

PUBLIC

MINUTES of a meeting of **CABINET** held virtually on 10 December 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.

211/20 MINORITY GROUP LEADERS' QUESTIONS

It was noted that the Councillor Smith had submitted questions, but as he was unable to be present, an undertaking was made to provide a written response.

212/20 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 19 November 2020 be confirmed as a correct record.

213/20 CABINET MEMBER MEETINGS - MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Young People – 10 November 2020
- (b) Adult Care – 12 November 2020
- (c) Clean Growth & Regeneration – 19 November 2020
- (d) Highways, Transport & Infrastructure – 19 November 2020

214/20 CAPITAL BUDGET MONITORING/FORECAST 2020-21 AS AT QUARTER 2 (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT informed Cabinet of the budget monitoring position as at 30 September 2020.

The report reflected those schemes that were currently under way and which had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stayed within budget, and who verified the projected spend against their allocated schemes. The report detailed schemes that were open at 1 April 2020 and those that had been completed and closed in-year. Due to subsequent approvals and project adjustments, the 2020-21 Capital Programme now stood at £117.1m, an increase of £6.0m from the previously reported value of £111.1m. The

schemes contained within the report included previously approved Capital Programmes over numerous funding years, including 2020-21.

The current budget for open schemes as at 1 April 2020 (some of which had now closed), was approximately £661.804m, with the latest monitoring showing a forecast underspend over the life of the projects of £5.603m which was represented in Appendix 1. The current budget for schemes that remained open as at 30 September, was £641.338m.

The prolonged effect of the Covid-19 virus was continuing to have an impact on some schemes and, where necessary, the profile of expenditure had been adjusted to reflect this fact. Due to the transition of elements of the Authority's services to Concertus (Derbyshire) new working arrangements, processes and procedures need time to be embedded in order to be able to provide an efficient, effective and accurate projection of the position of all Capital projects.

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

215/20 PERFORMANCE AND BUDGET MONITORING/FORECAST 2020/21 AS AT QUARTER 2 (Strategic Leadership, Culture and Tourism) The Director of Finance & ICT provided Cabinet with an update of Council Plan performance and the Revenue Budget position/forecast outturn for 2020-21 as at 30 September 2020 (Quarter 2).

This report presented both Council Plan performance and financial budget monitoring and forecast outturn data. The Performance Summary set out the progress the Council was making on delivering the Council Plan with a focus on the achievement of the Council Plan priorities. The Revenue Budget Position and Financial Summary provided an overview of the Council's overall budget position and forecast outturn as at 30 September 2020.

The report also summarised progress on Council Plan deliverables and the controllable budget position by Cabinet Member Portfolio as at 30 September 2020. Further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

The Council Plan 2020-21 set out the future direction of the Council and the outcomes that the Council was seeking to achieve. The Plan identified a small Public number of focused priorities to direct effort and resource, supported by "deliverables" under each priority. These set out what the Council aimed to deliver over the forthcoming year and were supported by key measures which enable the Council to monitor the progress it was making.

The Council Plan was refreshed in July 2020 to reflect the impact, opportunities and challenges resulting from the pandemic. The Performance Report for Quarter 2, attached at Appendix 1, set out the position in full up to the end of September 2020 for each deliverable and associated key measures; an overview of performance was also presented.

As part of the Enterprising Council agenda, the externalisation of the Council's cleaning service had recently been completed. In order to manage this new arrangement effectively it was proposed to consolidate the existing cleaning budgets held by departments into one central budget. Therefore, Cabinet approval was sought to make a budget virement totalling £4.272m for this purpose.

To provide additional flexibility to help the Council to balance its budgets in the short to medium-term, Cabinet approval was sought to fund capital expenditure on the Property Planned Maintenance Programme 2020-21, estimated to be £1.236m, from borrowing, as an alternative to the planned contributions from revenue budgets.

RESOLVED to (1) note the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2020-21 as at 30 September 2020 (Quarter 2);

(2) approve a budget virement totalling £4.272m to centralise the Council's existing cleaning budgets; and

(3) approve the funding of capital expenditure on the Property Planned Maintenance Programme 2020-21, estimated to be £1.236m, from borrowing, as an alternative to the planned contributions from revenue budgets.

216/20 TREASURY MANAGEMENT MID-YEAR REPORT 2020-21
(Corporate Services) The Director of Finance and ICT presented a report on Treasury Management activities during the first half of 2020-21 (to 30 September 2020) and to indicate the Council's compliance with the prudential indicators set by Council at its meeting of 5 February 2020, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017 (the Code).

