

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

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

**Urgent Officer Decisions**

**Corporate Services**

**1. Purpose of the Report**

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

**2. Information and Analysis**

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

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

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

**SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS**

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

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

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

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

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

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

### **4. Other Considerations**

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

### **5. Background Papers**

Details of officer decisions held within Departments.

### **6. Key Decision**

As indicated in reports

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

Not applicable

**8. Officer's Recommendation**

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

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

## Appendix 1

### Adult Social Care Officer Decisions Index

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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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

**PSW Comments:**

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

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

**APPENDIX**

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

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

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

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

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

**ADULT SOCIAL CARE**

**1. Purpose of the Report**

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

**2. Information and Analysis**

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

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

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

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

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

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

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

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

### **4. Financial Considerations**

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

### **5. Legal Considerations**

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



## **6. Other Considerations**

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

## **7. Background Papers**

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

## **8. Key Decision**

Yes

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

No

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

That Cabinet:

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

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

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

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

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

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

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

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

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

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

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION AND DECISION REVIEW RECORD

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

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



**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

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

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

**ADULT SOCIAL CARE**

**11. Purpose of the Report**

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

**12. Information and Analysis**

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

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

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

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

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

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

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

### **13. Financial Considerations**

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

### **14. Legal Considerations**

As described within the report.

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

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

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

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

The Council's Constitution provides-

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

## **15. Other Considerations**

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

## **16. Key Decision**

Yes

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

Cabinet are asked to:

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

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

## Appendix 2

### Children's Services Officer Decisions Index

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

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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

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

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

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

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

**1. Purpose of Report**

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

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

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

**2. Information and Analysis**

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

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

The options are:

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

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

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

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

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

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

### **Proposal**

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



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

Process:

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

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

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

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

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

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

The Fostering Social worker would complete a report based on:

- Review latest assessment and recent records on Mosaic including:

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

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

#### Foster carer recruitment

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

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

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

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

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

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

## **2.5. Fast track assessments**

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

- Report
- Enhanced DBS

## **Proposal**

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

## **3. Human Resources Considerations**

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

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

## **4. Financial Considerations**

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

It should be noted that potentially:

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

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

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

## **5. Legal Considerations**

The proposals for:

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

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

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

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

## **6. Other Considerations**

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

### **Recommendation**

To agree proposals:

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

**Jane Parfremment**

**Executive Director for Children's Services**

## Emergency placement with DCC staff - in line with risk mitigation arrangements due to the COVID-19 outbreak

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

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

### Information Required:

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


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

--

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

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

Date	Name	Details

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

Date	Name	Details

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

--

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

--

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

--

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

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

YES

NO

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

Name

Signature

Date

Decision making rationale at the time of placement

See case note ..

Completed by:

Date:

To be completed by Team Manager

Completed by:

Date:



DERBYSHIRE COUNTY COUNCIL - FOSTERING - risk assessment in line with risk mitigation arrangements due to the COVID-19 outbreak

RISK ASSESSMENT FOR:

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

**PART 1 : ADMINISTRATIVE DETAILS**

Section/Establishment Name: **Fostering**

Date of Assessment

3/04/2020

Date of Issue

Tbc

Assessment carried out by

Mary Wilton

Signature

**Reviews**

Review Date

Reviewed by

Date

Changes

Y

N

9.4.20 –  
ELT post  
SMT  
agreeme

MW – added re  
notifications to Service  
director and HoS for  
worker

9.4.20

y

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

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

Print Name	Signature	Date	Print Name	Signature	Date

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

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

### Economy, Transport and Environment Officer Decisions Index


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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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

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

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


DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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




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

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

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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


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

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Service																																			
Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below: SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.																																					
Subject of Decision:		Cancellation of Countryside Events Programme until end of June 2020																																			
Decision Taken(specify precise details):		<div>1. Cancellation of all internal &amp; external events on countryside sites and destinations in May and June. Details of the affected events are listed below</div> <div><b><u>Elvaston External Events</u></b></div> <table><tr><td>30/04/20 - 03/05/20</td><td>Caravan Rally</td><td>client cancelled</td></tr><tr><td>10/05/2020</td><td>Sinfin 10K Run</td><td>client cancelled</td></tr><tr><td>15-16/05/20</td><td>Summer cinema</td><td>not booked/confirmed</td></tr><tr><td>31/05/2020</td><td>Out of the Box events</td><td>client Cancelled</td></tr><tr><td>07/06/2020</td><td>Derby 1/2 marathon</td><td>not confirmed by client</td></tr><tr><td>20/06/2020</td><td>St Giles Fest</td><td>moved date</td></tr><tr><td>27/06/2020</td><td>Wedding</td><td>not paid</td></tr><tr><td>20/06/20 - 05/07/20</td><td>Steam Rally</td><td>client Cancelled</td></tr></table> <div><b><u>Elvaston Internal Events</u></b></div> <div>None between end of April and end of June</div> <div><b><u>Shipley External Events</u></b></div> <table><tr><td>19/06/20</td><td>Midsummer 5 &amp; 10K Race</td><td>client to be contacted</td></tr><tr><td>20-21/06/20</td><td>Big Derbyshire Food Festival</td><td>client to be contacted</td></tr></table> <div><b><u>Shipley Internal Events</u></b></div> <table><tr><td>17/05/20</td><td>Mosaic Workshop</td></tr><tr><td>24/05/20</td><td>Insect Show (Joint with DANES)</td></tr></table>		30/04/20 - 03/05/20	Caravan Rally	client cancelled	10/05/2020	Sinfin 10K Run	client cancelled	15-16/05/20	Summer cinema	not booked/confirmed	31/05/2020	Out of the Box events	client Cancelled	07/06/2020	Derby 1/2 marathon	not confirmed by client	20/06/2020	St Giles Fest	moved date	27/06/2020	Wedding	not paid	20/06/20 - 05/07/20	Steam Rally	client Cancelled	19/06/20	Midsummer 5 & 10K Race	client to be contacted	20-21/06/20	Big Derbyshire Food Festival	client to be contacted	17/05/20	Mosaic Workshop	24/05/20	Insect Show (Joint with DANES)
30/04/20 - 03/05/20	Caravan Rally	client cancelled																																			
10/05/2020	Sinfin 10K Run	client cancelled																																			
15-16/05/20	Summer cinema	not booked/confirmed																																			
31/05/2020	Out of the Box events	client Cancelled																																			
07/06/2020	Derby 1/2 marathon	not confirmed by client																																			
20/06/2020	St Giles Fest	moved date																																			
27/06/2020	Wedding	not paid																																			
20/06/20 - 05/07/20	Steam Rally	client Cancelled																																			
19/06/20	Midsummer 5 & 10K Race	client to be contacted																																			
20-21/06/20	Big Derbyshire Food Festival	client to be contacted																																			
17/05/20	Mosaic Workshop																																				
24/05/20	Insect Show (Joint with DANES)																																				

