

PUBLIC

MINUTES of a meeting of **CABINET** held virtually on 14 January 2021.

PRESENT

Councillor B Lewis (in the Chair)

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

Apologies for absence were submitted on behalf of Councillor A Dale.

Declarations of Interest

There were no declarations of interest made.

01/21 MINORITY GROUP LEADERS' QUESTIONS

There were no Minority Group Leaders' questions.

02/21 MINUTES RESOLVED that the non-exempt minutes of the meeting of Cabinet held on 10 December 2020 be confirmed as a correct record.

03/21 CABINET MEMBER MEETINGS - MINUTES RESOLVED to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Adult Care – 26 November, 8 & 21 December 2020
- (b) Young People – 8 December 2020
- (c) Corporate services – 10 December 2020
- (d) Strategic Leadership, Culture & Tourism – 11 December 2020

04/21 IMPLEMENTATION AND REBRANDING OF ASSET OPTIMISATION THROUGH CORPORATE LANDLORD POLICY

(Commissioning, Communities & Policy) The Managing Executive Director sought approval to 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.

Corporate Property had restructured and created delivery partnerships aligning to the asset life cycle. The ownership of assets, the associated data and accountability remained spread across service departments and Corporate Property. As a result, the following constraints and inefficiencies had been identified:

- Service Delivery - Service departments managing property matters which detracts from service delivery.
- Governance - No consistent approach to the management, branding or development of Council assets
- Transparency - No ability to report on performance of assets as data held in multiple unlinked databases across the Council.
- Accountability - No ability to performance manage activity on Council assets.
- Quality of Portfolio - Working with narrow focus limited by the current asset base i.e. bricks and mortar
- Delays and Duplications - No clear accountability across the Council on property matters.

The implementation of the Asset Optimisation strategy would correct these matters as the accountability, decision-making and budgets would sit within Corporate Property. Service departments would be involved in strategic decisions within the Asset Optimisation model. Liaison with service departments was taking place at multiple levels with the key forum being the Corporate Asset Management Group. The governance of Asset Optimisation would be documented and was key to the successful delivery of the model.

Details of the workstreams and actions required now to deliver the Corporate Property's Asset Optimisation goals for the Council's full asset portfolio were presented in the report. The successful implementation of Asset Optimisation will benefit the Council as a whole. The successful implementation is dependent on the four key inputs being in place; Data, Performance, People and Governance.

RESOLVED to approve (1) the implementation of the Asset Optimisation (full Corporate Landlord) Model;

(2) Corporate Property to be the sole provider of property and strategic built environment related services;

(3) the review of the current Service Level Agreement between Corporate Property and other divisional departmental areas to re-establish core offerings as an interim process

(4) the creation of a specialist role to produce a detailed and costed timetable for the implementation of Asset Optimisation;

(5) a review of the impact of Asset Optimisation on resources in Corporate Property, support functions and service areas;

(6) the 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.

05/21 INVESTMENT OF CONTAIN OUTBREAK MANAGEMENT FUND

(Health and Communities) 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.

Derbyshire County Council had received additional funding from Central Government to support the ongoing response to the COVID-19 pandemic as part of the Contain Outbreak Management Fund. This was in addition to funding received by the Authority in early 2020. Public Health Authorities in England had a lead role in protecting and improving the health of the population in relation to the pandemic. Within the Public Health Authority, the Director of Public Health had a responsibility for the Authority's contribution to health protection matters, preparing for and responding to incidents that present a threat to public health.

In May 2020, the Government launched the NHS Test and Trace service, this would ensure that individuals who developed symptoms could access testing, and that high-risk contacts were identified and advised to self-isolate for 14 days. Public Health Authorities (Local Authorities responsible for Public Health functions) were central to the local Test and Trace programme and had an evolving function within the programme of work as a Local Tracing Partnership.

As part of the Contain Framework which sets out how the impact of COVID-19 would be managed and mitigated, all local authorities in England with a responsibility for Public Health had received a funding allocation equivalent to £8 per head to support proactive containment and intervention measures. Derbyshire's allocation was £6.500m. The funding would allow development of new, and extension of existing non-pharmaceutical interventions to manage and mitigate the impact of the pandemic in communities across Derbyshire in the coming months. Any interventions needed to be targeted at specific vulnerable communities or populations and this would include children and families, older people and individuals at higher risk due to their health status.