Treasury risk management at the Council was conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which required the Council to approve a Treasury Management Strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report. The report fulfilled the Council's obligation under the CIPFA Code to produce a Treasury Management Mid-Year Report.

The Council's Treasury Management Strategy for 2020-21 was approved by Council on 5 February 2020, as part of the Capital Programme Approvals, Treasury Management and Capital Strategies Report. The Council had borrowed and invested substantial sums of money and was therefore potentially exposed to financial risks, including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk was central to the Council's Treasury Management Strategy.

RESOLVED to note the Treasury Management Mid-Year Report 2020-21 and notes the Council's compliance to date with the prudential indicators set by Council for 2020-21, in accordance with the terms of the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

217/20 HARRINGTON JUNIOR SCHOOL (Corporate Services) The Executive Director – Commissioning, Communities and Policy sought approval to use a non-Derbyshire County Council Framework Agreement to undertake design and construction of the replacement Harrington Junior School, Long Eaton.

The Council was seeking to competitively procure a contractor to design and build the replacement School on the same site following its destruction by fire on 28 May 2020. The school was currently operating from temporary buildings on the playground. The building must be completed by June 2022, in time for the start of the new school year in September 2022. The procurement route had been selected for:

- speed;
- to pursue best value through competition;
- early contractor involvement in the design process; and
- client cost certainty with risk transfer to the contractor for ground conditions

The form of contract proposed was the JCT Design and Build Contract (2016 Edition). There was no existing DCC framework for procuring the above scheme at this value in competition. Approval was requested to use a non-DCC framework, with the option to undertake tender competition through a one or two stage process.

Having reviewed alternative frameworks, it was proposed that the PAGABO Medium Works West Midlands Framework Agreement (Lot 2 suppliers, value £250,000 - £10m) be utilised for the scheme. This was a compliant OJEU procured agreement known to the Council. The full list of suppliers on this framework were presented in the report.

PAGABO ensured compliancy checks had been carried out, however should the Council wish, further financial due diligence may be carried out prior to award of any contract. A business case to support the use of the PAGABO framework had been submitted to the Chief Financial Officer and Director of Legal Services in accordance with Protocol 2a of the Council's Financial Regulations.

The Framework, which covered works valued £250,000 - £10m for all public sector bodies across the UK, was tendered via a full open OJEU procedure in Autumn 2018. The Framework went live in January 2019. The Framework term was three years with the option to extend for a further one year. Call-off of the contract under the framework would be facilitated by way of single or two stage competition. Whilst Cabinet approval was required to utilise the Framework, the award of a contract under the framework is delegated to the Executive Director, Commissioning Communities and Policy, in accordance with Protocol 2b of the Council's Financial Regulations.

RESOLVED to approve the use of non-DCC framework (PAGABO) to undertake the design and construction of the replacement Harrington Junior School, Long Eaton.

218/20 CHILDREN'S DIAGNOSTIC AND PROVISION OF SPECIALIST PROFESSIONAL SERVICES - USE OF A NON-DCC FRAMEWORK

(Young People) The Executive Director – Children's Services informed Cabinet of the findings of the independent diagnostic report for Children's Services and sought approval to implement a change programme to address the opportunity areas, identified by the diagnostic, to deliver improved outcomes for children, young people and families and achieve savings across the service; for the use of the North East Procurement Organisation's (NEPO) Framework Solution NEPRO to procure specialist professional services to support the implementation of the diagnostic findings and the award of contract using a non-Derbyshire County Council framework to be delegated to the Executive Director Children's Services, in consultation with the Cabinet Member for Young People, under the Officer's Scheme of Delegation as per Protocol 2b of the Council's Financial Regulations.

Newton Europe conducted a diagnostic of Older Adult Services and the Whole Life Disability in Spring 2019, which led to the Better Lives programme starting in January 2020 which was still currently underway. As part of this, one of the twelve workstreams was focussing on the transition for Disabled Children going from Children's Services to Adults Services from ages 16-25- the Achieving Great Futures workstream. Where this workstream paused in March 2020, along with several of the other Better Lives workstreams to prioritise programme resource to supporting COVID-19 initiatives, Children's Services Senior Management Team agreed to not restart this piece of work in

July 2020, unlike the other paused workstreams, and to prioritise a wider diagnostic piece.

