

This record of decisions was published on 22 March 2013. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in. Consequently, key decisions arising from the meeting cannot be implemented until 5.00pm on 2 April (unless exempted as an urgent item) after which the call-in period will have expired.

Meeting Commenced: 6.01pm
Meeting Concluded: 7.42pm

COUNCIL CABINET 20 MARCH 2013

Present: Councillor Bayliss (Chair)
Councillor Banwait (For minutes 161/12 – 169/12 inclusive)
Councillor Dhindsa (For minutes 161/12 – 167/12 inclusive)
Councillor Repton
Councillor Rawson
Councillor Russell (Absent for minute 183/12)
Councillor Shanker

In attendance: Councillor Allen
Councillor Jones
Councillor Williams (For minutes 161/12 – 183/12 inclusive)

The Chair amended the order of business to consider items 10, 7 and 18 (minute numbers 167/12, 168/12, and 169/12 respectively) after item number 6 (minute number 166/12).

161/12 Apologies

There were no apologies for absence.

162/12 Late Items

The Chair agreed to admit a report from the Chair of the Children and Young People Overview and Scrutiny Board (minute number 179/12) on the grounds that the information was not available at the time the agenda was published. The recommendation contained within that report arose from a meeting held on 19 March 2013.

163/12 Receipt of Petitions

There were no petitions.

164/12 Identification of Urgent Items to which Call-In Will Not Apply

The following items were exempted from call-in on the grounds of urgency:

- Item 18 Introducing a Co-Mingled Recycling Scheme for Derby's Household Waste (minute number 169/12)
- Item 27 Contract for Insurance Services (minute number 186/12)

165/12 Declarations of Interest

There were no declarations of interest.

166/12 Minutes of the meeting held on 20 February 2013

The minutes of the meeting held on 20 February 2013 were agreed as a correct record and signed by the Chair.

Key Decisions

167/12 Future Burial Provision at Nottingham Road Cemetery

The Council Cabinet considered a report of the Cabinet Member for Planning, Environment and Public Protection. It was reported that with the closure of Chellaston, Micklover, Normanton, Spondon and Uttoxeter New Road Cemeteries (for the provision of new graves) it was expected that during 2013, Nottingham Road Cemetery would become the only cemetery in the city able to meet the need for burial space.

The cabinet member explained that despite the rise in the popularity of cremation in recent years, around 30% of the population still chose burial and for some cultures, it remained the only option. In order to meet this continued need and to maintain choice, it was essential that in advance of a new cemetery being identified and developed, all the available burial space at Nottingham Road Cemetery was used.

In order to achieve this aim, the cabinet member explained that certain works were required and consequently, the report sought approval for the fourth and final major development to the cemetery, thus ensuring that all the available burial space could be sensitively accessed and safely used. Current estimates suggested that the works would provide sufficient burial spaces to meet the city's needs for the next 10-15 years.

The Monitoring Officer corrected the appendix number referred to in section 2.1 of the report to read 'appendix 3'.

Options Considered

The report confirmed that officers were exploring options for a new cemetery to serve the city in the long term. Prior to a new cemetery becoming available, however, it was necessary to ensure continuity of provision by ensuring that Nottingham Road Cemetery could meet the need in the short to medium term.

Although burials in existing family graves at Chellaston, Micklover, Normanton, Spondon and Uttoxetter New Road Cemeteries could continue to take place, there was no land within the cemeteries that could be developed to meet the need.

Decision

Council Cabinet resolved to:

- 1. approve the proposed developments to Nottingham Road Cemetery as outlined in appendix 3 of the report, to enable all the available grave spaces to be sensitively and safely used;**
- 2. approve the establishment of a Project Board in accordance with the corporate Project Management Framework with the following mandate : *to ensure that the need for burial space in Derby can be met by the development of existing land within Nottingham Road Cemetery;* and**
- 3. authorise officers to negotiate and agree with minority communities to ensure that sufficient burial space is available and specific burial needs can be met.**

Reasons

To ensure that in accordance with the provisions of S214 (1) of the Local Government Act, Derby City Council, as the defined burial authority, was able to sensitively and safely make use of all the available space at Nottingham Road Cemetery for the provision of new graves, pending the opening of a new cemetery in the city.

168/12 A Review of Bus Waiting and Drop Off Facilities on Morledge and Corporation Street

The Council Cabinet considered a report from the Cabinet Member for Neighbourhoods and Streetpride. It was reported that Derby's main bus operators had raised concerns about the operational impact on their services using the bus station due to the layout of Morledge. The cabinet member explained that inability to drop off passengers on Morledge prior to entering the bus station was resulting in delays and consequently, operators had asked for the situation to be reviewed. The report proposed to make changes that would introduce bus set down locations on the Morledge.

It was reported that as part of the public realm strategy, plans were in progress to relocate some bus stops away from Corporation Street, thus reducing the impact on traffic, providing a better environment for pedestrians and improving the street scene. This report identified the options to relocate existing bus stops, largely using space that would be created on the Morledge, to make best use of the environment. The cabinet member explained that the removal of all bus stops from Corporation Street would create operational difficulties for bus operators and for this reason, the report recommended a compromise position.

Options Considered

Council Cabinet considered whether it was feasible to do nothing.

Decision

Council Cabinet resolved to:

- 1. approve, in principal, the proposed changes to bus stop locations and physical works to Morledge as set out in the report and shown on the plan at appendix 2 of the report;**
- 2. authorise the Strategic Director of Neighbourhoods to undertake consultation with those likely to be affected by the proposals and, following consultation with the Cabinet Member for Neighbourhoods and Streetpride, to consider any representations received and where necessary, making amendments to the proposals; and**
- 3. authorise the Strategic Director of Neighbourhoods to advertise and make the necessary Traffic Regulation Orders required to implement the proposals and, as part of this process, to consider any objections received.**

Reasons

To improve the efficiency of public transport within the city centre and in particular to ensure that the bus station was able to function as effectively as possible.

