

Time began: 6.00pm
Time ended: 6.28pm

COUNCIL CABINET 6 December 2017

Present Councillor Rawson (Chair)
 Councillors Afzal, Bolton, Hussain, Repton, Russell and Shanker

In attendance Councillors M Holmes and Skelton
 Paul Robinson – Chief Executive
 Janie Berry – Monitoring Officer
 Mark Taylor – Interim Director of Finance
 Gurmail Nizzer – Acting Director of Commissioning and Head
 of School Organisation
 Kara MacFadyen – Communications Officer

This record of decisions was published on 8 December 2017. 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.

79/17 Apologies

Apologies for absence were received from Councillor Banwait, Graves and Raju.

80/17 Late Items

There were no late items. The Chair reported that there was an addendum to the Contract and Financial Procedure Matters report.

81/17 Receipt of Petitions

There were no petitions received.

82/17 Identification of Urgent Items to which Call In will not Apply

There were no items.

83/17 Declarations of Interest

There were no declarations on interest.

84/17 Minutes of the Meeting Held on 8 November 2017

The minutes of the meeting held on 8 November 2017 were agreed as a correct record and signed by the Chair.

Matters Referred

85/17 Recommendations from the Executive Scrutiny Board

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Executive Scrutiny Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

In relation to Performance Update – Delivery of the Streetpride elements of the Neighbourhoods Charter to enhance the street scene and living environment of the City, the Executive Scrutiny Board recommended that Council Cabinet provide at least a minimum level of resources in the budget for 2018/19 for engagement, education and enforcement action in all wards across the city.

Decision

1. To receive the report and consider the recommendations alongside the relevant report.
2. To reject the recommendation of the Executive Scrutiny Board to provide at least a minimum level of resource in the budget for 2018/19 for engagement, education and enforcement action in all wards across the city because priority areas were being considered as part of the budget consultation and therefore the recommendation was not required.

Key Decisions

86/17 Procurement of Educational Placements for Children and Young People with Special Educational Needs and Disabilities (SEND)

The Council Cabinet considered a report which stated that the Local Authority was currently in the process of further strengthening procurement and placement procedures for independent and non-maintained special school and college placements for children and young people with special educational needs and disabilities (SEND).

The proposal was to establish a system similar to a Dynamic Purchasing System, which was similar to a framework agreement (with the exception that new suppliers could join at any time and it was run as a completely electronic process). This process would really help independent providers with improved efficiencies in relation to SEND educational placements.

This would be in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 to enable more robust contract management,

tighter cost control and improved outcomes/quality for children and young people with SEND. It would also introduce an open, transparent, consistent and streamlined approach for providers.

Further improvements to the overall management of high cost SEND educational placements was a key priority for the People Services Directorate, as independent and non-maintained special school placements were an area of considerable budget expenditure, totalling £7,113,658 in 2016/17.

There was also a potential future opportunity to establish a regional SEND procurement system. This was currently being explored and scoped, and structured discussions were underway with a range of Local Authorities as part of the due diligence process.

The Executive Scrutiny Board recommended to Council Cabinet that officers reassure them that the delegation at paragraph 2.4 of the report is acceptable in-line with the scheme of delegation and financial procedure rules.

Options Considered

1. Do nothing. This was not an option due to the requirement to comply with the Public Contracts Regulations 2015.
2. Implement a block contract with specific providers. This was not an option due to the specialist nature of SEN school provision meaning there were not consistently one or a few schools that could meet Local Authority requirements.

Decision

1. To approve the establishment of a procurement compliant solution, for the procurement of SEND educational placements from independent and non-maintained special schools/colleges.
2. To note a procurement compliant solution may be a framework, dynamic purchasing system or pseudo solution – set out in paragraphs 4.2 to 4.4 of the report.
3. To note that options were being explored to establish a regional SEND procurement framework/dynamic purchasing system.
4. To accept the recommendation of the Executive Scrutiny Board that officers reassure them that the delegation at paragraph 2.4 of the report is acceptable in-line with the scheme of delegation and financial procedure rules.

Reasons

1. The Local Authority was in the process of further strengthening SEND procurement and placement procedures that would demonstrate value for money.
2. A framework/dynamic purchasing system had benefits for both the Local Authority and providers, as outlined in the report.
3. A regional framework/dynamic purchasing system was also being explored which may lead to further efficiencies.

