

PUBLIC

MINUTES of a meeting of **CABINET** held on 18 November 2021 at County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

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

Apologies for Absence were submitted on behalf of Councillor J Patten, and E Alexander.

Declarations of Interest

There were no declarations of interest.

187/21 MINORITY GROUP LEADERS' QUESTIONS

The following questions had been submitted on behalf of Councillor J Dixon:

Agenda Item 5 (c) – The Future of Direct Care Homes for Older People

1. The Cabinet paper of 4th June on the future of the 7 care homes proposed for closure stated,

“The Council has taken account of the feedback received during the consultation and has determined that none of the homes should close at this time unless a direct alternative in the local community can be provided. If there are no direct alternatives in the local community the intention would be to develop these prior to considering the future of the seven homes originally proposed for closure.”

1. As there are no direct alternatives for all of these homes, what work has been done to develop these prior to the consultation now proposed?

2. When will the final Market Position Statement be presented and will it include the impact of the 2022/23 settlement on care homes in the Private, Voluntary and Independent sectors?

3. When will updated costings of the repairs to the 7 care homes be produced, to take account of all of the work already undertaken?

4. What is the Council's assessment of the additional cost to families of care home placements in the PVI sector once place in the 7 care homes are no longer available?

5. What provision is there in each community affected by the proposed closure of care homes for (a) respite care for family carers, (b) emergency step-up care when required for frail residents living in the community, (c) step-down care to enable quicker and smoother transitions from hospital stays for elderly and frail patients?

Agenda Item 5 (f) – Project Management within County Property

1. Why has the Derbyshire Trading Company with cross-party oversight of the outsourced companies not been set up as promised, over a year after the original outsourcing was done, when will this take place, and what provisions are there to ensure that the scrutiny required is working effectively before any further transfers are undertaken?

2. When all contracting decisions are made by Concertus Derbyshire Ltd, what oversight will be retained by Derbyshire County Council?

3. When will audited accounts of Vertas Derbyshire and Concertus Derbyshire Ltd be issued and what scrutiny will the Council have of those accounts?

Councillor J Dixon was not in attendance at the meeting so would be provided with a written answer to the above questions.

188/21 **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 14 October 2021 be confirmed as a correct record.

189/21 **WHISTLEBLOWING POLICY** (Corporate Services & Budget)

The Council had in place the Confidential Reporting Code, which was approved in November 2016, a copy of which had attached at Appendix 2 for information. It had been reviewed to ensure that it was up to date and fit for purpose. When conducting the review, the Guidance for Employers and Code of Practice issued by the Department for Business Innovation & Skills had been taken into account. The guidance made it clear there was no one-size-fits-all whistleblowing policy, however, provided some tips about what a policy should include. It recognised policies would vary depending on the size and nature of the organisation, but should be clear, simple and easily understood.

In light of the guidance, the Confidential Reporting Code had been renamed Whistleblowing Policy as it was considered the purpose of the document would be more clearly understood. The document had also been re-

drafted so that it was easier to read. The draft Policy set out how the Council would handle and respond to any whistleblowing allegations.

Once approved, the Council would ensure the Policy was publicised via the intranet and the employee newsletter and provide training. It would also be published on the internet. This would ensure that individuals were aware of the policy and how to make a disclosure.

Subject to Cabinet approving the new Policy, it would also be necessary to remove references to the Confidential Reporting Code and replace with Whistleblowing Policy in the Constitution, specifically the Code of Conduct for Officer, Financial Regulations and role and function of the Governance, Ethics and Standards Committee. This would be addressed through reports to Governance, Ethics and Standards Committee and Council.

RESOLVED to (1) approve the Whistleblowing Policy at Appendix 3 to the report; (2) note that once the Policy was approved it would be promoted both internally and externally; and (3) recommend to Council that Confidential Reporting Code be replaced with Whistleblowing Policy in the Constitution, specifically the Code of Conduct for Officer, Financial Regulations and role and function of the Governance, Ethics and Standards Committee.

190/21 **FORWARD PLAN** (Corporate Services & Budget) An independent review of the Council's Scrutiny function was undertaken in 2020 by the Centre for Governance and Scrutiny. The report commented upon several areas, including the proposal for a Forward Plan which looked to the future, for a period longer than the statutory requirement.

It had been believed that such a Forward Plan would enable the four Improvement and Scrutiny Committees to prepare better informed work programmes. This would equally apply to the work programme of the new Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction. It had been agreed that a four-month rolling Forward Plan be considered by CMT and then by Cabinet monthly. This approach should improve planning and horizon-scanning.

In the interests of effective coordination and public transparency, the Forward Plan included any item that was likely to require an Executive decision of Cabinet or Cabinet Member whether a key decision or not. The Forward Plan covered the forthcoming 4 months and would be updated on a rolling monthly basis. All items had been discussed and approved by the Corporate Management Team.

