

PUBLIC

MINUTES of a meeting of **CABINET** held on 30 July 2020.

PRESENT

Councillor B Lewis (in the Chair)

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

Declarations of Interest

There were no declarations of interest made.

122/20

MINORITY GROUP LEADERS' QUESTIONS

Councillor P Smith asked the following questions:

(a) Agenda item 6(c) – Budget

Other than emptying the reserves below the level of sustainability expected by Government, what is the plan for covering the costs the Council has incurred for handling the Covid-19 pandemic?

Councillor B Lewis, Cabinet Member for Strategic Policy and Budget and Leader of the Council responded that there was no level of sustainable reserves set by the Government and it was for each council to determine on a risk assessed basis, whether the levels are appropriate and the External Auditor would take a view each year as to whether this level was adequate as part of the annual assessment of value for money. As the report stated, there was an expectation that there will be further help from Government and that some of the costs around home to school transport are likely to reduce and some existing earmarked reserves will be used to offset some of the costs. There is a large balance in the General Reserve at present and although it is planned to use a significant element to balance over the medium-term, it doesn't stop the Council using more now and looking to put some of this additional use back over the medium-term. The development of the 2021-22 budget alongside the medium-term Financial Plan over the next four years, will take this into account. General Reserves and the allocation of other earmarked towards Covid-19 expenditure is entirely appropriate in this situation. If the use of reserves is supposed to be for when it is raining, it is appropriate to use funds to support residents and businesses in Derbyshire.

(b) Agenda item 6(e) – Delivering Climate & Carbon Reduction

It has been more than 12 months since the Climate Manifesto was launched, despite us making several calls to do so, why is there still no mandatory Climate Impact Statement included on papers being brought to Cabinet and Full Council?

Councillor T King, Cabinet Member for Clean Growth and Regeneration reported that Councillor Smith was correct in saying that the Climate Change manifesto was launched 12 months ago. However, the only time that the Climate Impact Statement had been talked about was this week. In general, both Cabinet and Council papers have a format which has environmental considerations alongside health, personnel, finance and legal considerations and it was expected that all report authors should look at carbon effects and the Council were fully committed to that. However, it was important to bear in mind that this was a very specialised area and in terms of determining the impact of carbon in reports, this was very difficult. He had asked that a system be established that would allow the Council to do this. Best practice in other councils was being looked at and it was hoped to bring forward a system this Autumn.

(c) Agenda item 6(g) - Derbyshire Covid-19 Outbreak Management Plan

Referring to the Health Protection examples table on Page 34 of the document, does Cllr Lewis agree that doing nothing is the conservative approach?

Councillor B Lewis, Cabinet Member for Strategic Policy and Budget and Leader of the Council responded that he was disappointed with the question as Councillor Smith sits on the Board as an observer member so that he can keep the Labour Group informed about any outbreaks and to have an active dialogue about any potential outbreaks that may occur in communities in Derbyshire.

(d) Agenda item 6(k) – Transferring long term care to the private sector

When this started to be piloted, many Labour members were approached by concerned and distressed service users about the timing and policy of transferring their long-term complex care needs over to private service providers. Have those concerns been listened to and what changes have been put in place in order to address those concerns?

Councillor J Wharmby, Cabinet Member for Adult Care assured Councillor Smith that the Council did listen and were conscious of the

concerns. In order to minimise these concerns, a range of circumstances had been identified whereby people would be exempted from the process and the Council would work with each individual to ensure we had a full account of their personal circumstances. Councillor Wharmby reassured all Members that all care providers were inspected and regulated by the CQC.

(e) Agenda item 11(a) - Corporate Property Delivery – Joint Ventures update

There is a paper being brought to Cabinet today on the plans to deliver Corporate Property Services via a Joint Venture company. Why is this being treated as a restricted report? What warrants keeping all information about this away from public view?

Councillor A Foster, Cabinet Member for Corporate Services responded that in February this year, the Council approved the new operating model for the Property Division. In March this year, the Council approved the creation of two joint ventures to carry out some of the services it was agreed to externalise. The County Council will own 49% of the shares and it was intended to improve services and provide financial stability.

The report included in the exempt part of the meeting is an update on the Joint Venture and the transfer of staff which was due to take place on 1 April. However, due to the lockdown, the transfer of staff was postponed until 1 September 2020. Both Councillor Smith and Councillor Marshall-Clarke, as Shadow Cabinet Member for Corporate Services, have been informed and updated at regular intervals.

The report is in the exempt section as it refers to information relating to labour relations and also to negotiations and to financial affairs between the Council and the Joint Venture so these are the reasons requiring the report to be in the exempt section. Specifically, it includes contract prices between the Council and its partners which would be prejudicial to the Council if they were put in the public domain. It also includes information provided to the Council in commercial confidence by partners.

During the setting up of the Joint Venture, the Council has made sure that it has made available as much information as possible. There are regular monthly Newsletters which are available to staff, councillors and the public. The last Newsletter was published this week and was available on the Council's website. Both proposals have involved significant engagement with staff, the trade unions and councillors.