The aim of the diagnostic was to build on past efforts to improve outcomes for children, young people and families and develop a forward plan that allowed Children's Services to implement the necessary changes earlier and ensure those changes were embedded across the service to continuously improve outcomes for vulnerable and disabled children. The diagnostic looked to understand the root cause of challenges in order to develop an evidence-based approach for how Children's Services could make significant and lasting improvement for children, young people and families. The approach recognised that whilst numbers and data were essential for identifying and quantifying where opportunities may exist, it also drew on front-line expertise and experience to complement data and evidence. Details of the four diagnostic stages were presented in the report.

It was recognised that the implementation of the assessment findings would have an impact on the capacity of the Children's Service departments. The Council was, therefore, considering the resource required to support this activity. The Council was already in the process of developing and implementing a range of policy and service changes aimed at improving the outcomes for the people that they supported now and in the future, further details of which were presented.

These on-going developments would be considered alongside the various workstreams identified to ensure that there was no duplication of effort. This would be a Children's Services led programme with a whole council approach. In order to ensure effective delivery of the outcomes identified, an appropriate programme governance structure would need to be put in place with a defined programme board providing oversight. As with the diagnostic assessment, additional support would be required from a specialist professional organisation that had experience of managing and implementing largescale cultural and systems and processes transformation programmes within the field of children's social care. A specialist professional organisation would provide both the knowledge and practical experience in delivering this type of work at the pace required to achieve the optimal benefit and savings, as well as providing additional capacity to ensure there was no detrimental effect on business as usual.

The Council needed to procure a Specialist Professional Organisation to provide additional resources and expertise to work with the Council to develop and support the delivery of an implementation plan that would achieve the outcomes and savings identified. The Council had considered a number of OJEU compliant procurement options which identified the most appropriate route to market. This request was supported by a business case

and options appraisal and benefits analysis which had been approved by the Chief Financial Officer and Director of Legal Services.

The award of contract using a non-Derbyshire County Council framework would be delegated to the Executive Director Children's Services under the Officer's Scheme of Delegation as per Protocol 2b of the Council's Financial Regulations. The award would be subject to a call-off from the framework following a competitive process. The proposal was that the North East Procurement Organisation's (NEPO) Framework Solution NEPRO be used for the identification of a Specialist Professional Service. The use of this non- Restricted 5 Derbyshire County Council Framework would save the Council substantial time and resources and ensure delivery of the benefits were achieved sooner.

RESOLVED to (1) receive and note the findings of the independent diagnostic report for Children's Services;

(2) agree to progress an implementation programme to realise the opportunities as set out in the report; and

(3) approve, under Protocol 2a of the Council's Financial Regulations the use of the North East Procurement Organisation's (NEPO) Framework Solution NEPRO to procure specialist professional services to support the implementation of the assessment findings.

219/20 CHILDCARE SUFFICIENCY ASSESSMENT REVIEW 2019 – 2020 (Young People) The Executive Director, Children's Services reported on the outcome of the Childcare Sufficiency Assessment 2020-2021 COVID-19 Review as required by S11 of the Childcare Act 2006.

The Childcare Act 2006 was introduced to give every child the best start in life and parents/carers a greater opportunity to balance work and family life. The Act placed a duty on the local authorities to improve outcomes for young children, reducing inequalities between them. The Childcare Act gave local authorities a key role in shaping the childcare market for their area. Section 6 of the Childcare Act places a duty on local authorities to secure sufficient childcare, so far as was reasonably practicable to meet the requirements of parents in their area who required childcare to enable them to take up or remain in work, or undertake training or education which could reasonably be expected to assist them to obtain work.

Although the focus was on the number of places, the local authority also took into account affordability of provision and the Ofsted inspection outcome, in order to ensure there were sufficient 'outstanding' or 'good' places available for as many children as possible. The COVID-19 pandemic had had an impact upon the childcare market. Whilst the full impact of the COVID-19 pandemic

would not be evident for a number of months, the Childcare Sufficiency Assessment 2020 – 2021, COVID-19 Review had undertaken an initial analysis of the potential areas of concern and identified areas for further investigation.

The main focus of the assessment was the early years funded entitlements for two, three and four year olds. The following information and data had been gathered relating to:

- Baseline socio-economic information including population profiles;
- Analysis of childcare places within Derbyshire through data collection and weekly DfE provider surveys;
- Demand for childcare services across Derbyshire evidenced through statistical data.

