

PUBLIC

**MINUTES** of a meeting of **CABINET** held on 17 June 2021 at County Hall, Matlock.

**PRESENT**

Councillor B Lewis (in the Chair)

Councillors K S Athwal, A Dale, C A Hart, N Hoy, T King, J Patten, C Renwick and S A Spencer.

**Declarations of Interest**

There were no declarations of Interest.

**87/21      MINORITY GROUP LEADERS' QUESTIONS**

The following questions had been submitted by Councillor E Fordham:

**Agenda item 4 – To confirm minutes of non-exempt minutes of the meeting of Cabinet held on 14 April 2021 (Minute 79/21 Out of Area Sexual Health Services)**

Does this mean that HIV PrEP is now available on prescription in all of Derbyshire's sexual health clinics to all of those who need it, request it, or are prescribed it? Can the review of this trial be brought forwards so there is a seamless provision beyond March 2022 if it is to be continued past that date?

**Agenda item 5(a) – Health and Communities – 25 March (Minute 20/21 Funding for Arts and Health Programme)**

To ask if the Arts, Health and Wellbeing work planned could especially focus on hard to reach communities including the isolated, lonely and LGBT+ residents and those most vulnerable to suicide risk and mental health difficulties as this has been a particular consequence of the Pandemic and lockdown restrictions?

**Agenda item 6(f) – Universal Funding for Drug Treatment**

Given it has not been possible to undertake a full consultation, will the Council undertake to proactively communicate the effect and consequences of this funding with those members who are interested in such interventions and whose communities are directly impacted/affected?

## **Agenda item 6(j) Future Development of Bus Services in Derbyshire**

Noting that the Council must publish a Bus Service Improvement Plan by 31st October will the Council undertake immediate consultation with all of Derbyshire's Parish and Town Councils and with all Districts and Boroughs on the proposals highlighting both the opportunities and risks of this initiative?

It was confirmed that a written response to each question would be provided to Councillor Fordham.

**88/21** **MINUTES RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 15 April 2021 be confirmed as a correct record.

**89/21** **CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Health and Communities – 25 March 2021 and 14 April 2021
- (b) Adult Care – 1, 15 and 29 April 2021
- (c) Clean Growth and Regeneration – 8 April 2021
- (d) Young People – 13 April 2021
- (e) Corporate Services – 15 April 2021

**90/21** **ENTERPRISING COUNCIL PROGRESS UPDATE** (Strategic Leadership, Culture and Tourism and Climate Change) The Managing Executive Director for Commissioning, Communities and Policy provided Cabinet with an update report which detailed progress on the Enterprising Council Strategy and sought approval on the next steps, which included investment in the Programme Management Office and Modern Ways of Working programmes to provide resources to take forward the work.

The role and shape of public services had changed dramatically over recent years. Reduced public sector funding and increasing demand for services driven by demographics and long standing social, health and economic pressures meant that the Council, like many other authorities across the country, continued to face significant challenges in providing within available resources the services that local people need and want.

During the last four years the Enterprising Council approach, had delivered significant improvements to the way in which the Council operates, in terms of its efficiency and effectiveness and, in the way in which the Council works with partners and communities. Going forward the impacts arising from COVID 19 would lead to further significant change to the way the Council operates and build on the work to strengthen engagement and collaboration with communities and with partners both locally, regionally and nationally.

The Council Plan 2021 to 2025 outlines the Council's strategic approach which focuses on three key pillars of activity - Enterprising Council,

Thriving Communities and Vision Derbyshire. This approach would be fundamental in ensuring an adaptive and dynamic response to the increasingly complex issues facing the Council, partner agencies and local communities, such as the recent coronavirus pandemic and climate change.

The Enterprising Council Strategy had been approved by Cabinet on 31 January 2019 and since that time had received a number of updates detailing progress. The most recent update had been presented to Cabinet on 10 September 2020 when approval had been given to progress Phase 2 of the strategy and the report gave extensive details of the approach and priorities.

The report contained detailed updates in relation to the following three priorities and concluded with the next steps for progression:-

- Cross Cutting Project including Modern Ways of Working (MWOW), Demand Management and Workforce Leadership and Behaviours;
- Organisation, community and economic recovery and renewal; and
- Strategic Transformation Case and Centralised Programme Management Office (PMO)

Based on the Council's current ambition and experience from other local authorities who have delivered whole council transformation, it would be possible to realise significant benefits, over a multi-year timeframe, both cashable and non-cashable savings, improved service delivery which would lead to improved outcomes for residents and communities, if sufficient investment was put into the programme.

Development of a comprehensive business case for the Strategic Transformation Programme, that would demonstrate both cash and non-cashable savings as well as improved service delivery and improved outcomes to residents would also need to be developed. The case would also set out what investment the council would need to make to realise the identified benefits. This would ultimately form the longer-term road map that would identify milestones and sequencing for delivering the benefits.

In support of this, a review of all existing change and transformation projects and programmes across the Council was currently being undertaken. This work would support the Council to develop and identify a sequenced programme of work in which the Council would continue to move forward alongside a new model of transformation change which would allow us to work more collectively as one council, reduce siloed working and ensure a consistent approach to change would be applied. Engagement across all stakeholders within the Council would be critical to the success of developing the strategic transformation priorities, new methodology of working and therefore a stakeholder engagement plan would also be developed to support the work.

I was proposed that an interim Programme Management Office (PMO) would be implemented to develop the business case and to start to build the council wide approach to transformation. A small team comprising of a programme manager and two business analysts would be required to scope the issues, identify the costs and benefits, determine the optimum prioritisation and sequencing, and develop this into a long- term road map of activity. This team would be appointed on a temporary basis up to the end of March 2022.