	<p>24-31/05/20 Self-Guided Nature Trail</p> <p>06/06/20 Solar Observing</p> <p>20/06/20 Solar Observing</p> <p><b><u>Middleton Top/HPJ External Events</u></b></p> <p>16/05/20 White Peak Marathon client to be contacted</p> <p>17/05/20 Derwent Valley Orienteers cancelled</p> <p>10/06/20 Tunnels &amp; Trails cancelled</p> <p><b><u>Middleton Top/HPJ Internal Events</u></b></p> <p>9-10/05/20 Engine House Open Day</p> <p>24-25/05/20 Engine House Open Day</p> <p>23-31/05/20 Self-Guided Nature Trail</p> <p>23/05/20 Photography Competition Opens</p> <p>06-14/06/20 HOGOF Cycle hire Promotion</p> <p>07/06/20 Engine House Open Day</p> <p><b><u>Tapton Lock External Events</u></b></p> <p>10/05/20 Spire Ultra run client to be contacted</p> <p>9-17/05/20 Chesterfield Walking Festival cancelled</p> <p>30/05/20 Canoe Club Fundraiser client to be contacted</p> <p>20/06/20 Teddy Bear Picnic Boat Trips client to be contacted</p> <p>28/6/20 Sports Endurance ride client to be contacted</p> <p><b><u>Tapton Lock Internal Events</u></b></p> <p>None between end April and end of June</p> <p><b><u>Wider Sites Events</u></b></p> <p>No Events</p> <p>2. Monitoring and review of the planned programme and external bookings beyond these dates based on the latest Government guidance and restrictions in force.</p>
Reasons for the Decision (specify all reasons for taking the decisions including where	DMT decision already taken to cancel events until the end of April 2020.

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

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Other Considerations**

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

(6) **Key Decision**      Yes.

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

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

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

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

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

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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

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

Author:  
Ext:

(ETEREP2)

## **DERBYSHIRE COUNTY COUNCIL**

### **CABINET**

**14 MAY 2020**

Report of the Executive Director – Economy, Transport and Environment

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

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

(2) **Information and Analysis**

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

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

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

Author:

Ext:

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

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

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

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

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

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

The Council's Constitution provides that:

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

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



Author:  
Ext:

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

(4) **Key Decision**      **Yes**

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

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

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

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

Author:  
Ext:

## Appendix 1

HWRC Closure Notices created and placed at each site



# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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

Signature and Date:

A handwritten signature in black ink, consisting of a series of loops and flourishes, likely representing the name 'Michael J. Smith'.

23<sup>rd</sup> March 2020

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

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

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

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

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

## Proposal

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

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

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

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

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

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

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

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

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

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

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

### **Other Considerations**

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

(5) **Key Decision** No.

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

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

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

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



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

Action Note PPN 02/20

March 2020

## Issue

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

## Action

2. All contracting authorities should:

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



#### Dissemination and Scope

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

#### Timing

5. With immediate effect until 30 June 2020.

#### Background

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

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

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

#### Contact

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

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

## SUPPLIER RELIEF DUE TO COVID-19

### INTRODUCTION

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

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

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

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

### PAYMENT TO MAINTAIN BUSINESS CONTINUITY

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

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

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

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

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

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

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

#### Transparency

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

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

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

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

#### Supplier capacity

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

#### OTHER CONTRACTUAL RELIEF

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

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

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

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

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

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

#### Force Majeure

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

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

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

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

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

#### Frustration

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

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

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

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

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

#### ACCELERATING PAYMENT OF INVOICES

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

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

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

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

Contingency measures - delegated authority to ensure invoices are not delayed

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

Contract Managers and Business Units

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

Verifying invoices as quickly as possible

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

Payment Card Solutions

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

Invoicing procedures clearly set out for your suppliers


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

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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



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

# DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

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

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 May 2020**

Report of the Executive Director – Economy, Transport and Environment

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

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

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

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

**Proposal**

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

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

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

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

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

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

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

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

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

## **Other Considerations**

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

(5) **Key Decision** No.

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

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

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

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