123/20 **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 9 July 2020 be confirmed as a correct record.

124/20 **CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Adult Care – 25 June & 9 July 2020
- (b) Young People – 7 July 2020
- (c) Health & Communities – 8 July 2020
- (d) Clean Growth & Regeneration – 9 July 2020
- (e) Highways, Transport & Infrastructure – 9 July 2020

125/20 **REVENUE OUTTURN 2019-20** (Strategic Leadership, Culture and Tourism) Cabinet was updated with the final revenue outturn position for 2019-20, identifying significant variations from the revised estimate and identifying commitments already agreed against the underspend, together with proposals for the further use of underspends, subject to the appropriate approval. The report also identified the impact of the 2019-20 outturn on future years and any action proposed.

The report also set out the Council's General and Earmarked Reserves position. The General Reserve was £53.547m as at 31 March 2020, although it was noted that there were commitments held against the balance, as detailed in the report. Earmarked Reserves were held to meet known or predicted liabilities and the funds should be used for the item for which they have been set aside. Any funds no longer required were returned to the General Reserve. The Council reviewed the level of Earmarked Reserves at least annually. A summary of outstanding balances on Earmarked Reserves as at 31 March 2020 was detailed in Appendix 2 to the report.

The local government sector had responded swiftly to the Covid-19 outbreak, to ensure that it was supporting residents and businesses throughout the pandemic. On 4 June 2020, Cabinet received a report outlining details of Covid-19 cost pressures, including loss of income and savings slippage for the period April to June 2020. The three month cost pressures were estimated to be approximately £33m. A total of £38m of Government funding had been received, however, the Council would have exhausted the current funding received in mid-July. Neither, did it take into account the financial impact of a second outbreak or additional funding to support the private care market. The Council's 2020-21 Revenue Budget had been revised and was being presented in a separate report to this meeting. The FYFP would be updated over the Summer period, when details of any further Government financial support should become clearer.

RESOLVED to (1) note the departmental outturn position for 2019-20;

(2) note the position on General and Earmarked Reserves;

(3) approve the allocation of underspend amounts and commitments to

Portfolios; and

(4) note that requests for use of underspends in departmental Earmarked Reserves would be subject to appropriate approval, either Executive Director or Cabinet Member.

126/20 **BUDGET MONITORING 2020-21 (AS AT 31 MAY 2020)**
(Strategic Leadership, Culture and Tourism) Cabinet was updated with the Revenue Budget position for 2020-21 as at 31 May 2020.

The report gave details of the controllable budget position by Cabinet Member Portfolios and further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations. A total portfolio underspend of £2.797m was forecast after the use of £19.951m of MHCLG Covid-19 grant funding for immediate Covid related costs.

The Debt Charges budget was underspent by £2.675m, whilst the Risk Management Budget was forecast to overspend by £45.274m. Details of the Council's Earmarked Reserves balances as at 29 June 2020 were detailed in Appendix 1 to the report.

RESOLVED to (1) note the 2020-21 budget monitoring position as at 31 May 2020.

127/20 **BUDGET 2020-21** (Strategic Leadership, Culture and Tourism)
The Director of Finance and ICT reported on the financial consequences of responding to the Covid-19 pandemic.

At the Council meeting held on 5 February 2020, the Council set a net revenue budget of £560.211m which included substantial budget increases for both adults and children's social care, further details of which were presented.

In setting its budget, the Council set a 2% Council Tax rise utilising the Government's legislation to raise much needed income to support services for older people. There was no additional increase in Council Tax for other services, resulting in one of the lowest council tax rises in the country compared to similar authorities.

To date, the financial costs of Covid-19 to the local government sector were significant. Analysis undertaken by the Local Government Association in respect of the DELTA Covid-19 returns for June, showed a total projected cost, loss of income (including council tax and business rates) for local government totalling approximately £11bn. Details of funding streams provided to local authorities by Government were presented.

Despite the above funding measures, the budget monitoring report which appeared as an agenda item earlier in the meeting, served as a stark reminder of the potential in-year Covid-19 costs which might result in an overspend of £45.382m. However, the £4.000m from the Business Rates Pilot might be utilised to reduce the overspend. It must be recognised that the estimates were based on a number of assumptions, which had a high degree of volatility, but the range of potential outcomes would start to narrow in later periods of the financial year as budget monitoring was completed. Any significant variations would be reported to Cabinet.

It was important to note that the projected costs, as set out in the budget monitoring report, for the remainder of the financial year, included an estimate of the amount the Council might wish to spend on recovery. Additional costs, over and above normal operating costs, would be incurred in ensuring that the Council was operating its services safely and in accordance with Government guidelines. For example, if social distancing measures are to be maintained as pupils return to school in September 2020, the provision of additional home to school transport would be required. Furthermore, several services would incur additional costs in transitioning to safe and risk assessed operating activities. The forecast overspend did not reflect the potential for further funding support from the Government. Therefore, it was hoped that the funding gap would not be as significant.