The resources required for an established programme management office would be considered as part of the business case and proposals for funding would form part of the revenue budget setting process in Autumn 2022.

A further report would be submitted to Cabinet in Autumn 2021 which would present the business case and outline the level of investment needed to deliver the identified benefits set out in the business case.

The report referred to the relevant Governance issues, alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to (1) note progress on the Enterprising Council programme;

(2) note the intention to advise all staff who can work from home to continue to do so until Autumn 2021;

(3) approve the allocation of resources from the General Reserve as outlined in the report in order to deliver the outcomes described for both the Modern Ways of Working and Strategic Transformation Programmes.

**91/21**      **UPDATE ON EAST MIDLANDS FREEPORT** (Strategic Leadership, Culture and Tourism and Climate Change) The Executive Director for Place presented a report that gave an update to Cabinet regarding recent progress and next steps which were being taken in the preparation of a full business case for the East Midlands Freeport. Cabinet approval was sought for the Council to join the Freeport ‘Set Up’ Board and the Leader of Derbyshire County Council (DCC) to be the nominated representative.

On 4 February 2021, the Leader and Cabinet Member – Strategic Leadership, Culture, Tourism and Climate Change had agreed to support a bid led by the D2N2 Local Enterprise Partnership to create a freeport in the Derbyshire, Nottinghamshire, Leicestershire area which would bring additional powers and tools to improve the regional economy as we ‘build back better’ from COVID-19 and respond constructively to the opportunities generated by the UK’s exit from the European Union (EU).

The Government's Bidding Prospectus described Freeports as:

“... a flagship government programme that will play an important part in the UK's post-Covid economic recovery and contribute to realising the levelling up agenda, bringing jobs, investment and prosperity to some of our most deprived communities across the four nations of the UK with targeted and effective support.”

The Government had proposed a range of benefits that would be available to freeports in the following policy areas:

- Customs
- Tax. This includes measures on:
  - Stamp Duty Land Tax (SDLT) Relief
  - Enhanced Structures and Buildings Allowance
  - Enhanced Capital Allowances
  - Employer National Insurance Contributions Relief
  - Business rates
- Planning
- Regeneration and infrastructure: successful bidders will be able to access a share of £175 million of seed capital funding, depending on the submission of an outline business case (OBC).<sup>19</sup>
- Innovation

An expression of interest had been submitted to Government on 5<sup>th</sup> February by the Derby, Derbyshire, Nottingham, Nottinghamshire (D2N2) Local Enterprise Partnership (LEP), supported by Derbyshire, Nottinghamshire and Leicestershire County Councils, South Derbyshire, North West Leicestershire and Rushcliffe District Councils and a range of private sector landowners, including Toyota Manufacturing UK.

The bid document set out the vision and ambitions for the East Midlands Freeport, along with an overview of site-specific proposals. These had been detailed fully in the report to the Leader on 4 February and were summarised in the report presented to Cabinet.

The bid document also set out the interdependencies between the proposed East Midlands Freeport and the East Midlands, locally led development corporation (DevCorp) currently being progressed in Nottinghamshire and Leicestershire. Aspects of two of the sites were in both the Freeport and the DevCorp (i.e. EMAGIC and Ratcliffe Power Station); the third site, the Intermodal Park in South Derbyshire, which was of greatest interest to the County Council, sits outside the current DevCorp geography.

Up to the point of submission on 5 February, 2021, the D2N2 LEP had provided the organisational capacity and acted as the 'lead accountable body'

in helping drive bid preparation, including chairing a working group of chief/senior officers and commissioning Vivid Economics to provide detailed support to the bid-writing process.

Members might be aware that Government had confirmed that the East Midlands Freeport had been successful in being shortlisted to progress to the next stage in its Budget on 3 March 2021, one of only eight in England. Other shortlisted locations were Felixstowe and Harwich (referred to as Freeport East), Humber, Liverpool City Region, Plymouth, Solent, Thames and Teesside.

Alongside the announcement, Government had issued additional guidance to help the shortlisted freeport geographies progress through the next stages of the freeport process. This guidance confirmed an ambitious timetable that would see the first freeports formally designated by the end of 2021 – with clear implications for the need to work at pace over the coming months including:

- Detailed governance arrangements, risk register and implementation plan to be submitted by end of April
- Outline business case to be submitted by Summer 2021
- Tax sites and details confirmed by Summer 2021
- Customs sites and details confirmed by Autumn 2021
- Full business case submitted by Autumn 2021

Government had also advised of the need to work with them closely on: developing a more detailed governance model to provide confidence in our ability to deliver; appropriate measures for the effective management of public funds – including application of capacity support funding; the process for working on, assessing and approving business cases; and, respective roles and responsibilities at each stage. One notable shift in emphasis within the guidance was that Government now expected accountable bodies for the freeports to be ‘legally constituted’. Within the current East Midlands partnership this meant that leadership of the delivery arrangements had needed to change from the D2N2 LEP to one of the local authorities. Given the primary customs site was the East Midlands Airport and located in North West Leicestershire, Leicestershire County Council (LCC) had confirmed it would fulfil the role of accountable body (AB). Its key roles as AB included being responsible for: Government funding and monitoring/ reporting against the use of these funds; upholding procurement practices; providing effective support to the Freeport Board in delivering its purpose, in achieving formal designation as a Freeport and progressing to delivery; maintaining appropriate project documentation e.g. project plans and risk registers; ensuring the Board operates in line with transparency, propriety and inclusivity standards; publishing relevant papers, minutes and a register of interests; and acting as a single point of contact for Government officials.

Since mid-March, LCC had been undertaking work to ensure the requirements of the early 'next steps' had been met. Given the sizeable nature of the task Ernst and Young had been commissioned by LCC to support this work and provide immediate additional capacity.