To ensure that the exact scheme taken forward met the needs of the majority of highway users.

To ensure that the necessary legal procedures required to give effect to the proposals were completed.

169/12 Introducing a Fully Co-mingled Recycling Scheme for Derby's Household Waste

The Council Cabinet considered a report from the Cabinet Member for Neighbourhoods. It was reported that as part of the budget review for 2013-14 and 2014-15, the Waste Management team had analysed the

financial impact of carrying out a fully co-mingled recycling collection scheme, based around the current “blue bin” scheme.

The cabinet member explained that this would enable the blue, red and orange bags to be abandoned as a method of presenting paper, textiles and cardboard respectively and ensure the simplification of the whole recycling process for the householders of Derby.

Council Cabinet noted that in future, householders would only need to use their blue bin to present recycled materials that in the past needed one bin and up to three different coloured bags.

It was reported that positive negotiations had taken place with the blue bin recycle processor, thus enabling the mix of recycle to change to become single stream fully co-mingled. The changes would produce overall savings of around £465,000 per year to contribute to the city’s savings targets.

The Monitoring Officer amended section 2 of the report to correct a typographical error pertaining to the numbering of the sub-sections.

Cabinet members confirmed that they had received and considered the associated Equality Impact Assessment, dated 7 March 2013.

Options Considered

The Council Cabinet considered the impact of making no changes to the recycling scheme and found that this would not yield any savings in support of the council’s budgetary targets for the coming two years.

Decision

Council Cabinet resolved to:

- 1. approve the revised “Blue Bin” collection scheme;**
- 2. commence delivery of blue 240ltr bins to residents and to introduce the new collection service from week commencing 3 June 2013; and**
- 3. authorise the Director of Partnerships and Streetpride to complete negotiation of an extension to the current processing contract with Biffa for five years. The extension is already included in the current contract specification.**

Reasons

The changes offered a significant budget saving to the council. Furthermore, the changes reflected the needs of Derby’s householders, who had asked for simpler ways of enabling them to successfully recycle. The company that provided the processing for this waste, Biffa, had a national strategy which complemented the co-mingled collection proposals.

170/12 Children and Young People's Capital Programme 2013/14 and 2014/15

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. It was reported that the Schools Capital Programme had been allocated an estimated capital funding of £12,000,000 for 2013/14. This included an indicative £6,000,000 allocation based on the estimated capital funding to be allocated to the council by the Department for Education (DfE). The Council was awaiting announcements from the DfE. In view of the significant investment needed across the schools estate, relating to school place planning, the council had also prioritised an additional £6,000,000 from the Corporate Capital Programme for 2013/14. Investment in schools remained the Council's priority. The estimated overall £12,000,000 capital funding had been prioritised in line with priorities set out in the Schools Asset Management Plan.

The cabinet member explained that schools' capital funding would be prioritised to deal with essential school condition issues, and basic need to provide additional primary school places. The report outlined proposed school capital projects for 2013/14. In summary, a major innovative project was proposed for the Bemrose School to extend the age range to include a primary phase for 315 primary pupils, and a 26 place nursery. The budget cost for this project was £4,000,000. A range of primary schools were also proposed for expansion to create an additional 343 reception places, with temporary accommodation to be provided for September 2013. A major project was also proposed for Littleover Community School for £2,500,000 as part of phase 2 to provide additional accommodation. The council had prioritised £2,000,000 of corporate funding for children's homes, specifically for the redevelopment of Moorfields Children's Home.

Council Cabinet acknowledged that in addition to the Schools Programme, the council had prioritised £2,000,000 of corporate funding for the Children's Homes Programme, which had been allocated to the redevelopment of Moorfields Children's Home. The Council had also recently been allocated DfE capital funding of £519,000 for two year old provision. The DfE guidance, issued to all councils, confirmed that this funding should be used for capital purposes to support the implementation of the statutory entitlement for eligible two year olds to access 15 hours of free early education places from 01 September 2013. Priority projects were being developed.

Following consultation with the Director of Finance and Procurement, the Monitoring Officer amended the report to omit the recommendation contained in section 2.6, as this provision was included in the Financial Procedure Rules.

Options Considered

The available funding had been prioritised in line with the Schools Asset Management Plan to deal with the most urgent condition issues and to ensure the local authority met its statutory obligation to provide sufficient school places and free early education places for the government's two year old entitlement.

Given the increasing trend in pupil numbers, it was essential that increases were made to admission numbers, to ensure that the council was able to meet its statutory obligations to provide sufficient school places within its boundary.

If plans were not put in place to provide additional provision, it was inevitable that there would be a shortfall of school places for September 2013 and for the future.

Decision

Council Cabinet resolved to:

- 1. approve the Schools Capital Programme priority schemes for 2013/14 outlined in appendix 2;**
- 2. approve that the Capital Programme 2013/14-2015/16 be amended to include the schemes outlined in appendix 2, from the allocations already approved at Council Cabinet on 23 January 2013;**
- 3. approve the addition of the Early Years DfE capital funding for two year olds to the 2013/14-2015/16 Capital Programme;**
- 4. note the proposal to establish 315 primary places and extend the age range at The Bemrose School from 11-18 to 3-18 from September 2014; and**
- 5. note the proposals to create additional primary places and temporarily increase the capacity of primary schools listed in appendix 3 for September 2013.**

Reasons

An on-going programme of work was required in school premises to deal with essential condition issues, to provide additional school places, to ensure that school buildings were safe and remained open.

Local authorities maintained a legal responsibility to ensure that there were sufficient school places available to meet local needs. Local Authorities also had a duty to increase the scope for parental choice in planning for and securing school places. The Council's five year School Organisation Plan outlined that there was a very close match between primary pupil numbers and places in the city, and projections were showing an increasing trend.

