidence suggests, (HAF 2021 guidance) that they can have a positive impact on children and young people and that they work best when they provide consistent and easily accessible enrichment activities, for more than just breakfast or lunch, and when they involve children (and parents) in food preparation.

Derbyshire County Council will receive grant funding to coordinate free holiday provision - including healthy food and enriching activities - for children who receive benefits-related free school meals. The focus of the programme will be on children eligible for benefits-related free school meals; Derbyshire's eligible cohort is in the region of 26,000 children. However, the scheme also encourages local authorities to consider the scheme being open to all children, some of whom would pay a fee for the activities. Therefore, the potential reach of the programme could be all Derbyshire's school aged population which is over 100,000 children.

The aim of the programme is to make free places available to children eligible for free school meals for the equivalent of at least four hours a day, four days a week, six weeks a year. This would cover four weeks in the summer and a week's worth of provision in each of the Easter and Christmas holidays.

Under the scheme local authorities and their providers will have flexibility about how they deliver this level of provision to best serve the needs of children and families in their area. For example, at Christmas and Easter the option exists to spread a week's worth of provision across a two-week period. In the summer, under the guidance DCC could spread the equivalent number of hours over a longer period.

Local authorities will receive grant funding to deliver this provision. This will cover the provision of the free holiday places and the coordination of the programme locally. Derbyshire County Council may choose to coordinate the provision or may choose to work with other organisations to coordinate the provision on their behalf. Local Authorities are encouraged to work with a wide range of partners in the delivery of this programme.

This programme will provide an excellent opportunity to align to the Council Priorities of value for money, empowered and self-sufficient communities and focus on prevention and early intervention by providing free to access stimulating activities with food provision and for Children's Services to contribute to the Council Plan by keeping children safe, being a good corporate parent and championing high standards in education. Alignment will also be made to the priority to support self-sufficient communities and the objective to renew and develop a new offer to community and voluntary

groups supporting the sector to recover well and retain new volunteers and thrive, learning from the remarkable response of the community and voluntary sector to the pandemic.

4. Stakeholder consultation

Some stakeholder consultation has already taken place through an internal cross Council group including: DCC public health, school catering, community safety, CS early help, child protection and legal services, media and digital comms and finance.

Further consultation has taken place with external council partners including Rural Action Derbyshire and the Community and Voluntary Sector (CVS). DCC is also a member of the DfE HAF East Midlands planning group which met earlier this month to share ideas and good practice about proposed approaches.

A wider steering group will be established which will include representatives from the local police and other uniform services, public health, school leaders, youth services, charities and the voluntary sector. Once the plans for opening schools and the easing of other COVID related lockdown restrictions are known it will be clearer how partners can be engaged in delivery of the programme. The proposed phased approach will allow for collection of service user feedback about the delivery of Phase 1 to influence the design of Stages 2 and 3 of the programme. The Early intervention teams will seek the views of children and young people to input into the design and content of the Easter virtual provision and the summer full HAF provision.

Member consultation will be on-going throughout the programme via the lead member of Children Services.

5. Options Recommended for the Programme

Consideration has been given to the following options:

Recommendation 1: Activity Webpage – offer access to webpage where current area provision is sign posted using details from CVS as is already done in Amber Valley and also include details of where extra financial support or food provision can be obtained in their area as well as the same extra help listed in CWGS for families most in need. Additionally, add virtual and physical activities that children can access, for example taking part in an age appropriate exercise video or building something in the house like a den etc. New challenges can be updated daily over the 4-day period of the scheme. This will alleviate the probable expense of trying to procure/design activity packs that are likely to come at cost and are already being prepared by some

of the CVS. This option is recommended for Stage 1 of the programme during the Easter holidays.

Development of the recommendation has been constrained by the current lockdown situation, the closure of most community and leisure facilities and the constraints of social distancing to limit the spread of the virus. Given these limitations and the fact that the Government plans for easing the lock down was not published until late February, the activity webpage is strongly recommended. This is in line with the consensus of the DfE HAF East Midlands planning group meeting held on 9 February 2021.