RESOLVED to agree the draft as Derbyshire County Council's response to the Government's requirements.

220/20 REVIEW OF THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020 AND SUBSEQUENT THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) (NO.2) REGULATIONS (Young People) The Executive Director – Children's Services informed Cabinet of the urgent decision made by the Executive Director on 9 June which was subsequent to changes in national guidance made that related to a decision of the Council, in accordance with the Council's Constitution, regarding the application of the legislative amendments. The report also provided an update with reference to The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020.

On 23 April the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were enacted on 24 April and to end 25 September 2020. Under the 'savings provisions', certain amendments would still apply after 25 September. The Department of Education had undertaken consultation from 16 July to 5 August which Derbyshire responded to. The regulations made temporary variations to provide additional flexibility for local authorities, fostering providers and related services in England to meet statutory duties while maintaining a clear focus on safeguards and promoting the welfare of children. Derbyshire did not adopt changes to all the sets of regulations allowed, only to those that were considered to be necessary.

The broad intention was not to change general practice around children without a strong rationale and the need to do so, some processes had been adopted which enabled case work to be responded to within statutory expectations and within a timely manner so reducing any potential for delays in a child's plans, in light of the impact of the pandemic circumstances. It was

important to note that in line with the national guidance, there was an expectation that there would be full statutory compliance.

Further to the consultation, on the 28 August, the Government introduced a new Statutory Instrument - The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 which would come into force on 24 September, thus meeting Government's commitment to provide Parliament with the customary opportunity for scrutiny. They would remain in force until 31 March 2021 and there was accompanying provisional guidance.

The new Statutory Instrument had been introduced to recognise that some services may continue to face specific and exceptional challenges into the autumn. And as more children were seen by schools, and social distancing eases further and hitherto hidden harms come to light, the Government recognised the requirement to be prepared for the potential additional demands that might still be placed on services. The temporary regulations were intended to be used:

- where the flexibilities were still needed to provide effective support for children involved with children's social care services during the pandemic, and
- only due to lockdown, self-isolation or social distancing due to coronavirus (COVID-19).

Summaries of officer decision review record for decisions subject to on-going review and of the officer decision review record for decisions that were no longer subject to review were included within the report.

RESOLVED to (1) note how The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and amendments to practice and procedure had been applied to date;

(2) note how The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 which came into force on 24 September and would remain in force until 31 March 2021 would be applied, as approved by the Executive Director for Children's Services on 11th November 2020; and

(3) agree that any further revisions of practice and procedure (falling within that permitted by The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020) including any subsequent extension be made utilising the delegated powers of the Executive Director in consultation with the Lead Member for Children's Services.

221/20 DIRECT CARE HOMES FOR OLDER PEOPLE: UPDATE ON ACTIONS (Adult Care) The Executive Director - Adult Social Care and Health reported on progress on the actions and subsequent proposed next steps following the Cabinet report of 4 June 2020, when Cabinet received a

report on the outcome of the consultation on the proposed closure of seven, and the refurbishment of three, Direct Care homes for older people. The report approved:

- Further to the consultation, none of the homes proposed for closure would close unless a local care home or alternative provision was available to replace them, and further consultation undertaken as appropriate.

- That a further report setting out a programme of repair and refurbishment for these seven homes, to include any works required immediately to ensure their soundness and safety, would be presented to Cabinet in due course.

- That the plans to undertake a programme of work to refurbish New Bassett House, Briar Close and Rowthorne would continue, with a further report presented to Cabinet seeking a business case and procurement approval in due course.

- That People Scrutiny Committee be invited to consider, including within its work programme, oversight of the next steps (with particular reference to the need for and type of local provision required) to ensure transparency of decision making and to make any recommendations to Cabinet or elsewhere that may arise as a result of such scrutiny.

- That a revised strategy and investment plan taking into account reviews of the Market Position Statement and of the strategic needs analysis would be presented to Cabinet by the end of 2020.

With regard to the programme of essential works on seven homes, County Property had compiled a schedule of essential works required on the homes for older people which had been submitted for consideration as part of the Capital Programme. This schedule included all works which related to the safety and soundness of the seven buildings listed above including (where required) roof works, heating works/replacement of boilers, replacement of kitchen ventilation, etc. These were works which were deemed to be required over the next one to two years, but this did not include rewiring or full refurbishment which would need to be part of a longer-term plan.