A two year old capital programme was required to increase the number of free early education places available primarily in the private, voluntary and independent (PVI) sector. This was to ensure all eligible 'less advantaged' two year olds could access the new early year's education entitlement from September 2013. The Local Authority had a legal duty to secure this provision.

171/12 Admission Arrangements for Maintained and Voluntary Controlled Schools 2014/15

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. It was reported that as an education authority, the Council must consult on, and determine, its school admission arrangements for Community and Voluntary controlled schools each year. These admissions arrangements informed the allocation of school places in Derby.

The cabinet member explained that for the school year 2014-15, the necessary consultation must be completed by 1 March 2013 and a decision was required on the proposed arrangements by 15 April 2013.

It was reported that Derby's proposed arrangements, as detailed in appendix 2, were consulted on during 10 December 2012 to 4 February 2013 with the following groups and partners:

- Derby's Admission Forum
- Diocese of Nottingham Education Service
- Church of England Diocesan Board
- Parents
- Community groups
- Derby's own admissions authorities schools (including Academies and Free Schools)
- Derbyshire County Council.

The cabinet member confirmed that no responses or concerns had been raised in relation to the proposed admission arrangements. The new arrangements would require approval by 15 April 2013.

The report proposed permanent increases to specified schools' published admission numbers.

Options Considered

Given the increasing trend in pupil numbers, it was essential that increases were made to admission numbers, to ensure that the council was able to meet its statutory obligations in providing sufficient school places within its boundary.

Council Cabinet acknowledged that if the proposals outlined in the report to provide additional provision were rejected, it was possible that there would be a shortfall of school places in future years.

Council Cabinet considered the possibility of dissolving the Admissions Forum.

Decision

Council Cabinet resolved to:

- 1. approve the admission arrangements for Community and Voluntary controlled infant, juniors, primary and secondary schools for 2014-15 as set out in appendix 2;**
- 2. note the significant increase in pupil numbers in Derby;**
- 3. approve the permanent increases in the published admission numbers for those schools listed in paragraph 4.8; and**
- 4. retain the Admissions Forum as a consultative body to ensure that the Admission Authorities determined admission arrangements within Derby comply with the mandatory provisions of the School Admissions Code, and to ensure that any non mandatory arrangements are fair, objective, and transparent and reflect local issues.**

Reasons

To ensure compliance with the mandatory requirements of the School Admissions Code, School Admission Appeals Code, relevant legislation and regulations.

To ensure that fairness, equity and transparency is retained for parents/carers when applying for all school places in all year groups.

Local authorities had a legal responsibility to ensure that there were sufficient school places available to meet local needs. Local authorities also had a duty to increase the scope for parental choice in planning for and securing school places. The council's five-year School Organisation Plan outlined that there was a very close match between pupil numbers and places in the city and projections were showing an increasing trend.

Statutory regulations, which came into force on 1 Feb 2012 removed the statutory requirement for Admission Forums however, local authorities could retain an Admission Forum should they wish to.

172/12 Property Rationalisation Project – Proposed Way Forward

The Council Cabinet considered a report from the Leader of the Council. It was reported that the approved revenue budget for 2013/14 to 2015/16 included significant savings relating to the reduction in spend on property

maintenance and operational facilities management costs for council buildings. The cabinet member explained that in order to achieve these savings, it would be necessary to significantly reduce the number of properties from which the council operated its services and the number of properties where the council maintained the buildings from its corporate revenue budgets.

The report sought approval to start an accelerated property rationalisation project and set up appropriate governance arrangements to ensure that swift progress could be made in making decisions on property related assets that supported the delivery of the budget savings.

The report also confirmed that any proposals to rationalise the use of properties that will affect service delivery, or came forward as a result of a service-led transformation review, would remain subject to the appropriate constitutional decision making processes to agree the changes to the operational service provision, prior to any decision on how to manage the property implications.

The Property Rationalisation Project Governance arrangements proposed:

- all decisions relating to property and land sales or acquisitions would be made by Council Cabinet.
- the establishment of a project board, with cross directorate representation, to lead the delivery of the project
- the Chief Executive would be the Senior Responsible Owner of the project and Chair of the Project Board
- the introduction of a standard item on the Forward Plan to facilitate swift decision making by Council Cabinet of proposals
- the setting up of task and finish working groups to progress with assessment of property and service requirements, as directed by the Project Board
- the development of a work programme that set out timelines for property-led and service-led reviews
- regular updates of progress and emerging proposals with cabinet portfolio holders to ensure that political direction was provided at all stages of the project delivery, as part of normal consultation processes that were carried out as part of the standard decision making processes of the council.

This project would also give the council the opportunity to transform the overall management of the council's property portfolio to ensure that it was making best use of the properties that it retained and that those buildings were being managed safely and efficiently. It would require a move to a more corporate approach to property management in terms of decisions pertaining to the use of an asset, maintenance and the operational facilities management.

The continued development of the corporate asset management database, which contained updated and relevant property information, upon which

strategic decisions could be made, would be crucial to the successful delivery of the project.

Options Considered

Using the Strategic Asset Management Board as the managing board for the project was considered, but the proposed option was the preferred approach.

Decision

Council Cabinet resolved to:

- 1. note the detail of the planned budget savings on property maintenance and facilities management;**
- 2. approve the initiation of a Property Rationalisation Project aimed at delivering the planned revenue budget savings;**
- 3. approve the establishment of a Property Rationalisation Project Board, with the Chief Executive as the Senior Responsible Owner of the project, with senior representation from all Directorates;**
- 4. approve the introduction of a standard item on the Forward Plan entitled 'Property Rationalisation Project - property related decisions'; and**
- 5. approve the key strands of the project governance arrangements as set out in paragraph 4.23.**

Reasons

To enable delivery of the planned revenue budget savings relating to property maintenance and facilities management.