Food provision for this part of the scheme will be covered by an extension of the COVID Winter Grant Scheme which allows for a third issue of shopping vouchers to those most in need which targets the same cohorts as identified in the this HAF proposal. Therefore, there is no requirement to find additional funding for food support from HAF.

Recommendation 2: External HAF provision

It is strongly recommended that this is an excellent option for the summer and Christmas programme where external food support can be provided and due to the economies of scale would be more affordable. In order to develop a clear vision and targeted plan for this provision, an urgent mapping exercise of need and current assets will be undertaken to inform scoping of the options for delivery of the summer and Christmas programmes. This will be used to determine the best procurement approach for Stage 2 and 3 of the programme.

Given the planned scale of delivery across the County, it is envisaged that the approach will include seeking expressions of Interest and/or offering grants to a range of Community and Voluntary sector partners. However, given the tight timeline to mobilise delivery of the programme in July, the need to allow time to scale up local delivery partners infrastructure and as there is not a Cabinet meeting May due to the elections, Cabinet approval will be needed for the award of contracts to be delegated to the Executive Director of Children's Services in consultation with the Cabinet Member for Young People. Awards will be based on the evaluation criteria and in line with the eligibility requirements of the HAF grant.

It is proposed, that DCC uses some of the administration allowance to appoint an external consultant or to second in expertise to the Programmes team to support with the design and delivery of the programme.

6. Other Options Considered

Numerous other options were considered for the programme including issuing vouchers to support Easter and designing a blended version for the same period but it was felt that these added little value and with the ongoing restrictions and unknown landscape were too complex to consider.

7. Reasons for Recommendations

The recommendations support the conditions and purpose of the grant as set by the government whilst meeting local priorities.

8. Recommended Delivery Plan

It is proposed to develop and deliver the programme in three stages. The first stage will cover the offer for the Easter holiday and the second and third stages will cover the summer and Christmas holiday programme.

Stage 1: Easter Holiday Delivery Plan –this will be based on the virtual solution set out in recommendation 1 due to COVID restrictions at the time. The service offer will include a virtual holiday activity package delivered via the website that will be available to all Derbyshire families and children. In support of this delivery option, the government issued on the 22 February 2021 The COVID Response – Spring 2021 Roadmap (para 104.) which refers to the HAF. “Children will still only be able to attend indoor childcare or supervised activities where doing so will allow parents or carers to work, seek work, attend education, seek medical attention or attend a support group. Vulnerable children can already attend these settings regardless of personal circumstance and the Government will also ensure any other child eligible for Free School Meals will be able to do so - ensuring they can attend those that are part of the Holiday Activities and Food Programme (HAF) running over the Easter holidays”. [COVID-19 RESPONSE – SPRING 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92222/covid-19-response-spring-2021-roadmap.pdf)

Stage 2: Summer Delivery Plan – it is assumed that this would be the first opportunity to deliver an external holiday activities and food programme taking advantage of all the current CVS provision that exists in the County and supplementing it with more bespoke offers.

Stage 3: Christmas Delivery Plan – It is anticipated that the Christmas plan will follow whatever proves to successful in the summer, keeping in mind seasonal options and weather forecasts and building on learning and customer feedback from Stages 1 and 2.

9. Financial considerations

Derbyshire’s grant award is £2.8m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.280m for Derbyshire. Final Scheme guidance was received on Friday 5 February 2021 along with the Section 31 Grant determination for the Holiday Activities and

Food Programme 2021 which is set out in Table 1. The work to deliver Stage 1 has been costed and is set out in Table2.