Alongside the guidance, Government had also provided detailed feedback on the content of the original expression of interest document and confirmed additional (new) areas of work. This was summarised further in the report.

Some of the key work areas had been progressed, led by LCC and supported by Ernst and Young which included:

- Confirmation of the title of the Freeport as the East Midlands Global Gateway Freeport (EMGGF).
- A revised vision for the EMGGF to be '*the UK's pre-eminent green, multimodal inland freeport and gateway to global trade, economic growth and job creation*'.
- Meetings commenced between Sir John Peace, Chair of Midlands Engine, and relevant local authority leaders and key partners to commence discussions on the full nature of the Freeport 'set up' phase.
- Development and submission of governance proposals, including terms of reference for the EMGGF 'Set Up Board', an interim governance arrangement for the pre-delivery phase of the Freeport which will ensure the necessary financial and human resources are in place to oversee the coordination of the different strands of activity required for full business case development.
- Development and submission of a strategic risk register for Freeport delivery
- Development and submission of a Diversity Statement
- Development and submission of an Implementation Plan
- Development and launch of a recruitment process to secure an independent Chair for the Set Up Board
- Development of person specification and job role for a dedicated Freeport Programme Manager

The report also referred to the governance arrangements for the Set Up Board. It was proposed that the Board would have a total of 16 members made up of an independent Chair and up to a further 15 individuals selected from across the private and public sector, including landowners (7 Board members), upper and lower tier local authorities (total of 6 Board members); others, such as representatives from the East Midlands Development Corporation and local members of parliament. It is proposed the local authority representatives are senior elected members.

In addition to the overarching Board, a number of sub committees had been proposed to cover activity such as: Investment & Growth; Innovation & Net Zero; Nominations; Security and Risk; and Skills. A wider Engagement Network was also proposed to ensure the views of key stakeholders such as LEPs, the Chamber of Commerce, Midlands Engine, Midlands Connects, colleges and universities were secured to inform the detailed development of the Freeport.

Although good progress had been made in developing the overarching decision-making arrangements, more work was required to confirm the delivery arrangements that would drive development at each of the three sites and preparation of the outline business case. The previous working group that had been involved in preparing the initial expression of interest bid had been stood down, therefore implementation of the appropriate officer and project arrangements to drive the necessary work over the coming six months was now essential. It was likely these arrangements would become clearer within the next few weeks.

It was likely that Derbyshire County Council, as transport and highway authority for the EMIP area, would need to contribute directly to these arrangements and existing resources within the Economy and Regeneration Service were being prioritised and re-aligned accordingly; additional resources will be procured as necessary.

In addition, Ernst and Young were currently undertaking individual discussions with each of the Freeport partners to ascertain views on critical elements such as ambitions, key principles, issues and key areas requiring clarification. These discussions were due to take place week commencing 24 May and would inform the Council's views of current levels of risk, likely work packages and level of preparedness for progressing the outline business case. Further updates would be provided as appropriate.

The report referred to the relevant Governance issues, alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to (1) note that Government confirmed the East Midlands Freeport (EMGGF) has been successful in being shortlisted to progress to the next stage of freeport development in its Budget on 3 March 2021;

(2) note the issues and progress that has been made regarding the initiation of 'set up' arrangements and specifically, the submission of various documents to Government;

(3) note the proposed Governance arrangements as set out in this report;



(4) agree that Derbyshire County Council should be part of the Freeport Board and specifically approve the Leader of Derbyshire County Council as the Council's representative on the Set Up Board;

(5) delegate authority to the Leader to appoint a replacement representative on the Set Up Board in the event that he is unable to attend;

(6) note the more detailed work that will need to take place over the coming six months and specifically, the potential impacts on resources for Derbyshire County Council;

(7) note that a report outlining the key risks and resourcing implications be submitted to Cabinet once they have been confirmed.

**92/21**      **FORWARD PLAN REPORT** (Corporate Services and Budget)  
The Managing Executive Director for Commissioning, Communities and Policy presented a report that sought Cabinet's consideration of the Executive's Forward Plan for the period 1 June – 30 September and that provided an opportunity for Cabinet to comment on future decisions for inclusion in the forthcoming Forward Plan.

An independent review of the Council's Scrutiny function had been undertaken in 2020 by the Centre for Governance and Scrutiny. The report commented upon several areas, including the proposal for a Forward Plan which looks to the future, for a period longer than the statutory requirement. It was believed that such a Forward Plan would enable the four Improvement and Scrutiny Committees to prepare better informed work programmes. This would equally apply to the work programme of the new Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction.

It had been agreed that a four-month rolling Forward Plan would be considered by CMT and then by Cabinet on a monthly basis. This approach should improve planning and horizon-scanning.

In the interests of effective coordination and public transparency, the Forward Plan included any item that was likely to require an Executive decision of Cabinet or Cabinet Member whether a key decision or not. The Forward Plan covered the forthcoming 4 months and would be updated on a rolling monthly basis. All items had been discussed and approved by the Corporate Management Team.

The Forward Plan was ultimately the responsibility of the Leader and Cabinet as it contained executive business due for decision. The document had been originally published on 12 May to comply with the requirements to give 28 days' notice of key decisions to be considered at the Cabinet meeting originally scheduled to take place on 10 June, but had subsequently been updated to reflect the revised date for this meeting. The Plan was presented to the meeting to give Cabinet the opportunity to discuss, amend or delete any

item that was listed to be considered in the future and comment on any items to be included in the forthcoming Forward Plan.