The Council continued to lobby for additional funding through special interest groups such as the Local Government Association and County Council Networks. The Council's Director of Finance and ICT had expressed his concerns in a recent call with officers from the Local Government Finance Directorate at the Ministry of Housing, Communities and Local Government.

The key issue and concern of the Council was the impact in future years and the Director of Finance and ICT was explicit in expressing his concerns during the conversation with MHCLG. There were several unknowns in respect of local authority funding over the medium-term which were hindering the financial planning of local authorities. Without the certainty of funding allocations, the sector would have to make decisions on how it would deliver its services in a post Covid-19 environment, without the foresight of a fiscal plan from Government on which to base its plans and priorities.

The loss of Council Tax and Business Rates income would have a significant impact on the Council's budget for the next financial year. Early indications suggested that loss of Council Tax income would impact the collection funds with an estimated deficit as much as £10m expected. This loss of income would be challenging against the backdrop of bids for service pressures which were expected as the Council looked to invest in recovery whilst maintaining and delivering Council Plan objectives.

The key risk to the Council's finances were the continuing costs of the first wave of the pandemic and the potential for a second wave of the pandemic, which would unquestionably give rise to additional costs such as increased demand for social care. Further risks included the current Covid-19 Hospital Discharge Scheme, home to school transport and loss of income.

RESOLVED to note (1) the additional costs of Covid-19 and the projected funding gap; and

(2) the financial risks and uncertainties associated with Covid-19.

130/20 **REVISED FINANCIAL REGULATIONS** (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT reported on proposed amendments to the Council's Financial Regulations.

A copy of the revised Regulations were appended to the report. The key areas that were recommended for change were:

- Requirement for all Council staff to furnish information to the Chief Financial Officer with information required for the financial administration of the Council's affairs.
- Addition of the role and responsibilities of the Deputy s.151 Officer in the Statutory Officers section.
- Recognition that financial management standards should be in accordance with the principles of The CIPFA Financial Management Code.
- Clarity on where and whom to submit a Declaration of Interest
- Running costs of surplus assets to remain the responsibility of the transferee for a period of 18 months or until the asset is either sold or brought into new usage. After such time the running costs become the responsibility of Property Services.
- Authorisation of write offs reflect the latest OJEU thresholds.
- Clarification that requests for payment in advance should be made to the Chief Financial Officer.
- A requirement to review the Council's Tax Strategy at least annually.

RESOLVED to commend the approval of the proposed amendments to the Financial Regulations to Council.

131/20 **DELIVERING THE CLIMATE AND CARBON REDUCTION MANIFESTO** (Strategic Leadership, Culture and Tourism) The Executive Director – Economy, Transport and Environment updated Cabinet on the delivery of the Climate and Carbon Change Reduction Manifesto.

On 13 May 2019, the Council published its Climate and Carbon Reduction Manifesto, recognising the global challenge of climate change. The Manifesto set out the Council's commitment to reduce emissions from its own estate and operations and to take a strategic leadership role in bringing together partners and stakeholders across Derbyshire to work together to tackle climate change.

Since that time, work had taken place to take forward and implement identified actions both across the Council and with partner agencies. Good progress had been made on the work to reduce the Council's greenhouse gas emissions in-line with the Carbon Reduction Plan. Over the last few months, the Council's efforts had been re-focused towards tackling the Covid-19 crisis. The pandemic had dramatically changed how the Council worked, with employees working from home where possible and attending meetings virtually. This had resulted in a reduction in mileage both to and from work and for business purposes. This modal shift provided the Council with an opportunity to re-assess property requirements and working methods and consequently, greenhouse gas emissions, moving forwards.

An update on key achievements and progress made on delivery of the Carbon Reduction Plan and the Derbyshire Environment and Climate Change Framework was set out for consideration. Key achievements included progress on property, streetlighting, the core and grey fleet, single use plastic commitment, training and development programme and climate change action planning.

The Environment and Climate Change Framework had now been agreed and approved in principle by local authority partners. A county-wide approach to tackling climate change was fully supported by the Leaders and Chief Executives of Derbyshire local authorities who had agreed to pursue the approach through Vision Derbyshire. An Officer Working Group had been established to move this work forward and to support development of the agreed activity in respect of economy, the "Tackling Climate Change Together" event, energy, travel, communication and engagement and modelling emissions.

As detailed, the Coronavirus pandemic had changed how people, including Council employees, worked and travelled across the County. Preliminary data comparing greenhouse gas emissions from the grey fleet and from properties in March and April 2019, indicated significant reductions in emissions, further details of which were presented.

The modal change from office to homeworking and from travel to meetings to virtual meetings had the potential to cut emissions by around a third, though care should be taken into interpreting too much from this early data. However, gave an indication of what could be achieved through

embedding climate action in all areas of Council operations and would suggest that using Council buildings differently and a review of fleet could permanently reduce Council emissions.

A detailed work programme was currently being developed for internal and county-wide initiatives. This would take in to account opportunities presented by the modal shift in work patterns created by the Covid-19 crisis. The Council would be working collaboratively with District and Borough Councils and other agencies over forthcoming months to further develop the partnership response.