Table 1

Derbyshire	
2020/21	£281,580
2021/22	£2,518,430
Total Maximum allocation	£2,800,010

Table 2

Budget for Easter Programme : Stage 1	Estimated costs
Estimated Web Page Content	£50,000
Administration @ 10%	£5,000
Total	£55,000

An initial delivery plan for Stage 1 was sent to the Department for Education (DfE) on 26 February 2021 setting out the scale and reach of the Easter programme in order to release the 2020/21 funding which is £0.282m. The detailed plan for Stage 2 and 3 will be finalised following approval of this Executive Directors report.

The approach outlined in section 5 above for virtual delivery is estimated to cost £55k for 4 days delivery (shown in Table 2), leaving £2.7m available for the development and delivery of the five weeks face to face provision during the summer (4 weeks) and Christmas (1 week) holiday period.

Furthermore, in partnership with the community and voluntary sector to assist in the development of the full-scale summer and Christmas programmes it is proposed that DCC either utilises part of the administration allowance to appoint specialist HAF programme expertise to the programmes team to bring experience, design, planning, implementation and delivery or tender for a community based provision. As part of the pilot Programme DfE has published a number of case studies of how the scheme has been deployed in local areas.

For the summer and Christmas programmes work will be undertaken to identify what additional funding can be attracted by partners in the community and voluntary sector or from philanthropic donations to match fund this HAF allocation and increase the budget available for these programmes.

10. Tender Process or Urgent Award Considerations

The recently published Procurement Policy Note – Procurement in an Emergency Information Note PPN 01/21 allows local authorities to procure

with accelerated timescales due to emergency. For procurements under the open procedure, timescales can be reduced to 15 days for receipt of tenders plus the minimum 10 days for the standstill period. However even with these reduced timescales the Tender process would exceed the time that would be required to put a robust HAF plan in place (assuming all procurement steps occurred without delay or complication); drawing up specification - 1 month; procure - 1 month; evaluation - 1 weeks, award under Executive Decision, supplier mobilisation and their planning timeline 6 – 8 weeks. This would reduce the planning timeline markedly and this is on the assumption that an external organisation submits a bid. Procurement Policy Note PPN 01/21 also allows for direct award of contracts due to reasons of extreme emergency. Therefore, should agreement be reached that the HAF would benefit from external expertise there would only be time to award without competition under Public Contracts Regulations 2015 32 (2).

The most appropriate procurement option will need to be assessed following the completion of the scoping work. Options, including estimates of the time required to mobilise the services (from the point at which a decision to move forward with the approach is made) are set out below:

- a) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises. (16-18 weeks)
- b) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises, in accordance with the accelerated procedure. (14-16 weeks).
- c) Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier in wider market, under protocol 8 (10-12 weeks)
- d) Publish an invitation for providers to submit an expression of interest, with responses detailing information about the services organisations could provide, and information on any constraints including minimum mobilisation periods. Following a review of the information provided an informed decision could be made regarding the most appropriate procurement approach as set out below:
 - i. Undertake a procurement exercise under protocol 1. (20-22 weeks)
 - ii. Undertake a procurement exercise under protocol 1, using the accelerated procedure (18-20 weeks)
 - iii. Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier identified through the expression of interest submissions and the wider market, under protocol 8 (14-16 weeks)

11. Recommendation

It is recommended that community partners suitability to support the HAF provision is investigated via a tender process in line with the DfE requirements of the HAF grant.

12. Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate informal engagement and consultation has been undertaken and advice sought on these issues as required.

13. Legal considerations

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

The Improvement and Scrutiny Procedure Rules State: "13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's public interest. All reports recommending that decision to be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it was made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency should be reported to the next available meeting of the Council, together with the reason for urgency.

Councillor Musson, Chair of the Improvement and Scrutiny Committee – People has approved the waiver of call-in due to the urgent nature of the decision required; has agreed special urgency applies and the notice of key decision is not required; and supports the action being taken.