In the absence of an effective vaccine, non-pharmaceutical interventions were considered by the Government's Scientific Advisory Group for Emergencies (SAGE) and bodies such as the Association of the Directors of Public Health to be the most effective way of limiting the impact of the disease. It was also important to note that a range of measures, strategies, behaviours or tactics needed to be adopted as part of a combination prevention approach, rather than simply selecting one or two measures and operating them in isolation. Evidence suggested that it was the cumulative impact of implementing a range of measures simultaneously that generated the greatest impact in terms of managing and controlling the spread of the disease both locally and nationally.

Some non-pharmaceutical interventions, such as a national lockdown or international travel restrictions require central co-ordination or sign-off, but there were other measures which could effectively be delivered on a local basis. Targeting local activity at certain communities or local populations would be needed throughout the next few months to maximise this investment and this may involve specific activity that focuses on schools, workplaces and care settings as well as broader community interventions. The report summarised interventions that could be delivered in Derbyshire and outlined indicative funding allocations to each project/ workstream.

Cabinet was asked to note that colleagues from across Public Health, in conjunction with relevant partners, would develop more specific details relating to each area of work, including where appropriate commissioning and procurement of specific activities.

An additional £0.418m had been allocated to Derbyshire by the Government to enable the resumption of activities that supported individuals identified as clinically extremely vulnerable to shield during the lockdown period which commenced on 5 November 2020, although consideration of how this funding was allocated was outside the scope of the report.

RESOLVED to (1) review and agree the proposed funding allocations to deliver a range of combination prevention interventions to support the ongoing response to COVID-19; and

(2) approve 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 the report. Where appropriate additional approvals from Cabinet/ Cabinet Member would be sought in line with the Council's Constitution and Financial Regulations.

06/21 SECTION 75 AGREEMENT FOR THE DELIVERY OF THE DERBYSHIRE INTEGRATED SEXUAL HEALTH SERVICE (Health and

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

The Council was mandated to ensure provision of open access sexual health services including:

- Contraception
- Testing and treatment of sexually transmitted infections (STIs)
- Sexual health aspects of psychosexual counselling, and,
- Sexual health specialist services including young people's services, outreach, HIV prevention and sexual health promotion.

The current Derbyshire Integrated Sexual Health Service (DISHS) contract was awarded by Cabinet on 17 May 2018. The contract was awarded to Derbyshire Community Health Services NHS Foundation Trust (DCHS NHSFT). This was for an initial five years with two 24-month options to extend, subject to satisfactory performance. This contract commenced on 1 April 2019 and was set to expire on 31 March 2028 if both options to extend were taken. Details of the current sexual health commissioning landscape were presented along with details of the current service provider model and provision.

Derbyshire enjoyed relatively good sexual health compared to England and other similar benchmarking local authorities. However, due to the large population of Derbyshire and its' diverse communities, there was significant variation of need especially within population groups most at risk of poor sexual health outcomes, details of which were presented.

In summary, the people most at risk of poor sexual health outcomes included young people aged 25 and under, men who had sex with men (MSM) and people living with HIV (PLHIV). This data further supported a change to a section 75 agreement due to the need to innovate at pace. The current tariff-based contract prohibited immediate change and development. The data suggested the continued emphasis on the importance of prevention via increased partnership arrangements to address sexual health need.

Block finance under a section 75 agreement would allow for flexibility to support delivery where it was most needed, and it enabled a system-wide approach to be developed. For example, following negotiation and agreement across parties the inclusion of the separately commissioned HIV treatment service in a section 75 agreement with appropriate NHS resource would add value to patient care.

The proposal allowed for improved adaptation to meet the changing needs of the Derbyshire population. It allowed the provider to innovate at pace and also raised opportunity for specific collaboration in the form of joint

commissioning through a system-wide budget to realise a more stable local sexual health system and growth with a relevant service commissioned by the CCG and/or NHS England.

Ultimately a Section 75 agreement would enable the Council and its partners to work together more cohesively to manage future turbulence within the sexual health system and enact savings at a faster pace as necessary. A Section 75 agreement would build on the very successful service that was currently delivered and would mitigate any future risk on performance due to re-procurement. The issues of working in a new and different way to meet local challenges presented across the sexual health system had been already raised and discussed. The provider DCHS NHSFT was fully supportive to work with the Council towards a Section 75 agreement.

RESOLVED to (1) approve 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) that, 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.

07/21 USE OF PROFESSIONAL CONSULTANCY AND CONSTRUCTION FRAMEWORKS FOR HIGHWAYS, TRANSPORT AND ENVIRONMENTAL SERVICES PROJECTS (Economy, Transport & Environment) The Director – Economy, Transport and Environment sought Cabinet 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.

Since the late 1990's, Derbyshire County Council had adopted a mixed economy of in-house and partner consultants and contractors in the delivery of highway capital projects. This model had provided operational flexibility, at the same time as providing a wide range of services to address peaks and to provide specialist services and capabilities, some of which were not available in-house.