The Forward Plan was ultimately the responsibility of the Leader and Cabinet as it contained executive business due for decision. A copy of the Forward Plan covering the period 1 November 2021 – 28 February 2022 had

been attached at Appendix 2. The document was originally published on 20 October to comply with the requirements to give 28 days' notice of key decisions to be considered at the 18 November Cabinet meeting.

RESOLVED to note the contents of the Forward Plan attached at Appendix 2 to the report and comments on future decisions for inclusion in the Forward Plan, where appropriate.

191/21 THE FUTURE OF DIRECT CARE HOMES FOR OLDER PEOPLE (Adult Care)

The Council owned and ran 23 residential care homes for older people. In 2018, detailed property condition surveys were commissioned in relation to a number of these homes, focusing on general building condition and electrical systems in the older homes. The reports were commissioned in the context of concerns that the ageing buildings were no longer considered fit for purpose and a concern for the state of the buildings given their age and the ongoing need to ensure the safety and wellbeing of residents both now and in the future. The Director of Adult Social Services (DASS) advised Cabinet Members that an appropriate and rapid course of action was needed to mitigate the concerns raised and thereby ensure the ongoing safety of residents.

Significant maintenance, renovation and refurbishment needs were identified which included the requirement for arrangements to be made for the homes to be rewired by September 2022 in addition to significant refurbishment works, including the replacement of boilers and heating systems, the refitting of all bathrooms and kitchens and the installation of sprinkler systems throughout the buildings. To complete these major works Adult Care was advised that there would be significant disruption to residents including the potential requirement for people to move out of their home for up to 40 weeks whilst the work was undertaken.

As a result of the inspections and alongside implementing the urgent mitigation measures, a consultation exercise was undertaken in early 2020 on proposals for the future of ten of the homes. It had proposed that approval was sought to commence consultation; with the possible closure of the seven homes subject to securing local reasonable and suitable alternative provision for the current residents set out as the perceived most viable option within that consultation.

RESOLVED to approve (1) the programme of formal public consultation on the future of the homes listed below (one of which included an integral day centre), including possible closure, for a period of 12 weeks, to be conducted as set out in the report:

- Ladycross House (Sandiacre)
- Beechcroft (West Hallam)
- East Clune (Clowne)

- Holmlea (Tibshelf)
- The Spinney (Brimington)
- Goyt Valley House (New Mills)
- Gernon Manner (Bakewell)

and (2) that a further report would be received following the conclusion of the consultation and market engagement processes, including a full Equality Impact Analysis.

192/21 THE TRANSFER OF THE INFANT TODDLER AND NUTRITION SERVICE AND ORAL HEALTH PROMOTION SERVICE INTO THE EXISTING SECTION 75 PARTNERSHIP AGREEMENT (Health and Communities)

On 26 July 2018, Cabinet approved an enterprising approach to providing key public health services for the 0-19 age group and their families. This included the transfer of responsibility for NCMP to the Council's Live Life Better Derbyshire Service, and the development of a Section 75 Partnership Agreement between the Council (Public Health and Children's Services) and DCHS for the delivery of the 0-19 Public Health Nursing Service. The original budget for the 0-19 Public Health Nursing Service as part of the Section 75 was £12.000m per annum, however on 19 November 2020 Cabinet approved a pay up lift of £0.500m per annum increasing the annual budget to £12.500m. In addition, Cabinet approved the transfer of £1.000m per annum to support Children's Centres to continue to deliver services to vulnerable families across Derbyshire.

Service delivery commenced on 1 October 2019 and Cabinet approved sign off of the Section 75 Partnership Agreement on 10 October 2019. The Section 75 Agreement was completed on 24 December 2019.

The report sought to transfer the following two services into the current Section 75 Partnership Agreement, both of which were currently commissioned by Public Health and were delivered by DCHS:

- Infant and Toddler Nutrition Service
- Oral Health Promotion Service

RESOLVED to (1) approve that a public consultation exercise was undertaken in conjunction with Derbyshire Community Health Services NHS Foundation Trust on transferring the Infant and Toddler Nutrition and Oral Health Promotion Services into the existing Section 75 Partnership Agreement; (2) that, subject to the outcome of the public consultation, Cabinet endorsed transferring both services into the Section 75 Partnership Agreement; and (3) that, subject to the outcome of the public consultation, Cabinet delegated authority to the Director of Public Health and Cabinet Member for Health and Communities to take any further decisions required to

complete the transfer of both services into the Section 75 Partnership Agreement.

193/21 CHANGES TO TEMPORARY PAYMENT ARRANGEMENTS TO BUS, COACH AND TAXI OPERATORS FOR CONTRACTED TRANSPORT SERVICES AND CONCESSIONARY FARES REIMBURSEMENT FROM 1 JANUARY 2022 DUE TO THE ONGOING IMPACT OF CORONAVIRUS

(Highways, Assets and Transport) 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 immediate future of the Council's contracted transport services and public bus services in Derbyshire more generally. The then Executive Director - Economy, Transport and Environment therefore made an urgent decision to maintain normal contract payments to transport providers who operated services for the Council.