14. Other considerations

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

Given the unpredictable nature of the pandemic there is a risk that demand will outstretch resources. However, it should be noted that the HAF concept and funding for face-to-face activities is based on less than maximum attendance (in normal circumstances outside of a pandemic many children many not choose to go or maybe on holiday); a virtual solution has not been costed as an option by DfE.

The impact of Covid-19 on our vulnerable communities is constantly changing, making it hard to predict future needs and pressure points and potential demand for places on the summer programme.

15. Background Papers

HAF 2021 Guidance for LAs – February 2021 (attached as an Enclosure)

16. Key decision

Yes

17. Recommendations

That the Executive Director approves plans for Derbyshire County Council allocation of the Holiday Activities Fund namely:

- Approves the overarching Holiday Activity Fund expenditure and delivery plan for Derbyshire County Council.
- Approves administration costs from the fund (any unused funds will go back to providing assistance to those most in need).
- Approves that the number of children eligible is the determining criterion for funding support and not the family.
- Approves that the Derbyshire Holiday Activity Fund will be delivered in three distinct stages over Easter, summer and Christmas.
- Approves delivery of the Easter programme on an house basis of Recommendation 1 in section 5 of this report– an Activity Webpage that will be available to all Derbyshire children (with the extension of the COVID Winter Grant Scheme providing additional support to children and families as determined in the children’s element of that scheme).
- Easter HAF programme to be delivered for 4 days during the week commencing 12 April.
- Approves summer and Christmas programmes based on Recommendation 2 in section 5 of this report - full scale external HAF provision provided in partnership with the community and voluntary sector.
- Approves that a mapping exercise of need and current assets is urgently undertaken to inform scoping of the options for delivery of the summer and Christmas programmes programme and to determine the best procurement approach for Stage 2 and 3 of the programme.

- Approves a procurement approach for external delivery of the programme in line with HAF Standards via expressions of interest for the award of grants or tenders from community partners and organisations to deliver a targeted programme in full and or in part.
- Subject to time constraints detailed at paragraph 10; seeks approval within the subsequent Cabinet Report that the award of contracts/grants is delegated to the Executive Director of Childrens' Service in consultation with the Cabinet Member for Young People based on suitability to support HAF provision in line with the eligibility requirements of the HAF grant.
- Approves the partial use of those funds set aside for administration to appoint an external consultant or second in a specialist expertise to the programmes team.

Dr Isobel Fleming
Service Director – Commissioning and Transformation
Children's Services

Enclosure:

1. HAF 2021 Guidance for LAs – February 2021.



HAF 2021 Guidance
for LAs - February 2021

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Author: Sarah Edwards (07971839902)

Agenda Item No.6 (d)

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Executive Director of Children's Services

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR
Children Services**

COVID Winter Grant Scheme - Extension

1. Purpose of Report

Cabinet is asked to note the urgent decision taken by the Executive Director of Children's Services on 11 March 2021 to approve spending plans for the extension of the COVID Winter Grants Scheme. The proposed extension to the scheme was announced on 26 February 2021 and clarifying guidance was not received until 2 March 2021 and therefore time for the normal decision-making protocols has not been possible.

2. Information and Analysis

On 26 February 2021, the Government announced an extension to the COVID Winter Grant Scheme with an additional £59.1 million funding which will be available nationally from April 2021. This has increased the overall scheme funding to £229.1 million. This funding will ensure that County Councils and Unitary Authorities can support those most in need across England with the cost of food, energy and water bills and other associated costs. Derbyshire County Council's additional allocation is £758,277.

The Executive Director of Children's Services has taken the urgent decision that the extension of the scheme continues in the same manner as that contained within the Cabinet Report dated 14 January 2021 at Enclosure 2, with the continued distribution of a shopping voucher scheme to eligible cohorts. Further details of plans to distribute the funding to vulnerable adults are set out in the attached report and enclosures.

3. Financial Considerations

The Children & Families revenue budget will be adjusted to reflect this new ring-fenced grant and it will be monitored through the usual financial monitoring process and in line with the grant conditions. A summary of the grant allocation is set out in Table 1.