173/12 Discretionary Hardship Payments

The Council Cabinet considered a report from the Cabinet Member for Business, Finance and Democracy. The Cabinet Member reported that the Welfare Reform Act 2012 legislated for the biggest change to the welfare system for over 60 years, with the government stating its commitment to deliver a total saving of £18 billion over 5 years. These savings would have significant impacts on the council and in particular, those customers affected by the changes made to Housing and Council Tax benefit.

The cabinet member explained that since 2001, the government had provided local authorities with ring-fenced funding to make Discretionary Housing Payments – DHPs – to customers receiving Housing and/or Council Tax benefit and who were struggling to make up the shortfall in either their rent payments or their Council Tax liability.

Council Cabinet acknowledged that as part of the welfare reform changes, from 1 April 2013 Council Tax benefit would be abolished. Pensioners would not be affected by this change as the government had prescribed

legislation (the “Prescribed Scheme”) to ensure that the level of support they could receive with meeting their Council Tax liability was not changed. For customers at working age, the council had agreed a local Council Tax Support – CTS – scheme for those who would require help in Derby.

The government had prescribed that from 1 April 2013 DHPs could no longer be used to support customers who required help with making up the shortfall in their Council Tax payments. In response to this, the council has set aside an amount of £200,000 for 2013/14 to be used as a Council Tax Scheme Discretionary Hardship Fund. Customers who had qualified for help under the council’s CTS scheme or the government’s Prescribed Scheme would be able to make claims for support from this fund. The council’s proposed policy to determine how it would support customers through this fund was set out in appendix 2.

In addition, as part of the reform agenda, during 2013/14, changes would come into effect that would reduce the Housing Benefit entitlement of many customers. These changes were:

- a. Changes to the level of Local Housing Allowance that could be paid to those in privately rented accommodation (starts 1 April 2013).
- b. Restrictions would be applied to those living in social housing and who have more bedrooms in their home than the government thought they needed (starts 1 April 2013).
- c. The introduction of a Benefits Cap to limit the overall amount of out of work benefits that a customer could receive (starts summer 2013).

The Cabinet Member explained that to respond to the hardship that customers may experience (as a result of the welfare reform changes described in paragraph 1.5 of the report) the government had set aside additional funding at a national level, within the ring-fenced DHP fund for 2013/14. The council had, therefore, revised its current DHP policy to reflect the changes introduced.

Whilst the increased DHP funding was intended to enable the council to support households in Derby, it was unlikely to be sufficient in tackling the impacts of the welfare reforms on poorer households, as the underlying factors of the benefit cap; social sector size criteria and level of Local Housing Allowance would remain. There was no mechanism for reviewing the level of funding for DHP and therefore a direct consequence of the government’s welfare reforms could be unfunded financial pressures on the Council in maintaining or sourcing housing for families who find themselves unable to afford their rent.

Both these hardship policies were designed to ensure that financial assistance was targeted at the most appropriate customers within the financial constraints of each fund. A key principle for both policies was that support from these hardship funds would only be accessible where there was no alternative provision already available to assist customers. Each policy would be reviewed in 2013.

Options Considered

Council Cabinet considered doing nothing; this was rejected. The absence of these policies would result in a significant risk that funding would not reach the most vulnerable customers who needed it. This was due to the likely increase in demand for help. The impacts of the welfare reform changes were still emerging. Early evidence from the DWP and feedback from stakeholders suggested that most customers, despite receiving information about the changes, were not claiming the potential support that was available to them. The expectation was that demand for assistance would escalate rapidly once customers' Housing Benefit was reduced and Council Tax bills were issued for the new financial year.

Decision

Council Cabinet resolved to:

- 1. approve the new Council Tax Discretionary Hardship policy (appendix 2).**
- 2. approve the revised Housing Benefit Discretionary Housing Payment policy (appendix 3).**

Reasons

To ensure that the council had policies in place to assist in the fair and consistent consideration of support claims made against each discretionary fund.

To ensure that consideration was given to and decisions were made within the financial constraints within each discretionary fund.

174/12 Adoption of Local Assistance Scheme

The Council Cabinet considered a report from the Cabinet Member for Business, Finance and Democracy. It was reported that the government was introducing a wide range of changes to the social security of benefits system under the Welfare Reform Act 2012. A key change was the end the discretionary elements of the Social Fund which sought to meet a range of needs that were not met by regular benefit or tax credit payments.

These discretionary elements - Community Care Grants and Crisis Loans - currently administered by the Department for Work and Pensions - DWP - would be replaced with a non-ring fenced grant paid to local authorities in England to provide Local Assistance starting 1 April 2013.

The government had not placed a new duty on local authorities in respect of new provision so there is flexibility to creatively re-design emergency provision to meet local needs.

The Cabinet Member explained that from April 2013 the regulated elements of the Social Fund, for example, alignment payments and budgeting loans, would continue to be administered by DWP.

Options Considered

There was no duty on the council to provide a scheme and Council Cabinet could have chosen not to do anything other than offer existing services. This option, however, would reduce effectiveness and capacity in Derby to coordinate support to people in crisis and help them to become more self reliant.

Council Cabinet considered that for financial, strategic and operational reasons, it would not be appropriate for the council to simply recreate the current system as it is recognised that it was not fit for purpose, did not improve outcomes for residents and perpetuated dependency.

Decision

Council Cabinet resolved to:

- 1. approve the Local Assistance policy at appendix 2, which sets out the scope for the scheme providing financial support and intervention whilst ensuring the allocated budget is managed appropriately;**
- 2. approve that assessment and award of assistance, as set out in the policy, will be administered by the Customer Management department; and**
- 3. delegate authority to make necessary amendments to the administration of the scheme to the Director of Customer Management following consultation with the Cabinet Member for Business, Finance and Democracy.**

Reasons

The current scheme would no longer be available from April 2013 and therefore the council had to decide on the way forward to help Derby residents become more self reliant when facing financial crises. As the funding was not guaranteed after 2014/15, it was important to develop a sustainable way forward, bearing in mind the potential impacts of Welfare Reforms and reduction in public services.