The work outlined was largely focused on reducing emissions, though it was still necessary to explore how the Council and partners adapted to a changing climate in the future. As highlighted, work was being undertaken to develop a set of climate projections for Derbyshire setting out the likely climate of the County until 2080. These would be available for departments and services to enable them to produce climate change risk assessments and develop adaptation plans moving forwards.

Climate action would play a key role in the Covid-19 recovery process providing short and long-term economic, environmental and health and well-being benefits. The Council was likely to see an uptick in the level of work as swift responses are needed to take advantage of current and anticipated central Government announcements regarding a shift in policy and funding support for climate-related projects. Given the work that was taking place on detailed action and business plan development, it was recommended that a further report on progress be brought to a future Cabinet Member meeting once plans were in place.

RESOLVED to (1) note recent achievements and progress on the delivery of the Climate and Carbon Reduction Manifesto; and

(2) to receive a further report on progress following the production of the Council detailed work programme.

132/20 VOLUNTARY AND COMMUNITY SECTOR REVIEW

(Adult Social Care, Health and Communities and Strategic Leadership, Culture and Tourism) Cabinet considered a joint report which sought approval to take forward proposals on the future funding of Voluntary and Community Sector (VCS) infrastructure providers and to extend recurrent payments to VCS organisations for a period of twelve months from 1 October 2020 to 30 September 2021.

At Cabinet on 28 February 2019, the Council agreed plans to undertake a Council wide review of VCS grants. On 21 November 2019, Cabinet agreed that funding for all 2019-20 grant funded organisations be extended for the

first six months of 2020-21, until 30 September 2020, whilst proposals on the future funding of voluntary and community sector infrastructure support were being developed. This was to ensure that organisations were not adversely affected during the review process and to maintain the security and stability of the sector.

On 16 January 2019, draft proposals on the future funding of voluntary and community sector infrastructure support were considered by Cabinet and approved for consultation for a period of twelve weeks. Since January 2020, work on the review had continued at pace. However, the emergence and impact of the coronavirus pandemic has had a significant impact on many areas of work, not least the VCS review, consultation on which was taking place at a time when the voluntary and community sector were being called upon to mobilise around both a national and local response.

In Derbyshire, VCS and infrastructure providers across the County had mobilised resources across communities to ensure that vulnerable people had enough food and medications to support their health and wellbeing during what had been a challenging time. The context and landscape for the review had changed and work had been taking place on a revised approach.

The agreed timetable for the review would have seen Cabinet considering final proposals in June 2020 with the new offer/approach being in place by the end of September 2020. During the consultation period, many organisations requested that the Council postpone the infrastructure review as a result of Covid-19 and for the existing grant arrangements to be extended indefinitely.

Over 800 responses to the consultation were subsequently received, details of which were presented. The consultation revealed an overwhelming consensus that Covid-19 had presented Derbyshire and the sector with both challenges and opportunities and that it was 'not the right time' to be implementing new proposals which reduced funding to infrastructure providers. The "ask" from the sector, and other partners, was that the Council should 'level up' rather than 'level down' funding allocations. More than ever, Covid-19 had highlighted the need to ensure that in future, there was a core, consistent offer of support to the community and voluntary sector across all parts of the County.

Following detailed analysis of the consultation and internal discussions with key stakeholders, it was recommended that a number of key components of the original infrastructure proposals, deemed essential in taking work forward, were maintained. It also recommended that there be a number of key revisions to proposals for an interim period whilst further work on the review takes place. The essential components which would form part of proposals from 1 October 2020 included Agreed Principles, a Shared Outcomes

Framework, Funding Methodology and Fair Distribution, further details of which were presented.

Revisions to the proposals, which would be put in place as interim arrangements whilst further work took place, included the following:

- There would be no reduction in funding to those infrastructure organisations who are currently funded by the Council from 1 October 2020 – 30 September 2021.
- Those areas which were due an uplift in funding through a commitment to redistribute the funding would see that uplift honoured.
- Current funding would therefore be committed for a period of one-year, not the four years outlined in the original proposal. Work would take place over the next year to look at ways the Council could make a longer-term commitment to providers.
- Interim funding arrangements would be based on providers commitment
- to the essential components s detailed.
- Over the next year, the Council would continue its work with infrastructure providers to make the changes necessary to delivery arrangements. This would include taking-stock of the last four months and understanding and apply the learning from Covid-19.

Fully revised proposals were detailed in Appendix A to the report. In addition, an Equality Impact Assessment (EIA) on the revised proposals had been undertaken, the findings of which could be found at Appendix B to the report. Due to the complexities in current delivery arrangements and ways of working, it was anticipated that not all providers would be able to implement the new approach in its entirety by October 2020. Seeking consensus on the approach and a willingness of organisations to move this work forward however, builds a solid foundation for the future. Grant-aid flexibility would give organisations the time and space to effectively work together if necessary, and plan how they would deliver against the framework in the short to medium-term, as an ongoing, developmental process.

