

DERBYSHIRE COUNTY COUNCIL

COUNCIL MEETING

3 February 2021

REPORT OF DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

Purpose of the Report

To provide information to the Council on issues considered by the Cabinet at meetings held on 10 December 2020 and 14 and 21 January 2021 and to enable Members to ask related questions.

Members may submit questions on the report to the Director of Legal Services by 12 noon on 2 February 2021.

Information and Analysis

Detailed below is a summary of the reports and decisions reported to Council relating to the above Cabinet meetings.

10 December 2020

1. CAPITAL BUDGET MONITORING/FORECAST 2020-21

The Director of Finance and ICT informed Cabinet of the latest Capital budget monitoring position as at 30 September 2020.

Decision

Cabinet noted the current position on the monitoring of Capital schemes.

2. PERFORMANCE AND BUDGET MONITORING/FORECAST OUTFURN 2020-21

The Director of Finance and 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).

Decision

Cabinet (1) noted the update of Council Plan performance and the Revenue Budget position/forecast outturn for 2020-21 as at 30 September 2020 (Quarter 2); (2) considered whether there were any further actions that should be

undertaken to improve performance where it had not met the desired level; (3) approved a budget virement totalling £4.272m to centralise the Council's existing cleaning budgets; and (4) approved 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.

3. TREASURY MANAGEMENT MID YEAR REPORT 2020-21

The Director of Finance and ICT reported 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).

Decision

Cabinet noted the Treasury Mid-Year Report 2020-21 and 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.

4. HARRINGTON JUNIOR SCHOOL

The Executive Director – Commissioning, Communities and policy sought approval to use a non-DCC Framework Agreement to undertake the design and construction of the replacement Harrington Junior School, Long Eaton.

Decision

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

5. CHILDRENS DIAGNOSTIC AND PROVISION OF SPECIALIST PROFESSIONAL SERVICES – USE OF A NON-DCC FRAMEWORK

The Executive Director – Children's Services:

(1) informed Cabinet of the findings of the independent diagnostic report for Children's Services;

(2) sought Cabinet approval to implement a change programme to address e opportunity areas as identified by the diagnostic to deliver improved outcomes

for children, young people and families and achieve savings across the service as described in this report;

(3) sought approval 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

(4) sought approval to 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.

Decision

Cabinet (1) received and noted the diagnostic report for Children's Services; (2) agreed to progress an implementation programme to realise the opportunities as set out in the report; and (3) approved, 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.

6. CHILDCARE SUFFICIENCY ASSESSMENT REVIEW 2019-20

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.

Decision

Cabinet agreed the draft as Derbyshire County Council's response to the Government's requirements.

7. REVIEW OF THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020 AND SUBSEQUENT THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) (No.2) REGULATIONS 2020

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 a further update with reference to The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020.

Decision

Cabinet (1) noted how The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and amendments to practice and procedure had been applied to date; (2) noted how The Adoption and Children (Coronavirus) (Amendment) Regulation 2020, which came into force on 24 September and will remain in force until 31 March 2021 will be applied, as approved by the Executive Director for Children's Services on 11 November 2020; and (3) agreed 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 can be made utilising the delegated powers of the Executive Director in consultation with the Lead Member for Children's Services.

8. DIRECT CARE HOMES FOR OLDER PEOPLE: UPDATE ON ACTIONS

The Executive Director - Adult Social Care and Health reported on progress on the actions and subsequent proposed next steps following the 4 June Cabinet report.

Decision

Cabinet (1) noted the update on actions outlined in the report; and (2) agreed to the revised timeline for reporting on the revised Market position Statement.

14 January 2021

9. IMPLEMENTATION AND REBRANDING OF ASSET OPTIMISATION THROUGH CORPORATE LANDLORD POLICY

The Executive Director- Commissioning, Communities and Policy sought approval for the transition towards a full corporate landlord operating model referred to as Asset Optimisation and approval to appoint a specialist officer to plan and implement the new model.

Decision

Cabinet approved (1) Corporate Property to be the sole provider of property and strategic built environment related services; (2) a review of the current Service Level Agreement between Corporate Property and other divisional departmental areas to re-establish core offerings as an interim process; (3) the creation of a specialist role to produce a detailed and costed timetable for the implementation of Asset Optimisation; (4) a review of the impact of Asset Optimisation on resources in Corporate Property, support functions and service areas; (5) the implementation of the Asset Optimisation (full Corporate

Landlord) Model; (6) research into a centralised data management process/ system and approval to transfer the property and performance data to it; and (7) property data to be consolidated into a single location.