The funding for this proposed programme would be considered as part of the overall Capital Programme which would be reported to Cabinet in January 2021. Should the Council consider the use of the older homes beyond two years, it would be necessary to develop a further plan for their continued use as they would require a comprehensive invasive re-wire and major refurbishment of their fabric. To develop this plan, feasibility studies would be required that would describe potential options and provide budgeting estimates. Evaluation of the feasibilities would inform a subsequent capital

strategy bid that would be required in twelve months to complete the additional, essential major refurbishment work. It was noted that the outline budgeting cost for seven home refurbishments approximates to £30.000m.

The Business Case for the refurbishment of the three homes had been finalised and the funding and procurement process were approved by Cabinet on 10 September 2020. The procurement process was underway with a view to awarding a contract in January 2021, with work commencing in Spring 2021.

The People Improvement and Scrutiny Committee had established a working group which had considered the current mitigation arrangements associated with the homes which require rewiring, and also considered key principles in developing any new proposals for the homes (i.e. definition of terminology “local”, “suitable” and “reasonable”). On the basis of the review to date, the Committee reported it was assured that the mitigation measures in place were sufficiently robust and durable to address the increased risk associated with the properties that had been identified as needing rewiring in the near future, and that it would continue to pursue the other key lines of enquiry regarding the Committee’s role in overseeing the next steps in relation to direct care homes for older people. An interim report from the Scrutiny committee, “Next Steps in Relation to Direct Care Homes for Older People”, was presented to Cabinet on 19 November 2020. It was suggested that the People Scrutiny Committee complete the remainder of their work programme by the end of January 2021.

With regard to the Revised Market Position Statement needs analysis and strategy development, preparations for undertaking public and stakeholder engagement in order to revise the Market Position Statement were well advanced prior to the COVID-19 pandemic. The programme of engagement and development activity had been reviewed in light of this and a revised programme plan was in place with a focus on market shaping and market development.

Recognising the impact COVID-19 had had on the care market, an Interim Market Position Statement 2021-22 would be produced to support the Council’s approach to fee modelling in 2021-22. It was intended to have a first draft of the Interim Market Position Statement by the end of December 2020 using data from the new reporting arrangements introduced as a result of the pandemic, for example the national Capacity Tracker data; and following completion of the citizen engagement process, an updated version would be completed by February 2021. A virtual Older People’s Housing, Accommodation and Support investment event would take place on 14 December 2020 which would help to inform the medium/ longer-term development opportunities to support the implementation of the Strategy.

There was also a requirement to undertake a review of the overarching Health and Wellbeing Strategy and Joint Strategic Needs Analysis in order to inform any future strategic planning. Revised prospective key dates for future actions were as follows:

- December 2020 – January: citizen engagement and with care providers undertaken (including information from the virtual investment event 14 December 2020);
- February 2021: completion of an interim Market Position Statement to respond to the impact of COVID-19, which would be reported to Cabinet in March 2021;
- Summer 2021 (estimated post pandemic): commencement of a full review of the care market to develop a refreshed Market Position Statement, review of the Health and Wellbeing Strategy and Joint Strategic Needs Analysis ;
- Summer 2021: completion of feasibility work on the seven homes which require rewiring;
- Autumn 2021: consideration of a longer-term strategic plan taking account of the revised Market Position Statement, Health and Wellbeing Strategy and Joint Strategic Needs Analysis.

RESOLVED to (1) note the update on actions outlined in this report; and

(2) agree to the revised timeline for reporting on the revised Market Position Statement.

222/20 EXCLUSION OF THE PUBLIC FROM THE MEETING

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

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

1. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meeting of Cabinet held on 19 November 2020.

3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Adult Care – 12 November 2020
 - (b) Clean Growth & Regeneration – 19 November 2020
 - (c) Highways, Transport & Infrastructure – 19 November 2020
4.
 - (a) Corporate Maintenance Budget – Planned Maintenance Programme 2020-21 – Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (b) Award of Contract for Supply of Temporary Agency Workers (Neutral Vendor) – Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (c) Variation of Payment for the provision of Household Waste Recycling Centre Services due to Coronavirus (Covid-19) - Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information));
 - (d) Local Growth Fund Programme – update and proposals for the Hollis Lane Link Road (A61 Growth Corridor) – Director Economy, Transport & Environment (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).