Whilst the current scheme had supported some residents to achieve positive outcomes, it had also suffered from increasing reactive demand, poor targeting of support and a lack of monitoring of customer outcomes. Consequently the council had the opportunity to both utilise the lessons learned from the current scheme, as well as to align future delivery to Derby's key strategic priorities.

The new local assistance scheme would align with existing services to make better use of funding and facilitate access to other support, including

practical help, which was crucial to the vulnerable groups that would be seeking support. The council would prioritise support to the most vulnerable customers.

Residents who did not meet eligibility criteria would be signposted to the wider offer of universal services and support available from the council, DWP and the Third Sector. A list of support available was contained within the Local Assistance policy.

It was envisaged that the scheme would process a high volume of applications from residents in receipt of welfare benefits. Aligning all the financial assessments linked to the Welfare Reform changes enabled the council to make better use of limited resources and to ensure that customers received the most appropriate support for their needs.

The timescales for developing a Local Assistance scheme were very tight. Consequently, the Local Assistance policy would be reviewed in 2013/14 to see what improvements can be made and to ensure the scheme remained affordable. Information and evidence gathered from this first year would be used to review and update the scheme for year two. The Council would work with partners such as the voluntary and community sector, registered providers and the advice sector - although there was not a requirement for formal consultation, engagement with stakeholders and customers would continue to inform the review.

175/12 Enhanced Housing Management Options

The Council Cabinet considered a report from the Cabinet Member for Housing and Advice. It was reported that Derby Homes operated Supported Living and Tenancy Support Services which were funded until 31 March 2013 by the Housing Related Support funding stream.

The cabinet member explained that with the imminent cessation of the Housing Related Support funding stream, the funding for these services would come to an end.

Derby Homes proposed an Enhanced Housing Management service that would commence from 1 April 2013 filling some of the gaps resulting from the loss of the services mentioned above.

The report outlined the options for Council Cabinet to consider, relating to whether the service should be funded, and if so, how.

Options Considered

A charge of some 70 pence could be levied across all tenancies to pay for the service. Council Cabinet dismissed this option as an additional charge to all tenants was not considered appropriate.

Decision

Council Cabinet resolved to:

- 1. fund the Enhanced Housing Management Service for an interim period on a 50/50% basis through the HRA and Derby Homes Reserves.**
- 2. require officers to bring a subsequent report for consideration relating to the funding of the service for 2014/2015 and beyond.**

Reasons

To support the Enhanced Housing Management Service to determine how the service should be funded.

176/12 Reconfiguration of Housing Related Support

The Council Cabinet considered a report from the Cabinet Member for Adults and Health. The report provided proposals in relation to achieving further savings from the housing related support expenditure, as set out in the council's Medium Term Financial Plan for 2013 – 16.

The report recommended approval of the revised set of commissioning priorities and procurement programme and followed on from a previous report, which Council Cabinet considered on the 12 September 2013.

Council Cabinet gave particular regard to the accompanying Equality Impact Assessment.

Options Considered

Commissioning partners had previously considered achieving the level of savings required by moving to a large scale decommissioning programme, with all user group areas receiving a reduction against current contract values of between 45% and 100%. For the remaining services that would continue to receive funding, 30% efficiency savings would be required to be achieved against existing contract values. A risk and impact analysis against each user group was considered and it was felt that although this approach would release savings, the viability of remaining services could not be guaranteed, nor would the pattern of remaining services necessarily match need. This demonstrated the need for a more strategic approach that would present commissioners with an opportunity to provide outcome focused services that take account of statutory responsibilities and the priorities in the Derby Plan.

Since that strategy was adopted, further savings have been required to be considered, however the principles of the more strategic approach remain and would be present in the forthcoming tender and service re-design.

Decision

Council Cabinet resolved to:

- 1. note that the previously agreed tender programme did not commence, as agreed by Cabinet on the 5th December 2012 – see section 4.1 of the report;**
- 2. note the feedback from recent consultation and a revised Equalities Impact Assessment about the commissioning priorities for the remaining housing related support budget as set out in section 4.2 of the report;**
- 3. agree the revised commissioning priorities and procurement programme set out in 4.3 and 4.4 of the report and also, to agree to receive a further report at the earliest opportunity on the specific arrangements proposed for Milestone House;**
- 4. agree a six month contract extension to the services listed in 4.5 of the report to enable high priority provision to be available during the transition period (April- September 2013); and**
- 5. agree to receive a further report in August 2013 following the outcome of the procurement programme.**

Reasons

Cuts to the housing related support budget (formerly the Supporting People Grant) were originally proposed in the budget setting exercise during autumn 2011. The cuts were proposed as measures to enable the Council to deliver a balanced budget and as such have been built into the council's financial plans for 2012/13.

On 30 January 2013, council approved its Medium Term Financial Plan for 2013 – 16, which included an additional £2m savings from housing related support expenditure. Following a period of further consultation on the strategy for achieving the budget savings, final proposals were being made. Given the on-going pressures on council resources, further savings from the housing related support expenditure were proposed as part of the council's revenue budget proposals. The reductions were subsequently agreed by the council on the 30 January 2013 subject to the completion and consideration, where relevant, of any further consultation exercises and equality impact assessments.

177/12 Healthwatch Derby

The Council Cabinet considered a report from the Cabinet Member for Adult Social Care and Health. It was reported that there was a statutory requirement in the Health and Social Care Act 2012 for all local authorities to commission a local Healthwatch organisation for their locality. Healthwatch shall replace LINK organisations from 1 April 2013.

Local Healthwatch would be the “consumer champion” organisation for health and social care services. Healthwatch would gather the views of stakeholders but particularly the public and customers about local services and present these to providers and commissioners.