Table 1:

	Food & Utilities	Other	Total
	£m	£m	£m
Vulnerable families with children (including FSM)	0.546	0	0.546
Vulnerable Adults	0.109	0.028	0.137
Administration			0.075
Total	80%	20%	0.758

It must be noted, as per the Cabinet report 14 January 2021, that it is the intention of Derbyshire County Council to ensure that all of the grant directly reaches vulnerable members of the community. Consequently, the Council will not take administrative costs from the grant unless there is remaining unused grant at the close of the scheme to prevent unused funds having to be returned or become unclaimed.

4. Legal Considerations

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

5. Other Considerations

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

6. Background Papers

See attached Executive Director of Children’s Services Urgent Decision.

7. Key Decision

Yes.

8. **Officer's Recommendation**

That Cabinet notes the Urgent Decision taken by the Executive Director.

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


Enclosure:

1. Executive Director's Urgent Decision – COVID Winter Grant Scheme – Extension -dated 11 March 2021.



2021 03 12 COVID
Winter Grant Schem

EXECUTIVE DIRECTOR URGENT DECISION
COVID Winter Grant Scheme - Extension

Head of Service Submitting request	Isobel Fleming (Service Director – Commissioning and Transformation, Childrens Services)
Date of Submission	11 th March 2021
Date submitted to Executive Director	11 th March 2021
Executive Director Decision	Approved
Executive Director Approval	Signed:  JANE PARFREMENT
Date of Executive Director Decision	12 th March 2021

DERBYSHIRE COUNTY COUNCIL

11 March 2021

Report to the Strategic Director for Children's Services

The COVID Winter Grant Scheme - Extension

Purpose of the Report

1. The purpose of this report is to ask the Executive Director for an urgent decision to approve additional spending plans for the Derbyshire County Council allocation of the COVID Winter Grant Scheme.
2. The scheme was originally planned to run from 1 December 2020 until 31 March 2021. However, the national scheme has been extended to 16 April 2021 (DWP letter dated 26 February 21) with additional funding. The Extension Delivery report attached with Enclosures at end of this paper, must be submitted to DWP no later than 15 March 2021, and therefore time for the normal decision-making protocols has not been possible.

Information

3. On 26 February 2021, the Government announced an extension to the COVID Winter Grant Scheme with an additional £59.1 million funding which will be available nationally from April. This has increased the overall scheme funding to £229.1 million. This funding will ensure that County Councils and Unitary Authorities can support those most in need across England with the cost of food, energy and water bills and other associated costs. Derbyshire County Council's allocation is £758,277.
4. The Department for Work and Pensions (DWP) will provide funding to County Councils and Unitary Authorities, under section 31 of the Local Government Act 2003, who will administer the scheme and provide direct assistance to vulnerable households and families with children particularly affected by the pandemic. This will include some families who normally have access to Free School Meals during term time. County Councils and Unitary Authorities in England will have the ability to deliver the scheme through vouchers or grants. The end of the Scheme is extended from 31 March 2021 to 16 April 2021.
5. The Local Authority can determine eligibility in their area and target their support within the scope of the conditions set out below:
 - at least 80% of the total funding will be ring-fenced to support families with children, with up to 20% of the total funding to other types of households, including individuals.
 - at least 80% of the total funding will be ring-fenced to provide support with food, energy and water bills (including sewerage), with up to 20% on other items.
6. In Derbyshire it is proposed that the scheme continues in accordance with the Executive Directors Urgent Decision dated 2 December 2020 attached with the Enclosures.

- approximately £0.546m of additional money would be spent on the provision to families meeting local criteria of vulnerabilities and those families where children are in receipt of free school meals due to low income of the household across the Easter holidays.
- approximately £137k of additional money would be spent on vulnerable adults partially through voucher scheme for care-leavers and via Derbyshire Discretionary Fund to cover the Easter Holidays but also on application using the existing grant scheme to Derbyshire Carers Association and Age UK.
- approximately £0.075m would be set aside for administrative costs but would be reallocated as the scheme matured should this figure prove to be excessive.