The Council's in-house team currently had the maximum capacity to deliver about £13m of capital works in addition to about £5m of revenue

services. External contractors currently supported the in-house service in delivering approximately a further £13m of capital works using a number of Derbyshire specific contracts. The in-house design service currently had the capacity to deliver approximately £2m of designs per year. Since 2011, top-up consultancy services had predominantly been provided through a framework contract procured by the Midlands Highways Alliance, (MHA).

Over the past few years, the Council had seen a significant increase in Government funding for the highways capital programme. At the same time, the Council had experienced shortages in staff which had led to a backlog in delivery of the increased capital programme. The Council had initiated a new recruitment drive to address these shortages and engaged with a wide variety of alternative providers to identify the options available in supporting the in-house service. The Council had trialled and made limited use of the Eastern Shires Purchasing Organisation (ESPO) framework contract for consultancy services and the SCAPE framework for construction services.

The impact of COVID-19 on the Council had further impacted the existing capacity of the service to deliver its highways' capital programme. This had resulted in a further delay to the current 2020-21 programme of work. As a result, a large number of projects and schemes would be carried forward into 2021-22.

It was likely that Derbyshire would receive circa £30m from Government for 2021- 22 for highways maintenance, as a result of the recent budget. This, in addition to the carry forward from 2020-21, would give an overall programme of some £60m+, possibly more, dependent upon this year's outturn. This greatly exceeds the capacity of the in-house service to either deliver or provide oversight for external providers to deliver. Realistically it would take 2-3 years to bring the annual capital programme into balance. The Council's aim next year was to programme a spend of circa £40m+. In order to do this, urgent action was underway to identify current undelivered and future schemes that could be packaged up and put out to the market to deliver, these would include schemes for resurfacing, surface dressing, drainage and major patching. Procurement of these would be needed by the Spring if a major delivery programme was to be attained next year.

In the short-term, there was a need to source sufficient professional consultancy and design services and construction services to accelerate the delivery of the highways' capital programme. This was unlikely to be possible through the current routes used by the Authority due to the scale of these packages. The Highways service also lacked sufficient internal commercial expertise to manage these new arrangements and short-term resource would be required to manage the programme next year, ahead of longer-term establishment of an effective commercial team.

In the medium-term, the service was looking at a professional services partnership arrangement that better integrated external resources in supporting the in-house service. This was a major undertaking and would require a commissioning and procurement exercise that was likely to take approximately 18-24 months to procure and commission.

In developing this approach, it was of note that the Local Authority highways sector was still an attractive market for the private sector but, within the next five years, twenty-four local highways authorities would be coming to the end of their current highways delivery arrangements with their providers, be they construction, design or both. Soft market testing, and experience with the MHA suggests, that merely having available work was not sufficient to attract business. Most providers intended to continue to offer their services to local authorities, but providers were increasingly selective about bidding. Therefore, in order to make the possible professional services procurement exercise successful, it was essential that the County Council makes itself as an attractive potential partner as possible to the private sector market.

The optional use of a broader range of national and local frameworks would enable the Council to increase the delivery of its capital programme, whilst future mechanisms were developed and put in place. Different professional consultancies and contractors were members of different national and regional frameworks and, depending upon the specific services the Council needed for each project, the choice of which framework and provider to use would be determined to enable best value to the Authority in either the short or long-term.

Frameworks were responsive to changing needs and short timescales, offering both design and/or delivery services for specific schemes or programmes of works, plus the opportunity to take on seconded staff for limited periods of time. To procure these services on an individual basis through separate specifications and tendering procedures would be specialist resource dependant, time consuming and costly. Use of the MHA PSP and MHF frameworks together with the ESPO and SCAPE contracts had enabled the Council to deliver projects that the Council wouldn't have been able to do alone. Multiple frameworks would enable the Council to commission more projects to the right provider to support the Council's in-house service under the right terms and conditions for the Council. Details of the Frameworks the Council would seek the option to commission services through were presented in the report.

It was proposed that dedicated Highway's contracts officer/s be recruited initially on a temporary basis, to manage this requirement, as well as any subsequent on-going monitoring or contract management of contracts. The contracts officer/s would integrate with the Highways service to help determine the optimum use of the various frameworks. For every project

requirement, consideration for using further mini competitions or direct award call-offs shall be required. The contracts officer/s would work closely with Council's Procurement team to validate the preferred framework option and its appropriate use, ensuring compliance with financial and procurement regulations. It would be vital to continuously assess and benchmark these arrangements to assure value for money. With an extant and future capital budget of approximately £60+M, the use of national and local frameworks would support the Council's mixed economy model to deliver more than the current capacity that the in-house design and construction services could currently deliver.