Adult Care currently had twelve infrastructure support grant arrangements in place across the County, whilst Policy and Research had eight grant arrangements. There were currently no grant arrangements in place for Bolsover. The total cost, including a funding allocation for Bolsover, is currently £399,137. Further details of the current grant arrangements were set out in Appendix C to the report.

It was recommended that for the one-year interim period, all current grant allocations and their values were maintained and that no infrastructure provider would see their funding reduced. Where there was an uplift in funding, providers would be supported to agree how the additional funding

would be allocated. This would require an additional funding amount of £53,089. It was also recommended that an additional payment of £11,244 be made to Bassetlaw CVS for the work undertaken to support Covid-19 response in Bolsover over the six-month period between April and September 2020.

It was essential that the Council continued to work closely with infrastructure providers and the wider sector to support Derbyshire's response and recovery, over forthcoming months alongside existing plans to roll out our proposals for Thriving Communities and Vision Derbyshire. It was vital that this was done in a way that builds upon consistent and coordinated provision and did not widen current disparities across the County.

The Council currently funded a range of VCS organisations across the County as detailed in Appendix D to the report. The Council had continued to make usual grant payments during the Covid-19 crisis and had maintained regular contact with relevant organisations.

It was essential that the process of reviewing all recurring VCS grants continued. The Council however, recognised the pressure that VCS organisations were currently under as a result of the pandemic and continued to support all existing VCS grant funded organisations during this period of uncertainty. It was therefore recommended that alongside the on-going VCS grants review outlined, the security and stability of the sector be maintained in the interim, through a further extension of funding for general grants, from 1 October 2020 to 30 September 2021.

Details of Adult Care, Policy and Research and Arts Service proposed grant arrangements were detailed at Appendix D to the report. In November 2019, Age UK Derbyshire Dales Bakewell Day Service and Age UK Derbyshire Dales Hulland Day Service were successful in their application to join the day services framework and were due to join this on 1 October 2020. Due to Covid-19 the transition period required an extension. It was therefore recommended that these grants be extended by up to six months to 31 March 2021 to allow for a well-managed transition.

RESOLVED to (1) note progress on the review of the Council's voluntary and community sector grants and the challenges and opportunities that had arisen as a result of the recent Covid-19 pandemic;

(2) approve revised infrastructure proposals and interim arrangements for taking forward proposals over the next twelve months as set out in the report;

(3) approve an extension of funding totalling £463,450 for voluntary and community sector infrastructure support until 30 September 2021;

(4) note progress on the general grant funding review and receives a further report on proposals for taking work forward from September 2020 onwards;

(5) approve the extension of funding totalling £912,348 to the VCS organisations set out in the report for one year from October 2020 to September 2021; and

(6) approve an extension of Bakewell and Hlland Day Service grants for six months to 31 March 2021 to allow for a transition to the day services framework.

133/20 COVID-19 OUTBREAK MANAGEMENT PLAN AND TEST AND TRACE COMMUNICATIONS STRATEGY (Health and Communities) The Director of Public Health sought approval for the Derbyshire County Council Covid-19 Outbreak Management Plan and for the Test and Trace Communications Strategy, copies of which were appended to the report.

RESOLVED to approve Derbyshire County Council Covid-19 Outbreak Management Plan and the Test and Trace Communications Strategy.

134/20 AWARD OF GRANT FUNDING TO ACTIVE PARTNERS TRUST FOR THE PROVISION OF FUNDING TO ACTIVE DERBYSHIRE (Health and Communities) The Director of Public Health sought approval to award grant funding to the value of £0.312m for a period of three years from 1 April 2020 to 31 March 2023 to the Active Partners Trust in order for them to support the public health priority of increasing physical activity levels across Derbyshire.

There was a considerable body of evidence demonstrating the benefits of physical activity in terms of both treating and preventing diseases. Increasing physical activity improved health for those with chronic conditions and prevents many common serious medical conditions. Active Partners Trust was the umbrella organisation that oversees delivery of physical activity programmes across Derbyshire, under the Active Derbyshire partnership. Active Derbyshire work closely with the Council to support the vision of increasing the levels of physical activity amongst young people and adults. Continued investment in Active Derbyshire was proposed to enable an integrated approach to physical activity participation across the County.

RESOLVED to approve the award of grant funding totalling £0.312m to APT over the period from April 2020 to March 2023, in order for it to support the public health priority of increasing physical activity levels across Derbyshire.

135/20 REIMBURSEMENT OF STOP SMOKING PHARMACOTHERAPY PRODUCT COSTS (Health and Communities)

The Director of Public Health sought approval to reimburse the Derby and Derbyshire Clinical Commissioning Group (CCG), for the costs of stop smoking pharmacotherapy products available on prescription only throughout 2020-21.

Smoking was the main cause of preventable illness, disability and premature death in England, it also accounted for half the difference in life expectancy between the most affluent and most deprived groups within society. In Derbyshire, it was a key issue with 13.9% of adults smoking compared to the England average of 14.4% (APS method, 2018). Smoking was a key contributor to health inequalities with a prevalence of 23.3% in Derbyshire (England 25.4%) in routine and manual workers (APS method, 2018).