10. INVESTMENT OF CONTAIN OUTBREAK MANAGEMENT FUND

The Director of Public Health requested Cabinet to review the proposed use of Derbyshire's allocation of the Contain Outbreak Management Fund to deliver a range of interventions to support the ongoing response to COVID-19 and to agree that this funding could be utilised as soon as possible

Decision

Cabinet (1) reviewed and agreed the proposed funding allocations to deliver a range of combination prevention interventions to support the on-going response to COVID-19; and (2) approved that delegated authority be given to the Director of Public Health and Cabinet Member for Health and Communities to develop an implementation plan to co-ordinate the delivery of the different workstreams described in this report. Where appropriate additional approvals from Cabinet/Cabinet Member would be sought in line with the Council's Constitution and Financial Regulations.

11. SECTION 75 AGREEMENT FOR THE DELIVERY OF THE DERBYSHIRE INTEGRATED SEXUAL HEALTH SERVICE

The Director of Public Health sought Cabinet approval to endorse entering into a Section 75 agreement for the provision of the Derbyshire Integrated Sexual Health Service (DISHS).

Decision

Cabinet approved (1) that a public consultation exercise is undertaken in conjunction with Derbyshire Community Health Services NHS Foundation Trust on moving to a Section 75 agreement for sexual health provision in Derbyshire; (2) subject to the outcome of the public consultation, Cabinet endorses entering into a Section 75 agreement for the provision of the Derbyshire Integrated Sexual Health Service (DISHS); and (3) delegate approval for any further decisions required in relation to moving this new approach forward at pace to the Director of Public Health and Cabinet Member for Health and Communities.

12. USE OF PROFESSIONAL CONSULTANCY AND CONSTRUCTION FRAMEWORKS FOR HIGHWAYS, TRANSPORT AND ENVIRONMENTAL SERVICES PROJECTS

The Director – Economy, Transport and Environment sought approval to utilise non DCC frameworks, following Protocol 2(a) of the Council’s Financial Regulations to commission professional consultancy and construction providers to support the delivery of a wide variety and volume of highway, transport and other works in the current and future capital programme.

Decision

Cabinet (1) approved the optional use of national and local frameworks to commission professional consultancy and construction providers as and when required, to support the Council’s mixed economy model in delivering a wide variety and volume of Highway, Transport and Environmental works in the current and future capital programme; (2) approved the appointment of dedicated Highway’s contracts officers to manage this requirement and the ongoing monitoring and contract management of subsequent contracts; and (3) noted that the award of contracts under Protocol 2B of the Council’s Financial Regulations, to support the delivery of the Council Highway’s capital programme is delegated to the Executive Director of the Economy Transport and the Environment Department.

13. DERBYSHIRE YOUTH NETWORK

The Executive Director – Children’s Services updated Cabinet on ‘The Big Consultation’ on youth democracy in Derbyshire and the development of the ‘Derbyshire Youth Network.’ The proposal was originally presented to Cabinet on 16 January 2020 and the consultation responses on 30 July 2020.

Decision

Cabinet noted the progress in relation to the implementation of Derbyshire Youth Network.

14. URGENT DECISION – COVID WINTER GRANT SCHEME

The Executive Director – Children’s Services requested Cabinet to note the urgent decision taken by the Executive Director of Children’s Services on 2 December 2020 to approve spending plans for the Derbyshire County Council allocation of the COVID Winter Grant Scheme. The scheme was announced on 8 November 2020, but clarifying guidance was not received until 23 November 2020 from the Department of Work and Pensions with a go live date from December 2020, and therefore time for the normal decision-making protocols had not been possible. This was a dynamic initiative and since the Executive Director’s Urgent Decision, the children and adult cohorts had been further refined. Furthermore, the rationale for exclusion of eligibility was also provided with the report. Work had been on-going to provide more information

about the rationale of cohorts, in and out of scope, without changing the fundamental make-up of the cohort.

Decision

Cabinet noted the Urgent Decision taken by the Executive Director and the additional detail provided for the adult scheme within this report.

21 January 2021

15. RESERVES POSITIONS

The Director of Finance and ICT reported on the current and forecast positions for both General and Earmarked Reserves and to approve the Reserves Policy. This report should be read alongside the following reports to this meeting: the Budget Consultation Results Report for 2021-22, the Revenue Budget Report 2021-22 and the Capital Programme Approvals, Treasury Management and Capital Strategies for 2021-22 Report.