It was reported that the council had worked with partners to set up a new local organisation named Healthwatch Derby to undertake the statutory functions contained within the Health and Social Care Act 2012.

A summary of the functions of Healthwatch was contained within the supporting information in the report. A more detailed requirements specification was attached at appendix 2.

Council Cabinet noted that the council had received specific funding from central government to fund the operation of Healthwatch in Derby.

Options Considered

A competitive tender option was considered but rejected due to the need for Healthwatch to be formed as a legal entity in its own right.

In addition, the requirement to comply with statutory functions led commissioners to believe that an organisation exclusively devoted to these core functions was required, without the distraction of existing activities, which may or may not have competed for resources.

Decision

Council Cabinet resolved to:

- 1. approve the Healthwatch Derby service specification developed by commissioners from Health and Social Care; and**
- 2. approve the grant payment of £313k per annum to Healthwatch Derby subject to the conditions set out in the specification attached to the report, Compact Agreement and the report itself.**

Reasons

All local authorities are required to commission a local Healthwatch organisation to be operational from 1 April 2013.

Local authorities have been funded via DCLG and DH to provide funding to local Healthwatch organisations in their base budgets.

178/12 Review of Funding of the Carelink Service

The Council Cabinet considered a report from the Cabinet Member for Adult Social Care and Health. It was reported that the Carelink service provided a pendant alarm system for vulnerable adults, enabling them to

press a button and access appropriate support in an emergency. The service gave customers the option of getting emergency support either from a contact of their choice or the Carelink service itself. As well as supporting vulnerable adults directly, the service was also purchased by some sheltered housing organisations in Derby.

The cabinet member explained that the service faced an imminent financial pressure because of the loss of £238,000 annual funding from Housing Related Support (formerly Supporting People) in April 2013. Therefore, on 21 November 2012 Council Cabinet gave permission for a public consultation to be carried out on a new scheme of charges to individual customers and housing organisations that would seek to recoup lost income.

The report amended the initial charging proposals (presented to Council Cabinet on 21 November) to lower some of the charges, on the basis of consultation feedback. Sections 4.5b and 4.6b of the report outlined the revised fees and charges structure. The report also set out how Carelink customers would be safeguarded if recommendations were approved.

Options Considered

Council Cabinet considered taking no action but found that this would not address the £238,000 budget pressure to the Carelink service caused by the loss of Housing Related Support funding.

Addressing the budget pressure through a service reduction would result in redundancies and a more limited service for older and disabled people. There was a strong likelihood that this would result in increased costs of care, for instance via residential home admissions.

Implementing the proposals as previously presented to Council Cabinet would mean that the Council would not pass the financial benefits of improved processes to customers as identified for the emergency response service and for telecare equipment.

Continuing a free service for customers in receipt of benefits would mean that resources were aligned to income but not to need. The recommendations emphasised the council's responsibility to safeguard vulnerable adults and ensured that resources (via Personal Budgets) followed those with the highest levels of vulnerability in relation to their physical or mental health.

It was considered that increasing charges further than those set out in the report would potentially generate extra income but also risked losing customers. The proposals set out in the report had been reached through application of appropriate rationale about costs, consistency and affordability.

Decision

Council Cabinet resolved to:

- 1. approve revised proposals following consultation feedback to charge all Carelink customers for the service they receive;**
- 2. amend the previously submitted proposals for weekly charging of individual customers and housing organisations as set out in paragraphs 4.5b and 4.6b; and**
- 3. safeguard any Carelink customers who are assessed to be at risk if they cancel their service purely on the grounds of affordability.**

Reasons

The impact of government cuts on council budgets meant that Carelink needed to revisit its charging structure which was inconsistent and not based on a clear understanding of costs and benefits. If Carelink did not increase income from charging, it risked being unviable without a service reduction.

Consultation responses indicated that a majority of existing customers felt the new charges were affordable for them, but a number of customers had affordability concerns and the service had sought to reduce proposed charges wherever possible, as outlined within the body of the report.

The council had a statutory responsibility to offer community care assessment and meet the eligible needs of adults who satisfied Fair Access to Care Services criteria.

179/12 Recommendations of the Children and Young People Board

The Council Cabinet received a report from the Chair of the Children and Young People Board. Members noted that at its meeting on 19 March 2013, the board had considered the Looked After Children Strategy and the Residential Children's Home reports in anticipation of decisions being made by Council Cabinet at its meeting on 20 March 2013.

The Board requested Council Cabinet to consider its recommendations in relation to each of the reports and to give due regard to the board's reasons for making those recommendations.

Council Cabinet resolved to note the following recommendations (made by the Children and Young People Overview and Scrutiny Board) and to consider them alongside the corresponding reports accordingly:

1. Looked After Children Strategy

- a. **That the text be amended on page 7 at 4.1.3 to reflect the statistics of all looked after children not just those in Derby.**
- b. **That in the text on page 10 at 5.9 an additional sentence be added stating ‘We are working closely with non-maintained schools in Derby to ensure that Looked After Children in these schools receive the same services.’**

2. Residential Children’s Homes

- a. **To ask Cabinet to approve the use of £2 million from the capital programme to be spent on new Residential Children’s Homes subject to the Children and Young People Board receiving a full options appraisal detailing how and why this decision was reached and access to the Children and Young People departmental review of children’s homes.**
- b. **The Board asks Cabinet to approve the £2.8 million for the second Phase of development subject to the Board being included in the consultation for phase 2.**

180/12 Residential Children’s Homes

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. The report outlined the strategy for residential provision in children’s homes over the next five years. The cabinet member explained that the local authority was committed to providing its own high quality residential children’s homes for looked after children.

Council Cabinet noted that the strategy aimed to resolve a number of problems with current properties in relation to their type, size, state of repair and cost. It was considered that the properties were outdated, required modernisation and were unsustainable.