Families with Children

7. It is recommended that the scheme continues in same manner as that contained within the Cabinet Report dated 14 January 2021 at Enclosure 2, with the continued distribution of a voucher to the eligible cohort.

Vulnerable Adults Scheme

8. The remaining grant, as per the original scheme duration, is to be spent on vulnerable adults via a voucher issue for care-leavers or via a combination of other means of support. These will include an increase in Local Welfare Assistance utilising the Derbyshire Discretionary Fund and an uplift to the Derbyshire Healthy Homes Programme which will address, via referral, domestic infrastructure issues including boiler repair and heating system maintenance. Furthermore, grants will be provided to Third Party Organisations to target those less likely to access local welfare support. Specifically: an older adult hardship fund targeting over sixty five year olds via a grant through Age UK; and a grant to Derbyshire Carers Association ensuring that funding reaches a wide range of vulnerable adults and families who are dealing with the additional pressures of caring for those with long term health conditions, chronic illness, disabilities and learning difficulties.

Additional Information

9. It has been agreed that surrounding local authorities will continue to support eligible children schooled in their area regardless of their home address; it is recommended this remains the same for Derbyshire County Council. Therefore, children who go to school in Derbyshire but live outside the County are included in this calculation in keeping with other Local Authority plans.

10. The Derbyshire scheme will be supporting individual children (eg.one voucher per child) within the family group as opposed to awarding the same grant to each family regardless of size.

Other Options Considered

11. To not extend the scheme. This is not recommended as children, families and vulnerable adults would not receive the benefits from the scheme. No other options were considered.

Reason for Recommendations

12. The recommendations support the conditions and purpose of the grant as set by government whilst meeting local priorities and have proved to be successful to date.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. The Children & Families revenue budget will be adjusted to reflect this new ring-fenced grant and it will be monitored through the usual financial monitoring process and in line with the grant conditions. A summary of the grant allocation is set out in Table 2.

Table 2:

	Food & Utilities	Other	Total
	£m	£m	£m
Vulnerable families with children (including FSM)	0.546	0	0.546
Vulnerable Adults	0.109	0.028	0.137
Administration			0.075
Total	80%	20%	0.758

It must be noted, as per the Cabinet report 14 January, it is the intention of Derbyshire County Council to ensure that all of the grant directly reaches vulnerable members of the community, consequently the Council will not take administrative costs from the grant unless there is remaining unused grant at the close of the scheme to prevent unused funds having to be returned or become unclaimed.

Legal Considerations

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

16. The Improvement and Scrutiny Procedure Rules State: "13(6) The call-in procedure set out

above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's public interest. All reports recommending that decision to be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it was made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency should be reported to the next available meeting of the Council, together with the reason for urgency.

17. Councillor Musson, Chair of the Improvement and Scrutiny Committee – People has approved the waiver of call-in due to the urgent nature of the decision required; has agreed special urgency applies and the notice of key decision is not required; and supports the action being taken.

Background Papers and Published Documents

18. The following background papers and published documents are included to aid decision making:

- Executive Directors Urgent Decision – COVID Winter Grant Scheme dated 2 December 2020.
- Cabinet Report - Report of the Executive Director of Children's Services – Urgent Decision taken by the Executive Director of Children's Services COVID Winter Grant – dated 14 January 2021.
- COVID Winter Grant Scheme Update – dated 26 February 2021

Key Decision

19. Yes.

Officer's Recommendation(s)

20. That the Executive Director:

- Approves the overarching extension spending plan Covid Winter Grant Scheme for Derbyshire County Council as detailed above

Dr Isobel Fleming
Service Director - Commissioning and Transformation
Childrens Services

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