**RESOLVED** to note the contents of the Forward Plan appended to the report at Appendix 2.

**93/21      TRANSFER OF THE COMMUNITY SERVICES DIVISION**

(Strategic Leadership, Culture, Tourism and Climate Change Cabinet/Health and Communities/Infrastructure and Environment) Cabinet gave consideration to a report that had been prepared jointly by the Managing Executive Director for Commissioning, Communities and Place, and the Executive Director for Place which sought approval for the transfer of the Community Services Division (except Community Safety), and associated budgets, between the Commissioning, Communities and Policy (CCP) Department and the new Place Department.

Full Council had agreed at its meeting on 2 December 2020, to rename the Economy, Transport and Environment Department to Place on the appointment of the new Executive Director, Place on 17 May 2021. The Place Department had brought together those critical and universal front-line services that were most frequently used by the wider public. The improved integration and coordination of these services were important in a number of areas:

- Post-Covid economic recovery to improve infrastructure, facilities, training and skills;
- Better community resilience and improved local response to climate change;
- Addressing the public and private transport challenges to support a vibrant local economy in a sustainable manner; and
- Support the wider levelling up agenda both locally and regionally.

In March 2021, in order to better coordinate and deliver place-based services in a challenging environment, the Managing Executive Director (CCP) had approved proposals to reconfigure the existing functions in the Place Department under three new Director roles; Economy and Regeneration, Environment and Transport, and Highways. Two of the Director roles were currently vacant on an established basis and recruitment to these roles was underway.

The Community Services Director had retired at the end of March 2021 and this had presented the Council with an opportunity to consider the best structural fit for the community services functions going forward. Consideration of how functions were structured in the Place department was already underway and it had been concluded that incorporating the majority of the universal front line community-based services, which previously sat in

CCP, (comprising libraries, archives, arts and culture, museums and trading standards) within the Place structure would strengthen and integrate the role those functions could play in the community. It was proposed that Libraries and Heritage services would become a separate sub-division within the Economy and Regeneration Division, reporting to the Director. The Trading Standards function would also move to the division as part of a new Planning and Public Protection sub-division, along with Planning and Highways Development Control. Staff within these services would be included in the wider restructure of the Place Department once the three Director roles were in post. The proposals for the new Economy and Regeneration division are appended to the report at Appendix 2.

The Community Safety function would remain in CCP and be based in the Policy and Strategy team within the Organisation Development and Policy Division.

However, due to the timings, it had been necessary to put in place interim management arrangements for Community Services, following the retirement of the Director. These were detailed in the report along with the associated financial implications.

Cabinet approval was sought for the transfer of £7.694m budget and associated staff from the libraries, archives, arts and culture, museums, and trading standards services from CCP into the Place Department. In addition to the transfer of services, Cabinet was asked to approve the transfer of relevant powers associated with these services, which were currently delegated from Cabinet to the Managing Executive Director, to the Executive Director – Place. Until the three Directors were in place, it was not practical to fully establish the new Place divisions, therefore, the transfer would occur upon the appointment of the three Directors, which would likely be concluded no later than October 2021.

The £1.327m budget for Trading Standards would remain in CCP and be transferred to the Organisation Development and Policy Division of CCP.

The report referred to the relevant financial implications involved in the transfer, alternative options that had been considered and other relevant implications that had been taken into account in its preparation.

**RESOLVED** to approve (1) the transfer of the libraries, archives, arts and culture, museums and trading standards services of the Community Services Division of the Commissioning, Communities and Policy Department to the new Place Department, together with the appropriate staff and budgets;

(2) the transfer of the Community Safety Team from the Community Services Division to the Organisation development and Policy Division within the Commissioning, Communities and Policy Department, together with the appropriate staff and budgets; and

(3) the transfer of delegation 1 (a), (b) and (c) to the Executive Director – Place within Appendix 1 of the Constitution and for the Constitution to be amended by the Monitoring Officer under delegated powers, accordingly, with the amendments being noted by full Council.

**94/21      REFRESH OF THE LOCAL OUTBREAK MANAGEMENT PLAN**

(Health and Communities) The Director of Public Health submitted a report that asked Cabinet to:

- a) Note the revised Local Outbreak Management Plan appended to the report which was submitted to the Department of Health and Social Care on 31 March 2021;
- b) Note that the Local Outbreak Management Plan was a live document and that the Leader of the Council and Member for Health and Communities would be briefed on significant changes to the plan due to the evolving nature of the pandemic; and
- c) Note the additional funding received from Central Government to support the delivery of the Local Outbreak Management Fund and agree that expenditure would be prioritised against the aims and ambitions outlined in the Local Outbreak Management Plan.

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 was responsible for the Authority's contribution to health protection matters and preparing for and responding to incidents that present a threat to public health. Local Authorities had an ongoing statutory responsibility to have Local Outbreak Management Plans (LOMPs) for responding to emergencies in their areas as part of their existing duty for safeguarding and protecting the health of their population.

In July 2020 Derbyshire had produced an Outbreak Management Plan which outlined the system wide response to COVID-19. This had proved to be an important operational and technical document which had helped shape the response to COVID-19 over the past nine months.

Publication of the Government's Roadmap for exiting national lockdown, the accompanying refresh of the Contain Framework and an increasing focus on Variants of Concern (VOC) had highlighted the importance of local authorities urgently reviewing and updating their Local Outbreak Management

plans in order to ensure they were fit for purpose as well as an aid to national understanding.

In early March 2021 the Department for Health and Social Care (DHSC) had requested all Public Health Authorities refresh their current plan. The refresh provided local authorities with the opportunity to detail and reflect on the broad range of activity which had taken and was taking place in relation to the ongoing response to the pandemic. The document would be updated and reviewed on a regular basis to reflect changes in the local and national position.

The Plan was appended to the report.

Additional funding had been received from Central Government to support the delivery of the LOMP and to support the ongoing response to the COVID-19 pandemic via the Contain Outbreak Management Fund.