RESOLVED to (1) approve 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) approve the appointment of dedicated Highway's contracts officers to manage this requirement and the ongoing monitoring and contract management of subsequent contracts; and

(3) note 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.

08/21 **DERBYSHIRE YOUTH NETWORK** (Young People) 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.

The participation team had been working to an implementation plan to ensure the network was up and running by the end of January 2021. Young people who were members of the Derbyshire Youth Council had remained as a focus group to support implementation and had proposed the name 'Derbyshire Youth Network'; reflecting the range of youth groups and schools who would be engaged. The network would also include the children in care council, care leaver's council and children's residential homes.

The model would initially be delivered virtually due to social distancing restrictions, but a hybrid model which included face-to-face delivery was proposed as restrictions ease. A consultation question would be circulated to the network each term starting in January 2021, the first question considering how supported children had felt during the coronavirus pandemic. The questions would be formulated based on feedback from young people in the

Big Consultation and areas the Council wished to consult young people on. The network would have an element of flexibility in order to synchronise consultation timings with council decision making processes and service planning.

Questions would be asked and responses analysed within the same term to ensure that timely feedback can be given to young people about the impact of their involvement. Technology would be used to record and deliver this information to ensure it was accessible to schools and community groups at a time which was convenient to their meetings.

Whilst termly consultations would form the basis of the network, the participation team would be able to facilitate additional focused consultations. This could be targeted at specific demographics, geographical locations or priority groups. The participation team had currently had positive engagement with 31 mainstream schools (out of 45) and 6 special educational needs schools (out of 10) within Derbyshire. This currently gives the network access to democracy leads for over 21,000 children. Eight community groups have also signed up to the network across the county. Working in partnership with youth and community engagement officers, further community groups would be contacted to share information and encourage their involvement in the network. The response from schools and community groups had been overwhelmingly positive with none declining the offer of involvement to date.

The network was aimed at young people aged over 11. In the future this could potentially be increased to include primary schools, however the resource implications would need to be considered.

RESOLVED to note the progress in relation to the implementation of Derbyshire Youth Network.

09/21 **URGENT DECISION – COVID WINTER GRANT SCHEME**
(Young People) Cabinet was asked to note the urgent decision taken by the Executive Director - Children's Services on 2 December 2020 to approve spending plans for the Derbyshire County Council allocation of the COVID Winter Grant Scheme.

On 8 November 2020, the Government announced a package of extra targeted financial support for those in need over the winter period; further guidance was issued on 24 November 2020 and scheme began in December 2020 and completed by 31 March 2021. Derbyshire County Council was allocated £2,181,024.15.

The Local Authority could determine eligibility and target support within the scope of the conditions; these were set out in detail within the report which also showed the whole grant value selected for children which was paid over

Christmas 2020 and Spring 2021. The scheme was targeted to aid vulnerable families with children and other vulnerable households especially those experiencing additional economic hardship due to the pandemic.

The remainder of the grant was spent on vulnerable adults via a voucher issue for care-leavers or via a combination of other means of support. These included an increase in Local Welfare Assistance utilising the Derbyshire Discretionary Fund and an uplift to the Derbyshire Healthy Homes Programme including boiler repair and heating system maintenance. Grants were also provided to Third Party Organisations to target those less likely to access local welfare support, specifically an older adult hardship fund targeting over sixty five year olds and a grant to Derbyshire Carers Association ensuring that funding for vulnerable adults and families and those dealing with the additional pressures of caring for those with long term health conditions, chronic illness, disabilities and learning difficulties.

Surrounding local authorities were supporting eligible children schooled in their area regardless of their home address; this was the same for Derbyshire County Council resulting in children who attend school in Derbyshire but live outside the County were included.

The Derbyshire scheme supported individual children within the family group as opposed to awarding the same grant to each family regardless of size.

RESOLVED to note the Urgent Decision taken by the Executive Director and the additional detail provided for the adult scheme within this report.

10/21 EXCLUSION OF THE PUBLIC FROM THE MEETING

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

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

1. To consider Minority Group Leaders' Questions (if any).
2. To confirm the Exempt Minutes of the meeting of Cabinet held on 20 December 2020.

3. To receive exempt minutes of Cabinet Member meetings as follows:
 - (a) Adult Care – 8 December 2020
 - (b) Corporate Services – 10 December 2020

4. Extension of Contract for the Transportation of Schools Meals – Executive Director of Children’s Services (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information)).