Decision

Cabinet (1) noted the current position on Earmarked Reserves; (2) noted the details of the balances to be released from Earmarked Reserve balances; (3) approved the allocation of £9.212m Earmarked Reserves released to the Budget Management Earmarked Reserve; and (4) approved the transfer of £0.167m from the Derbyshire Challenge Fund to a newly established earmarked reserve to support the Thriving Communities project.

16. BUDGET CONSULTATION RESULTS

The Director of Finance and ICT reported on the outcome of the Council's budget consultation exercises in formulating its budgetary proposals to Full Council regarding the Revenue Budget for 2021-22. This report should be read alongside the following reports to this meeting: the Reserves Position Report, the Revenue Budget Report 2021-22 and the Capital Programme Approvals, Treasury Management and Capital Strategies for 2021-22 Report.

Decision

Cabinet approved that the views of the consultation respondents are taken into account by Cabinet in formulating its proposals to Full Council regarding the Revenue Budget for 2021-22.

17. REVENUE BUDGET REPORT 2021-22

To make proposals to Full Council regarding the Revenue Budget and Council Tax for 2021-22. This report should be read alongside the following reports to this Council meeting: the Budget Consultation Results Report for 2021-22, the Reserves Position Report and the Capital Programme Approvals, Treasury Management and Capital Strategies for 2021-22 Report.

Decision

Cabinet (1) noted the details of the Spending Round 2020 and Provisional Local Government Finance Settlement; (2) noted the Government's expectations about Council Tax levels for 2021-22; (3) approved the precepts as outlined in the report; (4) approved the billing authorities are informed of Council Tax levels arising from the budget proposals as outlined in the report; (5) approved the contingency to cover non-standard inflation. The contingency to be allocated by the Director of Finance & ICT once non-standard inflation had been agreed; (6) approved the service pressure items identified in the report; (7) approved the level and allocation of budget savings outlined in the report; (8) noted the Director of Finance & ICT's comments about the robustness of the estimates and adequacy of the reserves as outlined in the report; (9) noted the details of the Council's consultation activity; (10) approved the Council Tax requirement of £348.070m which was detailed in the report; (11) approved the allocation of a one-off amount of £50,000 from the Councils General Reserve to fund the use of external support to identify potential savings opportunities by analysing similar councils' comparative spend and outcomes across the provision of services; (12) approved the use of the Revenue Contributions to Capital Expenditure Earmarked Reserve to provide one-off support to the 2021-22 Revenue Budget; and (13) authorised the Director of Finance & ICT to allocate cash limits amongst Cabinet portfolios; Executive Directors will then report to Cabinet on revised service plans for 2021-22.

18. CAPITAL PROGRAMME APPROVALS, TREASURY MANAGEMENT AND CAPITAL STRATEGY

The Director of Finance and ICT sought approval for proposals for submission to Council relating to the capital starts programme for 2021-22 and the Treasury Management, Investment and Capital Strategies. This report should be read alongside the following reports to this Cabinet Meeting: the Reserves Position Report, the Budget Consultation Results Report for 2021-22 and the Revenue Budget Report 2021-22.

Decision

Cabinet (1) approved the 2021-22 Capital Starts Programme set out in Appendix 1; (2) adopted the Treasury Management Policy set out in Appendix

2; (3) adopted the Investment Strategy set out in Appendix 3; and (4) adopted the Capital Strategy set out in Appendix 4.

19. SCHOOL BLOCK FUNDING SETTLEMENT 2021-22

The Executive Director – Children’s Services asked Cabinet to consider and approve the basis for calculating mainstream school and academy budgets for 2021-22.

Decision

Cabinet (1) noted the Schools Block settlement, including Pupil Growth funding for 2021-22; (2) approved that mainstream school budgets be calculated in accordance with the National Funding Formula; (3) noted that the primary school budget detailed in the report exclude some outstanding adjustments in respect of new Free Schools and agree that the additional costs of those adjustments be met from the Free School reserve; (4) noted the allocation of Pupil Growth funding in a matter for the Schools Forum; (5) noted the support from School Forum members to utilise funding from the Pupil Growth Fund to balance the shortfall detailed in the report; (6) approved that matters of detail regarding the calculation of school budgets be delegated to the Executive Director for Children’s Services in consultation with the Cabinet Member for Young People; (7) approved the request from the Schools Forum to de-delegate and top-slice funding from mainstream LA maintained schools’ 2021-22 budgets for a range of services as detailed in the report; and (8) approved the release of funding from re-pooled reserve to limit the cost increase for schools for 2021-22.

Other Considerations

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

Background Papers

Non-exempt Cabinet papers – 31 January 2019 to 19 November 2020.

RECOMMENDATION

That the report be noted.

Helen Barrington
Director of Legal and Democratic Services