Cabinet had previously received a report in January 2021 that outlined how Derbyshire's initial allocation of Contain Outbreak Management Fund would be spent. It was proposed that the additional funding would continue to be used against the same priorities to manage and mitigate the impact of the pandemic in line with the aims and objectives of the Local Outbreak Management Plan as summarised in the report.

The report referred to the relevant financial implications, alternative options that had been considered and other relevant implications that had been taken into account in its preparation.

**RESOLVED** to note (1) the revised Local Outbreak Management Plan appended to the report which was submitted to the Department of Health and Social Care on 31 March 2021;

(2) that this is a live document and that the Leader of the Council and Cabinet Member for Health and Communities will be briefed on significant changes to the plan due to the evolving nature of the pandemic;

(3) the additional funding received from Central Government to support the delivery of the Local Outbreak Management Fund and agree that expenditure is prioritised against the aims and ambitions outlined in the Local Outbreak Management Plan; and

(4) approve continuation of the delegated authority to the Director of Public Health and Cabinet Lead for Health and Wellbeing to support rapid deployment of funding to implement the Local Outbreak Management Plan.

**95/21**      **UNIVERSAL FUNDING FOR DRUG TREATMENT** (Health and Communities) Cabinet approval was sought for the allocation of a new national universal funding grant of £0.526m to be awarded to Derbyshire Recovery Partnership to expand and develop drug treatment services across Derbyshire.

The Government had recently announced an additional £80 million national funding allocation in 2021-22 for one year to enhance drug treatment, focused on reducing drug-related crime and the rise in drug-related deaths. This funding was in addition to the money local authorities already spend on substance misuse from the Public Health Grant and must be spent on additional services. Derbyshire County Council had been awarded £0.526m under the Universal funding element to be provided under a Section 31 grant.

The proposal locally would be to focus on strengthening the criminal justice interventions relating to drug treatment which were a key element in the parameters of the new funding, and which it was felt would benefit from more robustness in Derbyshire. Despite extremely tight timescales of two weeks from being informed of the potential amount to submission of the proposal, discussions with partners and stakeholders had been undertaken at pace to develop an acceptable and workable approach.

The parameters for the proposed spend had been set nationally and the period of time for the expenditure was one year. The proposal which had been developed for Derbyshire consisted of a new Criminal Justice team within the Derbyshire Recovery Partnership (adult substance misuse treatment service) which would seek to engage more quickly and effectively with offenders at the pre-sentence stages to encourage more offenders into drug treatment, and to work with them under a more robust programme of interventions post-sentence. The majority of the one year funding (£0.509m) had been allocated to the function and delivery of this team which consisted of a co-ordinator, three Court treatment requirement workers, five specific criminal justice workers including prison release and Integrated Offender Management, one employment specialist worker and one administrator.

A sum of £6,992 of the universal funding had been allocated to harm reduction including increased naloxone provision to reverse opioid overdose and help prevent drug related deaths, and a further £10,000 had been allocated to increase the network of peer support for recovery from drug misuse. Derbyshire Recovery Partnership would also lead on delivering these elements.

The report referred to alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to approve the allocation of a new national universal funding grant of £0.526m to be awarded to Derbyshire Recovery Partnership to expand and develop drug treatment services across Derbyshire.

**96/21**      **REGISTRATION SERVICE – WEDDINGS AND CIVIL PARTNERSHIPS** (Health and Communities) The Managing Executive Director for Commissioning, Communities and Policy presented a report which advised Cabinet of an urgent decision taken in relation to wedding and civil partnership ceremonies in Derbyshire.

In accordance with the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 (as amended) and government guidance, the Managing Executive Director had agreed on 7 January 2021, weddings and civil partnerships could only take place with up to 6 people in attendance (excluding staff working) and in exceptional circumstances. This decision had been reported to Cabinet on 11 February 2021.

An example of exceptional circumstances was an urgent marriage where one of those getting married was seriously ill and not expected to recover or was to undergo debilitating treatment or life-changing surgery. However, there might be other circumstances which were exceptional and the wedding or civil partnership should be able to proceed. In recognition of this, delegated authority had been granted to the Director of Legal and Democratic Services to approve any other circumstances which were deemed to be exceptional.

The Government subsequently issued the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 which remove the “exceptional circumstances” restriction on weddings and civil partnerships. Therefore, with effect from 29 March 2021 wedding and civil partnership ceremonies were no longer limited to exceptional circumstances. As a result of these new Regulations, the Managing Executive Director had agreed on 26 March 2021, that the exceptional circumstances restriction in relation to weddings and civil partnerships should be removed.

A copy of the decision record was appended to the report.

The report referred to alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to note the decision taken with regard to the removal of the exceptional circumstances condition in relation to weddings and civil partnerships in Derbyshire.

**97/21**      **REPORT OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – COMPLAINT AGAINST THE COUNCIL** (Children’s Services and Safeguarding) The Monitoring Officer presented a report that informed Cabinet of a recent case which had been investigated by the Local Government and Social Care Ombudsman (LGSCO) who had made a finding of fault by the Council causing injustice to the complainant.

Members were aware that if an individual is dissatisfied with the service provided by the Council, he/she could complain under the Council's Corporate Complaints Procedure. If a complainant remained dissatisfied, they were then able to refer the complaint to the Local Government and Social Care Ombudsman. If the LGSCO decided to investigate a complaint he would determine whether, in his opinion, the Council had been guilty of "maladministration" and if so whether the complainant had sustained "injustice" in consequence.