The cabinet member explained that a phased programme of change would include re-development of the Moorfields site to provide a high quality and homely environment for looked after children in residential care. Future consideration of re-developing other properties would be made over a period of time.

The cabinet member referred to the recommendations made by the Children and Young People Overview and Scrutiny Board and acknowledged the Board’s wishes to receive a detailed appraisal report and the results of an internal review conducted by the Children and Young People Department. The cabinet member understood that the Board

wished to be further informed of the rationalisation supporting the proposed decision and agreed to provide this information to the Board at its April meeting. The cabinet member explained that any comments and advice, received from the Board, would be taken into account in anticipation of the second phase of the development.

The cabinet member corrected section 6.1 of appendix 2 to read 'The options have been considered as part of the Looked After Children Strategy.'

Options Considered

To maintain the existing children's home property portfolio and respond to capital and maintenance requirements as an on-going budget pressure.

Closure of children's homes to realise the budget saving.

Decision

Council Cabinet resolved to:

- 1. approve the phase one proposal, which was the redevelopment of Moorfields Children's home; and**
- 2. note phase two proposals included further redevelopment of the residential properties.**

Reasons

The proposals addressed the need to improve the current residential provision for children in care and to positively improve both the outcomes and life chances for looked after children, thereby narrowing and eradicating the gap. Through the programme, demand would be reduced in a safe manner and children would be placed in stable placements within their local area.

Budget and Policy Framework

181/12 Dedicated Schools Grant 2013/14

The Council Cabinet considered a joint report from the Cabinet Members for Business Finance and Democracy and Children and Young People. It was reported that in March 2012 the Department for Education – Dfe – set out the steps it would make over the next few years to reform the Schools Funding System. The changes implemented from 2013/14 paved the way to the implementation of a national funding formula in the next spending review period.

The elements introduced from April 2013/14 would be:

- simplification of the local funding formula to schools

- reform of the funding of high need pupils
- increased delegation to schools
- changes to the funding transfers in relation to academies.

Council Cabinet were informed that the Schools Forum had previously considered these issues at and had approved the required changes to the funding formula and levels of de-delegation. On the 19 December 2012, as part of the Local Government Finance Settlement, the council received its notification of the level of the Dedicated Schools Grant – DSG – for the financial year 2013/14. The report detailed the proposals for the use of the DSG for Derby.

Council Cabinet noted that schools must be informed of their budget shares by the 15 March 2013. Furthermore, the Schools Forum had considered and approved the proposals at their meeting on 31 January 2013.

Decision

Council Cabinet resolved to:

- 1. approve the budget proposals for the use of the Dedicated Schools Grant as contained within the report; and**
- 2. approve to use of Dedicated Schools Grant Reserves of £671,000.**

Contract and Financial Procedure Matters

182/12 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report from the Cabinet Member for Business Finance and Democracy. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- changes to the current 2012/13-2015/16 capital programme
- year end accounting treatment for grants with restrictions
- Derby City Council to act as an accountable body
- write off of bad debts
- award of contract
- use of reserves
- transfer to reserves.

Decision

Council Cabinet resolved to:

- 1. approve changes and additions to the capital programme as set out in appendix 2 and highlighted in section 4 of the report;**

2. note the revised programme for 2012/13 in table 1 (paragraph 4.1) and the revised indicative programme for 2012/13-2015/16 as shown in table 2 (paragraph 4.9) of the report;
3. approve the year end accounting treatment of grants with restrictions as detailed in section 5 of the report;
4. approve Derby City Council acting as an Accountable Body for the Local Enterprise Partnership's - LEP - core funding grant as detailed in section 6 of the report;
5. approve the write off of bad debts in Housing and Council Tax Benefit in the Resources directorate as detailed in section 7 of the report;
6. award a contract to deliver Housing and Council Tax Benefit processing work and customer telephone contacts for a value of up to £350,000, for a period of one year with an option to extend for a further two years as detailed in section 8 of the report;
7. approve the use of £425,000 from the Budget Risk Reserve to fund three identified corporate pressures as detailed in section 9 of the report; and
8. approve transfer of £1M from the Treasury Management budget to the Budget Risk Reserve as detailed in section 10 of the report.

Other

181/12 Review of Missing Children Protocol

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. The report outlined the Derby City response to addressing the needs of children who go missing. The Derby protocol had been designed to ensure all children and young people who go missing from private homes, Derby City Council children's homes and independent children's homes received appropriate support and guidance to minimise the risks to them.

The All Party Parliamentary Group (APPG) report into Runaway and Missing Children (2012) highlighted the concern of many agencies, including local authorities, over looked after children placed in residential homes (mainly independent) which were away from their home authority and the frequency with which these children went missing. The cabinet member explained that the protocol incorporated the recommendations from the APPG report.

It was reported that the protocol also addressed the processes and requirements for commissioning placements for Derby children placed outside of the authority and requirements for information sharing with other local authorities who planned to place children within Derby.

Council Cabinet understood that the revised guidance was presented to the Derby Safeguarding Children Board (DSCB) on 12 September 2012. The DSCB policies and procedures group would agree the timescales for final ratification, dissemination and any training requirements for all Derby city agencies.

The DSCB Business Plan had identified missing children as a priority vulnerable group and had consequently implemented quarterly monitoring arrangements via the DSCB Vulnerable Young People's Group.

Decision

Council Cabinet resolved to:

- 1. note the content of the Derby City Protocol for Missing Children;**
- 2. approve the protocol and its dissemination across the local authority; and**
- 3. endorse the monitoring arrangements implemented by Derby Safeguarding Children Board.**

182/12 School Improvement Progress Report

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. It was reported that a review of the "Derby Winners" school improvement policy in the Autumn of 2012 had produced a document which further clarified the first version in 2011 and had set out a more purposeful and transparent stance from the local authority in relation to the schools causing concern.