Live Life Better Derbyshire (LLBD) provided an evidence-based stop smoking service to support smokers who wanted to quit smoking. It was the most effective method of quitting smoking, with smokers four times more likely to quit smoking with a stop smoking service than if they tried to quit on their own. The support provided by the LLBD stop smoking service consisted of behavioural support (advice on quitting, setting a date to quit and dealing with withdrawal symptoms/cravings) and advice and access to smoking cessation pharmacotherapy products.

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

A maximum annual charge for 2020-21 of £326,150 had been agreed with the CCG based on historic prescribing costs and the cost would be met by the ring-fenced Public Health Grant budget.

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

136/20 **REVIEW OF OFFICER DECISIONS** (Strategic Leadership, Culture and Tourism) The current challenges relating to the Covid-19 virus had necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council.

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

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

Cabinet on 4 June, approved a report on amended officer decision-making processes arising from the pandemic. It was agreed that new officer decisions would continue to be presented to Cabinet. Given the short timescales for reviews however (which were compulsory fortnightly in the case of the application of Adult care 'easements'), it was agreed that Cabinet formally delegated review decisions to the relevant Cabinet Member (CABCO) meetings. As a further safeguard, it was agreed that any significant reductions in service that had been reviewed and substantially maintained over any eight-week period, would be reported to Cabinet as soon as possible after the eight-week period for ratification. Under this provision, reviews of decisions were reported as detailed in Appendices 1 and 2 to the report.

RESOLVED to note the review of officer decisions made under delegated powers arising from the Covid-19 virus pandemic as detailed in Appendices 1 and 2 to the report.

137/20 **RESHAPING AND RECONFIGURING THE DERBYSHIRE HOMECARE MARKET – TRANSFERRING LONG-TERM PACKAGES OF CARE FROM DIRECT CARE TO THE PRIVATE HOMECARE SECTOR** (Adult Social Care) The Executive Director – Adult Social Care and Health provided an update on the work which had been undertaken to reshape the homecare market in Derbyshire and also sought approval for the continued rollout of the transfer of long-term packages of care from Direct Care to the Independent Sector.

Following a Cabinet Member report in August 2017, the department has been undertaking a programme of work to reshape the homecare market in Derbyshire. The department's Direct Care Homecare Service had been refocused and reconfigured to form a delivery model based upon the provision of mainly Short-term Services (STS) with the private, voluntary and independent (PVI) sector being asked to focus on longer term packages of care.

The Council's Direct Care Short-term Service had also been reorganised to ensure that 'virtual' patch boundaries did not act as barriers to the effective deployment of resources. The Short-term Service was now at a point where it was necessary to increase its capacity from within its existing resources to enable the effective delivery of the time-limited, reactive short-term services.

To increase the capacity within the intensive Short-term Service to deliver the more reactive, preventative and time limited support, the department would be required, where appropriate, to transfer clients with long-term packages of care to the PVI sector. To release the capacity to carry out this important work a joint review of people currently receiving a long-term care package would be undertaken. This would be delivered jointly by Prevention and Personalisation (Social Workers) and Direct Care staff in line with the Care Act duties to ensure assessments are person-centred, promote independence and allow the individual choice and control as to how their care and support needs were met.

Some people may also wish to take up the option of a Direct Payment in order to have greater choice and control as to how their care and support was provided. These reviews would be undertaken on a geographical area by area basis, to allow for the PVI homecare market to be able to respond to any requests involving the transfer of long-term clients from Direct Care. The Council's Adult Social Care Contracts Team would continue to work with PVI providers to stimulate growth in the homecare market to facilitate this transfer of long-term work.

Each person would have their current circumstances reviewed to ensure that the care and support that they were receiving continues to match their needs and support as detailed in their care package. Where a person was being transferred to a different provider this would be done so at the same level of care as provided by the Council run Direct Care provision unless it was agreed in the review discussions with the person and or their representative that circumstances had changed.

The Council would write to all people to advise them of our proposals to review and transfer their support packages and to involve them fully in those reviews as well as in the planning for any subsequent transfer. Once a PVI

provider had been identified the Direct Care care workers would work with the PVI staff to ensure the new provider had insight into the needs of the client and that the client was supported through the transition process. If there was no PVI provider available to carry out this new work then Direct Care would continue to provide the client's care package until a new provider could be found, or until they decide to receive a Direct Payment and arrange their own care and support provision.

RESOLVED to (1) note the work that the Adult Social Care and Health department had been undertaking to reshape the homecare market in Derbyshire; and

(2) approve the continued rollout of the programme to support the reshaping of the Derbyshire homecare market.

138/20 **SUPPORT CENTRE FUNDING** (Young People) The Executive Director – Children's Services sought approval to amend the funding arrangements in respect of Support Centre provision from September 2020.