It was reported that Section 5A of the Local Government and Housing Act 1989 imposes a duty upon the Monitoring Officer to prepare a report to the Executive if at any time it appears to her that there has been maladministration in the exercise of its functions. The duty does not arise in respect of a finding of maladministration by the LGSCO unless the LGSCO has conducted an investigation (S. 5A(4)). The Monitoring Officer is obliged to and has consulted the Head of Paid Service and Chief Financial Officer in the preparation of this section 5A report a copy has been provided to each member of the Council.

As soon as practicable after the Executive had considered the Monitoring Officer's report it must prepare a report which specified:-

- (a) What action (if any) the Executive had taken in response to the Monitoring Officer's report,
- (b) What action (if any) the Executive proposed to take in response to the report, and
- (c) The reasons for taking the action or for taking no action.

The report presented contained all of the details of the complaint, the prescribed actions taken by the Council in relation to the complaint and the Ombudsman's findings.

In response, it was reported that the Council had accepted the LGSCO's findings and agreed to the following recommendations, which had been welcomed by the LGSCO.

Following receipt of the report, the Council had already apologised fully to the complainant and paid £1,000 as agreed.

In accordance with the LGSCO requirement, the Council would place two public notices announcements in two local newspapers/websites within two weeks of the LGSCO publishing the report. It would also make copies of the report available free of charge at one or more of the Council Offices.



This report fulfilled the requirement to arrange for the LGSCO's report to be considered by the "executive" and following this meeting the LGSCO would be informed that this has been done.

The LGSCO required that within six months of the date of the final report the Council should review its processes to ensure it was carrying out annual reviews, issuing decision notices and finalising amended EHCPs in line with the statutory guidelines. The Council had begun a review into its processes for the completion of annual reviews to ensure practice was as efficient as possible. Annual reviews were conducted by the provisions delivering an EHCP and the council's role was to ensure any amendments required were made in a timely manner.

Work had already commenced in relation to identified elements of the annual review process that would enable shorter timeframes and these were detailed in the report. The SEND assessment service had also considered the final aspect of the LGSCO's recommendations regarding the response to the complainant. During the last year, the number of complaints had fallen and all complaints were taken seriously. However, in this instance, it had been made clear that this complaint should have been fully upheld rather than two aspects being partially upheld.

The report also addressed further actions already taken to address the matters arising within this historical complaint.

Additionally, The Director of Legal and Democratic Services had noticed in 2019 that there had been a theme in complaints to the LGSCO relating to Children's Services matters and SEN. This was also the situation nationally. The Council had received a LGSCO report relating to another SEN matter in 2019 and this was reported to the Governance, Ethics and Standards Committee on 3 October 2019.

Following the Governance, Ethics and Standards Committee, the Director of Legal and Democratic Services had contacted Children's Services Quality & Assurance Team to discuss the number of Children's Services SEN LGSCO complaints and asked whether Legal Services could support Children's Services to address the underlying issues and to reduce the likelihood of a further LGSCO report on a Children's Services SEN matter. There had been a number of meetings with Legal and Children's Services and at that time a new Assistant Director of Children's Services with responsibility for SEN had also been appointed. Children's Services were confident that since the last LGSCO report in relation to SEN they were making good progress on complaints generally and SEN matters.

The SEN assessment team was responsible for delivery of the Council's statutory duties with regard to the assessment of need, writing and reviewing

of EHCPs. Significant change had taken place within this team to address the matters that had arisen in the history of this complaint and these were detailed in the report.

It was important that when considering this LGSCO report, Members were mindful that this and many of the recent complaints to the LGSCO were legacy complaints that had originated in practice from previous years, prior to the implemented changes. A strategic working group from SEND and the complaints team was now in place to monitor and address LGSCO reports specifically, ensure actions were delivered and would also monitor refusals to investigate.

It must also be noted that sometimes agreement of EHCPs might be late for a variety of reasons including parents' illness and therefore the team might be unable to agree a plan. However, performance had improved in this area and plans where there were significant delays had reduced from approximately 38 in May 2020 to 20 in July 2020, 7 in October 2020 and 2 in January 2021.

Several improvements had been made to communication mechanisms and how this had impacted on the improvement were detailed in the report.

Further recommendations had been identified by the Monitoring Officer during the term of the investigation and these included:

- The Council had already apologised fully to the complainant for the faults identified and paid her £1,000. In respect of the action to review processes to ensure the Council was carrying out annual reviews, issuing decision notices and finalising amended EHCPs in line with the statutory guidelines, it was recommended that Cabinet consider requiring a progress report to the relevant Cabinet member in August and November;

- In view of the fact that specific changes had already been made in areas identified prior to receipt of the LGSCO's report and the Council had accepted the LGSCO's recommendations, no further activity was recommended.

The report referred to alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to (1) note the findings of the Local Government and Social Care Ombudsman set out in the report at Appendix 2 and the actions which have been taken by the Council in response to that report and more generally to prevent further escalations of complaints;

(2) confirm that it is satisfied with the steps taken to address the findings and agrees that a progress report shall be provided to the relevant Cabinet Members in August and November; and

(3) note that a copy of this report has been circulated to all members of the Council.

**98/21**      **COVID LOCAL SUPPORT GRANT** (Children's Services and Safeguarding) Cabinet was asked to note the urgent decision taken by the Executive Director of Children's Services on 10 May 2021 which approved additional spending plans for the Derbyshire County Council allocation of the COVID Local Support Grant (CLSG). This scheme was a successor to the Covid Winter Grant Scheme (CWGS) for vulnerable families which had run from 1 December 2020 until 16 April 2021 and would continue until 20 June 2021. The CLSG Delivery Plan attached with Enclosures at end of the related report, had to be submitted to DWP no later than 14 May 2021, and therefore time for the normal decision-making protocols had not been possible.