Council Cabinet understood that part of Derby Winners focused on local authority duties to schools that were causing concern and the formal actions available to the local authority. Derby had been more assertive in the last year with such actions. The policy also featured co-operative school trusts as a preferred alternative structural solution.

The report referred to the autumn publication of the summer 2012 pupil outcomes were. The results demonstrated improvements in the number of schools below the national floor standard and in Ofsted categories. Higher results at KS2 and KS4 were outstripped by some national improvements, but comparisons with similar areas had shown that Derby was performing well.

Ofsted inspections had shown Derby's improving schools in the past year. Nevertheless, Derby had been identified by HMCI as a poor-performing area. A trial of local authority Ofsted inspections was launched without notice in Derby in January 2013. Schools' comments regarding the local authority were overwhelmingly positive. The resulting Ofsted letter to Derby was moderately so.

Decision

Council Cabinet resolved to note the report and support actions furthering relationships between Derby City Council and all local schools.

183/12 Looked After and Adopted Children and Young People Strategy 2012 – 2015

The Council Cabinet considered a report from the Cabinet Member for Children and Young People. The report provided an overview of the local authority strategy for all looked after children, adopted children and young people who were in the care of Derby City Council.

The strategy was aimed at all partners, elected members and directorates across the city council as a means to secure the best possible outcomes for all looked after children; adopted children and young people who were cared for by the local authority. The strategy reinforced the corporate parenting responsibilities of all partners, staff and elected members in promoting the needs of all looked after children.

Council Cabinet were informed that the strategy would underpin the work of operational services that were responsible for meeting the individual care planning needs for all looked after children, adopted children and young people and would also inform future commissioning needs.

The cabinet member referred to the recommendations made by the Children and Young People Overview and Scrutiny Board and acknowledged the board's wish to include and analyse statistics relating to all looked after children, including those resident outside of the city. The cabinet member also accepted the board's approach to ensuring that all looked after children were supported in schools as much as possible.

Decision

Council Cabinet resolved to

- 1. amend the text at section 4.1.3 of the strategy (page 7) to reflect the statistics of all looked after children, not just those in Derby;**
- 2. amend the text at section 5.9 of the strategy (page 10) to include an additional sentence stating 'We are working closely with non-maintained schools in Derby to ensure that Looked After Children in these schools receive the same services.'**
- 3. note and support the strategy (as amended) its implementation and review of the Improvement Plan throughout the lifetime of the strategy;**
- 4. establish a review programme through the Corporate Parenting Sub-Board, developing contributions and presentations from**

- partner agencies responsible in delivering upon strategy imperatives; and
5. receive quarterly reports at Council Cabinet under an agenda item entitled 'Looked After Children Strategy Update.'

184/12 Consultation on Carers' Services – Progress Update

The Council Cabinet received a report from the Cabinet Member for Adults and Health. It was reported that Derby City Council's 2013-14 budget and savings proposals for 2013-14, 2014-15 and 2015-16 were approved by Council on 30 January 2013. The budget proposals included a reduction in funding set aside to support carers.

The report set out the process that was followed to consult with carers and other stakeholders about whether and if so how to reduce carers' funding in line with the budget proposals. The cabinet member explained that the process would include a full Equality Impact Assessment. The report also outlined a timetable for the consultation and Equality Impact Assessment to be carried out and then reported to Council Cabinet. This would enable Council Cabinet to make a decision on whether reductions in funding to support carers should be made and if so, where these reductions would be applied.

Decision

Council Cabinet resolved to:

1. fully consult upon proposed carers' savings for 2013-14 and 2014-15 and to adopt the consultation timescale set out in the Supporting Information section of the report;
2. consider consultation feedback and the full Equality Impact Assessment at Council Cabinet in August or September 2013 and to then decide whether 2013-14 and 2014-15 reductions in carers' funding are to be made and if so, how this should be achieved; and
3. consult separately and over a longer time period on savings proposals intended to deliver 2015-16 reductions in carers' funding.

185/12 Exclusion of Press and Public

Council Cabinet resolved, in accordance with section 100(A) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion of item number 27 (minute 186/12) on the grounds that:

- it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; and
- that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Key Decision

186/12 Contract for Insurance Services

The Council Cabinet considered a report from the Cabinet Member for Business, Finance and Democracy. The report sought approval to award the contract for the provision of insurance services from 1 April 2013.

Council Cabinet were informed that an European Union compliant competitive tendering exercise was used to procure insurance cover for the Council.

The council had sought tenders based upon a long term agreement of three years in duration, with the options to extend for:

- a. an additional period of two years at the council's discretion, followed by
- b. a further additional period of two years at the council's discretion.

Options Considered

No other options were considered practical by the Council Cabinet.

Decision

Council Cabinet resolved to:

- 1. approve the award of the contracts for the provision of insurance services for Property Cover (Lot 1), Casualty Insurance Cover (Lot 2), Motor Fleet Cover (Lot 3) and Engineering Inspection (Lot 4) to Zurich Municipal, subject to the conclusion of a mandatory standstill period in accordance with the European Union Procurement Regulations;**
- 2. approve the award of the contract for the provision of insurance services for the "Group Personal Accident" (Lot 5) to AIG through Risk Management Partners, subject to the conclusion of a mandatory standstill period in accordance with the European Union Procurement Regulations; and**
- 3. approve the award of the contract for the provision of insurance services for the "Fine Art" (Lot 6) to This London Market, subject to the conclusion of a mandatory standstill period in accordance with the European Union Procurement Regulations.**

Reasons

The council was required by law to maintain insurance cover for certain classes of risk i.e. motor insurance and employer's liability insurance. Other classes of risk, although not required by law, were an expectation from stakeholders. The council would expect any companies that it did business with to have appropriate insurance in place to meet identified risk.

All insurance was a means of transferring the risks of having to directly meet a successful claim away from the council.

MINUTES END