At the same time, the then Executive Director also agreed to maintain payments to bus operators for accepting English National Concessionary Travel Scheme (ENCTS) cards, known as Gold Card in Derbyshire, based on the level of travel before the pandemic. Both of these arrangements were to continue until 30 June 2020.

The urgent decision was the subject of an Officer Decision Record (ODR) agreed by Gold CMT on 20 March 2020. It was also reinforced with a Cabinet Office 'Procurement Policy Note' 02/20 (PPN) about supplier relief. The Cabinet Office guidance advised public bodies to issue a Memorandum of Understanding (MoU) to suppliers about terms of payment relief to allow for them to undertake other civic duties in the national emergency. A variation of contract notice was issued and agreed by all transport providers in Derbyshire.

As part of the Council's responsive approach to service provision, on 22 October 2020, the then Director – Economy, Transport and Environment made a further urgent decision that took account of changes in the impact of the COVID-19 pandemic at the time and the need for ongoing support to facilitate the recovery of transport services in Derbyshire. A schedule of revised payment arrangements were agreed effective from 1 November 2020.

Many of the fundamental concerns which led to the series of decisions made in the 18 months from March 2020 continued to be valid. 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 bus sector, the Council needed to maintain a level of flexibility and responsiveness in the way bus services were supported, managed and commissioned until the way ahead became clearer. It had been proposed

that these payment arrangements remained in place until 30 September 2022, or until an assessment of ongoing requirements was completed and alternative recommendations were made, whichever was soonest.

RESOLVED to (1) note the current situation with regard to Covid-19 recovery and public transport services in the County, and the need to maintain flexibility and responsiveness in the adopted approaches; and (2) approve the proposed payment arrangements to bus, coach and taxi operators for contracted Council transport services and concessionary fares reimbursement from 1 January 2022 until 30 September 2022, or until the completion of the assessment of ongoing transport requirements was completed and alternative recommendations made, or until changes in Government guidance if this was earlier.

194/21 PROJECT MANAGEMENT WITHIN CORPORATE PROPERTY

(Corporate Services and Budget) In 2018, a review of Corporate Property was undertaken by Ernst Young as part of the Authority's plans to become an Enterprising Council. The review recommended that a new operating model was required for Corporate Property and in September 2019, as part of the change Cabinet approved the creation of two joint venture companies, Vertas Derbyshire Limited ('VDL') and Concertus Derbyshire Limited. Each company was a joint venture ('JV') owned by the Council and a company owned by Suffolk County Council.

In September 2020, the Council's joint venture CDL went live. At that time, the Council's design team was transferred to the JV, with all the existing and proposed capital projects. These projects were referred to as the pipeline of work. Although all projects were included in the pipeline, and the Council made available as much information as it had about these projects it was not possible for Concertus, the Council's JV partner, to undertake the level of due diligence it would have anticipated, as the information was not held by the Council.

Between September 2020 and March 2021, CDL and the Council largely continued to operate in the same way as the Council had prior to transfer. This continuation allowed CDL to fully understand the services it had taken over from the Council. Between January and May 2021, a joint steering group was established with representation from CDL, the Council's Projects and finance teams and the CDL JV Board. The steering group reviewed processes and procedures and working arrangements between the parties and made some improvements, although, it became apparent to the group that more significant changes were required. Accordingly, CDL was asked by the Council to prepare a more comprehensive Service Improvement Plan.

A detailed programme had been prepared with milestone dates to be noted. In addition to the transfer of the activity to CDL, it would be necessary

for the Council to revise a number of its other processes, including billing and performance management around CDL.

RESOLVED to note the report as a further report later in the meeting was being asked to approve the proposals.

195/21 **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. Minority Group Leaders' Questions

2. To confirm the Exempt Minutes of the meeting of Cabinet held on 14 October 2021.

3. To consider the following exempt reports:
 - (a) Project Management within Corporate Property and Business Case (Corporate Services and Budget) (not for publication by virtue of paragraphs 2 & 3 of part 1 of schedule 12a to the local government act 1972)
 - (b) Procurement Strategy Refresh 2021-2026 and Procurement Strategy (Corporate Services and Budget) (contains information relating to the financial or business affairs of a particular person (including the authority holding that information))
 - (c) Urgent Officer Decision 3G All Weather Pitch Contracts (Corporate Services and Budget) (exempt from publication by virtue of paragraph 3 of part 1 of schedule 12a of the local government act 1972 (information relating to the financial or business affairs of any particular person (including the authority holding that information))
 - (d) Great British Car Journey (GBCJ) - Request for Loan Funding (Corporate Services and Budget) (exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)
 - (e) Extension of block payments for the Derbyshire Integrated Sexual Health Service for quarter 3 and quarter 4 of the 2021-22 financial year (Health and Communities) (not for publication by virtue of

paragraph 3 of part 1 of schedule 12a to the local government act
1972)