**RESOLVED** to note the Urgent Decision taken by the Executive Director.

**99/21**      **IMPACT OF THE NATIONAL BUS STRATEGY ON THE FUTURE DEVELOPMENT OF BUS SERVICES IN DERBYSHIRE** (Highways Assets and Transport) Consideration was given to the report of the Executive Director for Place which gave an update in relation to the implications of the Government's recently announced National Bus Strategy which sets out the future shape and ambitions for local bus service provision and the options available to local transport authorities. Cabinet was also asked to give consideration to the viability of the options and agree the creation of an Enhanced Partnership for Derbyshire supported by a Bus Service Improvement Plan, within the timescales set out in the Strategy.

On 15 March 2021, Government had published the first National Bus Strategy for England. The main objective of the Strategy was to reverse the long-term decline in bus use nationally which had been exacerbated by the impact of the COVID-19 pandemic. It aimed to achieve this by making bus services more frequent, reliable, better co-ordinated and cheaper. To enable this, Government wanted to see major improvements in a variety of areas including bus priority measures, vehicle emission standards, the provision of service information, simplified ticketing arrangements and the joint marketing of services. Government had committed to provide £3bn of new transformation funding nationally to help drive forward these improvements.

Central to these changes, the Strategy expected all local transport authorities (LTAs) in England to play a much bigger role than they did currently in the way bus services were operated in their area. Under the

existing deregulated model of bus provision which had been in place since 1986, most services were provided on a commercial basis. This meant it is the bus companies themselves who decided the route of the service, the timetable, fares, types of vehicle used, etc, based on what they thought made the best commercial proposition. It was only when bus companies felt that there was not a commercial case to operate a route in a particular area, or time of day, that LTAs could become involved by specifying and funding additional services to fill gaps in commercial provision. Prior to the pandemic, approximately 80% of bus passenger journeys in Derbyshire had been made on commercially operated services, with the remaining 20% of journeys taking routes financially supported by the Council.

The Strategy expected all LTAs in England to replace this deregulated model in their area with one of the following two options:

- **Franchising** – Under a franchising model, LTAs would determine which bus services should be provided, with bus operators bidding for the right to run them on a contractual basis. Although the franchising model would give LTAs full control of where and when buses operate, the fares charged, etc, it also meant that the LTA would be required to meet the overall cost of providing all the services in their area that are not met by passenger fares and other income. As a result, any requirement by the LTA to make financial savings in its bus service budget would mean routes having to be scaled back or withdrawn altogether as there would be no commercial network to fall back on. There were also a variety of other costs associated with franchising, such as the need to establish large scale bus planning, procurement and monitoring teams within the LTA to manage and develop the whole network over time. Other costs, such as buying depot sites for franchise service operators to garage their buses, might also be required. As the specifier of the bus network, it would be the LTA which would also become directly responsible for any problems linked to the services which might, in turn, result in the need for additional political involvement in the day to day operation of the network.

Under current legislation, only Mayoral Combined Authorities (MCAs) had an automatic right to use franchising powers. For franchising to be introduced in Derbyshire, the County Council would need to develop a full business case setting out the reasons why it wanted this arrangement and then apply to the Secretary of State for Transport for permission to receive these powers. To date, no non-MCA had decided to pursue this model and the franchising system was only operational in London. Greater Manchester was, however, actively pursuing plans to introduce franchising, but it had taken nearly four years of work by Transport for Greater Manchester

(TfGM) to reach the point where the final decision to commit to the franchise model had now been taken. It was anticipated that the first franchised services would start operating in Manchester in 2023 with the process being completed by 2025. TfGM anticipated the cost of its introduction would be £135m.

- **Enhanced Partnerships** - Enhanced Partnerships (EPs) were a new type of partnership arrangement between LTAs and bus operators. The purpose of the EP would be to create a formal, collaborative agreement between LTAs and bus operators to deliver bus improvement objectives. As part of an EP, the LTA and operators could set service standards, including the timing or frequency of services along specific routes, the type of vehicle to be used and the availability of ticket products and payment methods. EPs also allowed for integration between different modes, such as bus and rail, with more joint ticketing arrangements and better timetabling to allow interchange. An EP would therefore bring many of the benefits of a franchise in terms of the provision of a more joined up bus network but would be cheaper to introduce for LTAs as the financial risk for running commercial services would still remain with the bus operators. In this way, it would also support more effective and sustainable place making as part of the County's green recovery ambitions, which would allow due consideration to be given to existing and future travel to learn, travel to work and leisure patterns and encouraging modal shift in line with 'good growth' principles. EPs would, however, still place significant obligations on the LTAs, with the National Bus Strategy making it clear they would need to invest in significant bus priority measures, as well as upgrades to bus stop infrastructure. Other elements of EPs, such as establishing integrated ticketing arrangements, joint marketing of the network and improvements to information provision would also inevitably result in additional costs to the LTA.

To date, only one EP had been introduced in England which covered the whole of the Hertfordshire County Council area. The Partnership's objectives included prioritising bus services in traffic, closer integration of the different bus companies' networks, upgrading roadside infrastructure and improving the image of bus travel generally. As the EP had been only launched in April 2020, it was too soon to comment on its impact. However, Hertfordshire had in the past, been involved in a number of different bus partnership arrangements which had been successful at increasing passenger numbers.

The National Bus Strategy made it clear that adoption of either franchising or EPs would be essential if LTAs were to receive future

funding from the Department for Transport (DfT), not only for bus related activities but for transport projects more generally, such as new roads or cycle schemes. Future Government funding to bus operators was also likely to be dependent on them taking part in these arrangements. It was therefore in the best interest of bus passengers, the Council and bus operators to fully commit to the process proposed.

The DfT anticipated that most LTAs would choose to pursue EPs rather than franchising, and this was the recommended approach for Derbyshire.