There were three maintained Support Centres in Amber Valley and Erewash, North East Derbyshire and South Derbyshire, formerly known as Pupil Referral Units (PRUs), in Derbyshire operating over eight sites. Between August 2018 and August 2019, the Support Centres converted to academy status and now were all part of the Esteem Multi Academy Trust.

The Support Centres worked with vulnerable pre 16 children at Key Stages 2, 3 and 4, that had either been permanently or temporarily excluded from mainstream schools with the aim of re-integrating them into school or college settings.

Support Centres' delegated budget shares were funded out of the High Needs Block of the Dedicated Schools Grant (DSG). Individual centre funding was determined by a combination of the number of places commissioned, at £10,000 per place, plus a site-specific Element 3 top-up value. The places and top up rates for 2020-21 were approved by Cabinet at its meeting on 16 March 2020 and were detailed in the report.

Based on these figures, the cost of the annual top ups, excluding Alternative Provision, was £1.579m in respect of 193.6 fte students, equivalent to £8,155 per pupil. Alternative Provision (AP) had been excluded from the calculation as this provision was different in nature being largely off site. The use of the term AP in this context referred to additional provision commissioned by the Support Centres away from the Support Centre sites, such as college provision, or vocational courses. AP would remain funded at £10,000 per place plus a £3,314 top up and the value of rates would be included in future discussions.

The simple per pupil model for Support Centre provision could have been refined to reflect the age profiles of the children supported i.e. by weighting the funding by key stage. However, such a refinement would add limited value to the funding process and Esteem had indicated their preference for a single rate across all ages in all settings. A simple pupil led model would result in variations to the allocations for each site as detailed in the report.

Management of the impacts arising from the re-distribution of funding would be a matter for Esteem, either by reallocating funding differently across the Trust, reducing costs or reshaping delivery including, if necessary, de-commissioning some elements of provision. However, the Trust would still be required to meet its service obligations to the LA under the Commissioning Agreement. The LA had a duty to provide suitable alternative education provisions for children of compulsory school age, including those in Support Centres run by the academy.

No objections to the revised funding model were received from the Schools Forum.

RESOLVED to (1) agree to adopt a per pupil funding rate from September 2020 as set out in the report; and

(2) note the further work the Service intends to undertake regarding the future arrangements for commissioning and paying for support for pupils excluded, or at risk of exclusion, from mainstream provision.

139/20 **THE BIG CONSULTATION** (Young People) The Executive Director – Children’s Services updated Cabinet on ‘The Big Consultation’ on youth democracy in Derbyshire. This was originally presented to Cabinet on 16 January 2020 and approval was received to proceed with the consultation on proposals to replace the Derbyshire Youth Council.

From 26 January to 17 April 2020, a countywide consultation was undertaken to ask young people and other stakeholders whether they agreed with the following proposal:

“For the Derbyshire Youth Council (DYC) to be disbanded and replaced with a strategic network developed around the current school council structure and other locality groups.”

A full and detailed analysis of the results was attached at Appendix A to the report.

Further work was to be undertaken by the participation and children’s rights team to finalise how the strategic network would be implemented.

Unfortunately, the COVID-19 pandemic had severely impacted on the ability of schools to contribute to the planning process at the current time, however this work would commence in autumn 2020 with the network implemented in January 2021. Our vision was that the network would utilise technology and bespoke participation resources in order to maximise the number of schools and other stakeholders who would participate.

RESOLVED to approve that work commences to disband Derbyshire Youth Council and replace it with a strategic participation network, which links school councils and other participation groups in order to strengthen youth democracy in Derbyshire.

140/20 **SCHOOLS FORUM CONSTITUTION** (Young People) The Executive Director – Children’s Services sought approval to the proposed changes to the constitution of the Schools Forum.

The Education Skills and Funding Agency (ESFA) guidance entitled ‘Schools Forum, operational and good practice guide’ (May 2020) suggested that it was good practice to review regularly the Schools Forum’s membership to ensure that the allocation of mainstream school places between maintained schools and academies remains broadly representative of the position within each local authority. The current membership of the Schools Forum was constituted in accordance with the Schools Forums (England) Regulations 2012 (as amended), further details of which were presented in the report.

As well as reviewing the balance of school and academy places, the advent of Covid -19 made it necessary to consider the practical operations of the Forum. The ESFA guidance stipulated that Schools Forums could be held remotely until 31 March 2021. The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020, make provision to enable the forum to meet remotely. Locally, one issue was the size of the forum. There was no minimum or maximum size for the forum so as long as the groups were proportionately represented in accordance with the 2012 Regulations, namely that LA maintained and academies schools made up at least 2/3 of the forum and non-school members no more than 1/3.

The size of Derbyshire’s forum was last reviewed in 2015 when the LA proposed reducing it from 40 to 28. However, in light of the concerns expressed by the Forum at the time a smaller reduction to 36 was agreed. Derbyshire’s Forum is the largest in the East Midlands. Since 2015, the Schools Forums’ and LAs’ flexibilities around funding had been significantly curtailed with most LA-level DSG funding allocated via objective formulae with limited movements between blocks. In addition, national funding formulae now determined the distribution of institutional-level funding to mainstream schools and academies.