In respect of the Implementation process and progress that had been made to date in Derbyshire the report set out details of the very challenging timetable set out in the Strategy and how this had been embraced by the Council.

The report referred to consultation that had been undertaken, detailed alternative options that had been considered and relevant implications that had been taken into account in its preparation.

**RESOLVED** to (1) note the new National Bus Strategy and the increased responsibilities this placed on the Council in relation to bus services;

(2) approve entering into an Enhanced Partnership arrangement and the associated relevant notice of intent process with all of the bus operators who provide local bus services in Derbyshire, other relevant stakeholders in Derbyshire, and potentially with other local transport authorities if a joint area Partnership is found to be mutually beneficial;

(3) note the requirement for an increased commitment to revenue and capital funding for public transport to support the Enhanced Partnership over the medium term; and

(4) agree to receive a further report later in the year which will set out in more details the terms of the Enhanced Partnership proposed and the measures in the Bus Service improvement Plan.

**100/21**      **REGENERATION KICK START FUND – MANAGEMENT FUND**  
(Infrastructure and Environment) The Executive Director for Place presented a report which:

- sought approval for the management arrangements for the approved Regeneration Kick Start Fund;
- provided an overview of infrastructure schemes currently in preparation with potential for Government funding that may be supported by the Kick Start Fund; and

- delegated authority for initial submissions to be made for two such projects.

At its meeting of 21 January 2021, as part of the Revenue Budget Report 2021-22, Cabinet had approved funding for a Regeneration Kick-Start Fund of £2,000,000 (Minute No 18/21 refers). As described in the report, there was a need to pump prime, or 'kick start', capital projects that could bring forward good growth for Derbyshire, providing housing, jobs and skills. Where these projects involved bids for external grant funding, they would always require significant up-front investment to cover activity such as economic and transport modelling, preliminary design and cost estimating, planning consent and land assembly (in order to demonstrate deliverability for funders) all of which formed essential elements of the business cases that were submitted to the grant funders. Typically, the costs associated with these early activities had to be funded from revenue, prior to any capital grant being confirmed.

The context for this 'kick start' initiative was a combination of the need to bring forward suitable projects not only for the Council's 'business as usual' programme, but also in response to ad hoc funding opportunities announced by Government, typically within the context of COVID economic recovery. In recent months, these funding announcements had included: Levelling Up Fund; Community Renewal Fund; Towns Fund; Restoring Your Railways; and Zero Emission Bus Regional Areas (ZEBRA).

Typically, the timescales for project delivery were tight to fit within the constraints of funding availability and that this could rule out the submission of projects which had not reached a certain level of 'readiness' ahead of the launch of a fund. This was exemplified by the Getting Building Fund (GBF), designed to ensure early delivery of regeneration projects as part of a national Covid-19 recovery strategy where the grant conditions required that all funding was spent within a 15-month period from funding confirmation. Due to the limited amount of revenue funding to support project readiness (e.g. detailed design work, planning consent, land assembly etc) the Council had no suitable projects in the pipeline that were capable of taking advantage of the GBF and being delivered within the requisite timescale.

Similarly, the Levelling Up Fund which had been launched in March 2021, required (except for a limited number of large projects) works to have commenced on site during 2021-22 and all grant funding to have been spent by March 2024. For any significant project requiring consents or land assembly, it would never be possible to take advantage of such funds unless work on these aspects was complete or, at the very least, already in hand prior to submission for grant funding. Even where it was possible to bring forward schemes which could be delivered quickly, these would tend to be those with the fewest constraints rather than those bringing the greatest benefits to residents, businesses or the wider economy.

The availability of the Regeneration Kick Start Fund would help to address this issue by ensuring the Council had funded and completed preparatory work for potential projects and was at an advantageous stage of project preparation, thus making it more likely to successfully access external funding. Ultimately, this approach would help ensure the Council's own resources go further.

In respect of developing the process for identifying priorities, the report referred to the current Strategic Growth and Infrastructure Framework (SGIF) which had been drawn together on behalf of the D2 (Derby and Derbyshire) Joint Committee for Economic Prosperity.

Projects already identified that were worthy of consideration included:

- South Derby Growth Zone/Infinity Garden Village (SDGZ);
- Derwent Valley Corridor;
- Restoring your Railway;
- Recovery and Renewal Priorities; and
- Further Levelling Up Propositions.

Each of these projects would need some capacity funding to ensure that they fully achieve their regeneration potential and were ready to access suitable sources of capital 'development' grants which were detailed in the report. The proposed project template and assessment method were appended to the report.

The report referred to governance arrangements, resource implications, detailed alternative options that had been considered and other relevant implications that had been taken into account in its preparation.

**RESOLVED** to (1) approve the evaluation and assessment processes set out in the report for the allocation to projects of the Regeneration Kick Start Fund, noting that the Executive Director – Place in consultation with the relevant Cabinet Member will approve the final, proposed allocations in liaison with the Director of Finance & ICT;

(2) note the potential projects listed in the report, but with the acknowledgement that these may not be the ones approved on full assessment; and

(3) authorise the Executive Director – Place in consultation with the relevant Cabinet Member to submit an Application Form for the Levelling Up Fund for the South Derby Growth Zone and an Expression of Interest for the Zero Emission Bus Regional Area, noting that these do not represent any firm commitments on the Council at this stage.



**101/21**                    **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 Paragraphs 3 and 4 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 15 April 2021.
3. To receive exempt minutes of Cabinet Member meetings as follows:
  - (a) Health and Communities – 25 March and 14 April 2021
4. To consider the following exempt report:
  - (a) Corporate Property Joint Ventures Update – Managing Executive Director Commissioning, Communities & Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))