In terms of decision-making, the Schools Forum powers were now more broadly limited, details of which were presented. As well as the reductions in responsibilities, Covid -19 could mean that the Forum may have to operate virtually for some time and the Schools Forums (England) (Coronavirus Regulations 2020) facilitated this until 31 March 2021. It was essential that the size of the forum did not impede the efficient operation of future meetings.

Potential alternative sizes in the school and non-school memberships were provided in the report. The alternatives ensured that the proposed constitution was representative of the groups, whilst meeting the requirement for at least 2/3 of the Forum to be made up of members from maintained schools and academies.

The Authority shared a paper on the membership issues with the Forum at its meeting on 25 June 2020 and sought views on a proposal to reduce the number of places to 28. No objections to the proposal were made and accordingly Cabinet was asked to approve the reduction to 28 to take effect from September 2020. It was further proposed that DIASS be removed from the list of observers, as their membership was inconsistent with ESFA guidance. Any relevant issues would instead be covered by other senior officers in attendance. DIASS could be asked to attend should an item specifically necessitate this.

The national school landscape had changed significantly since 2015, not least the increase in the number of academies which were part of Multi Academy Trust (MAT) chains. This change gave rise to a theoretical issue as Derbyshire's Schools Forum constitution, whilst not allowing more than one representative from an individual school, did not currently limit the number of representatives from the same MAT. In order to ensure that representation remains balanced, it was proposed that the constitution be amended to limit the number of representatives from the same MAT to a maximum of two. This proposal was also considered by the Forum in June and the amendment was supported.

RESOLVED to approve (1) the proposal for the school and non-school membership of the Schools Forum to be reduced from 36 to 28 places from September 2020 as set out in the report;

(2) that the 28 places be allocated across sectors in accordance with the details in the report;

(3) the proposal to remove DIASS from the list of observers;

(4) the proposal that the number of representatives from an individual MAT be limited to a maximum of two places;

(5) that decisions on future changes to the Schools Forum's constitution be delegated to the Executive Director - Children's Services, in consultation with relevant Cabinet Members as necessary; and

(6) approve that the Schools Forum's Constitution be amended to reflect the above.

141/20 CHILDREN'S SERVICES CAPITAL PROGRAMME 2020-21 CAPITAL PROGRAMME ALLOCATIONS (Young People) The Executive Director – Children's Services sought approval to the Children's Services Capital programme and to allocations to individual projects.

On 4 April 2020, the Department for Education (DfE) announced School Condition Allocations for 2020-21 which included £7,153,794 for the Authority to allocate to projects in the schools for which it was responsible for capital funding. From 2020-2021 Voluntary Aided Schools would receive their School Condition Allocation direct from the DfE and no longer via the Local Authority Voluntary Aided Programme (LCVAP).

On 5 March 2019, the DfE announced that the Basic Need allocations for 2021-22 onwards would not be announced in March as expected, but would await the next spending review that would take place on an unspecified date in 2019. The DfE had previously announced the Basic Need allocations for Derbyshire up to the financial year 2018-19 for schemes to be delivered up to 2020-21. In the event the allocations for 2021-22 were not announced until 15 April 2020 and the Authority were advised that no new Basic Need funding was to be allocated for Derbyshire.

As reported to Cabinet on 9 July 2020, there was unallocated balance from the 2019-20 Childrens Services Capital budget of £2,240,232 which was made up of £1,644,546 school condition funding and £595,686 basic need funding. The balances represented the unallocated funds from the 2019-2020 budget, but also included elements of unallocated funds from previous years' budgets. Work was in hand to provide a full breakdown of funds by years and this would be reported to Cabinet at a future date.

In the absence of any new Basic Need funding, it would only be possible to progress essential projects using the unallocated balance from previous years and School Condition funding. This would restrict the amount of School Condition funding available for capital maintenance schemes. A breakdown of the proposed programme was attached at Appendices A and B to the report.

RESOLVED to approve the allocations from the 2020-21 School Condition Allocation to the projects detailed in Appendices A and B to the report.

142/20 **EXCLUSION OF THE PUBLIC FROM THE MEETING**
RESOLVED that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meeting of Cabinet held on 9 July 2020.
3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Adult Care – 25 June 2020
 - (b) Highways, Transport & Infrastructure – 9 July 2020
4. To consider exempt reports as follows:
 - (a) Corporate Property Delivery – Joint Ventures update – Executive Director Commissioning, Communities and Policy (contains information relating to labour relations matters and; contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
 - (b) Approval to award a contract for the Construction of the Ashbourne Business Park Link Road – Executive Director Economy, Transport and Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
 - (c) Review of Officer Decisions – exempt matters – Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).
 - (d) Care Leavers' Discount for Care Leavers living outside Derbyshire – Executive Director Children's Services (contains information which is likely to reveal the identity of any individual).
 - (e) (Children's Services) Care Leavers' Employment Opportunities – Paid Internships and Apprenticeships – Executive Director Children's Services (contains information which is likely to reveal the identity of any individual).