87/17 Proposal to Increase Pupil Numbers at Murray Park School

The Council Cabinet considered a report which stated that the Council was legally required to ensure that there were sufficient school places available for those pupils residing in its administrative boundary. There was an increasing demand for secondary school places in Derby following a significant level of growth in primary school numbers. Additional secondary places were needed at a number of schools in the city in order to respond to this growth.

A proposal had been developed to provide additional secondary pupil places at Murray Park School. The proposal was to increase the school's admission number from 220 up to a maximum of 330 from September 2019, with an additional 550 places available across the school on a phased basis, starting from year 7.

Following Council Cabinet approval on 21 June 2017, initial consultation on the proposal to expand Murray Park School took place for a six-week period in July and August 2017. The outcome of this consultation was reported to Council Cabinet on 4 September 2017. At that meeting, Council Cabinet approved the publication of a statutory notice and delegated authority to determine the proposal to the Strategic Director of People Services if no objections were received and, if objections were received, to bring a further report to Council Cabinet for a decision

The statutory notice was published on 17 October 2017, with the formal representation period running from 17 October to 14 November 2017. As two objections were received during this period, the final decision on the proposal must now be taken by Council Cabinet.

The Executive Scrutiny Board made no recommendations to Council Cabinet, however, requested further details on cross-city school travel to be included in a planned report to the Board on school place planning.

Options Considered

Very careful consideration had been given to options for accommodating pupil growth. School place planning proposals had been developed with a view to creating additional capacity across a number of schools. This was to ensure a spread of additional school places across the City as a whole. In developing proposals, a range of factors had been considered, including whether school sites could accommodate expansion.

Decision

To approve permanent expansion of the premises of Murray Park School in order to provide additional secondary school places.

Reasons

1. The Council has a legal duty to ensure sufficient school places for those pupils residing within its administrative boundary. Pupil numbers and projections were closely monitored and proposals were carefully developed to ensure sufficient school places.
2. Without the proposed expansion, there was a significant risk that the Council would not be able to deliver its statutory duty to provide sufficient secondary school places.
3. To note the request from the Executive Scrutiny Board that the Board receive further details on cross-city school travel to be included in a planned report to the Board on school place planning.

Contract and Financial Procedure Matters

88/17 Contract and Financial Procedure Matters

The Council Cabinet considered a report and an addendum which dealt with the following items which required reporting to and approval by Council Cabinet under the Contract and Financial Procedure rules.

- accept external funding – Department for Communities and Local Government - DCLG Controlling Migration Fund.
- use of Salix loan funding within the St Lighting programme.
- additional service finance charges for the vehicles plant and equipment programme.
- write off of debt for Breadsall Hilltop School as part of the academy conversion process.
- Use of Peoples Services reserves.
- Request for approval of delegated authority for the schools capital programme additions.
- Current capital changes requiring approval for the schools capital programme set out in appendix 2 of the report.

It was noted that in paragraph 4.5 of the report the Salix loan figure should read £1.627m.

The Executive Scrutiny Board resolved the recommend that Council Cabinet

1. reject the recommendations in the report unless further details are provided, included breakdowns of; what funds are required for; if the purchase of

equipment is considered value for money; if the time for investing in equipment is the right time; and for any relevant background information to be provided, including if items over key decision levels have received relevant Council Cabinet approvals.

2. asks for all aforementioned information to be included in all future Contract and Financial Procedure Matters Report, including the relevant Officer details for each decision to enable Members to request further information if needed.

Decision

1. To approve the acceptance of £965,084 external funding from the DCLG, Controlling Migration Fund detailed in paragraph 4.1 of the report.
2. To approve additional and use of external borrowing of £1.627m from Salix detailed in paragraph 4.5 of the report.
3. To approve the addition of £110,000 service finance charges to fund additions within the Vehicles Plant & Equipment programme detailed in paragraph 4.7 of the report.
4. To approve the write off of debt £13,053, from the Councils systems outlined in section 4.9 of the report.
5. To approve the use of the Peoples service reserves to fund the improvement works and staffing at Perth House and Arboretum House to improve hospital discharge within the Health and Social Care system detailed in paragraph 4.12 of the report.
6. To approve the delegation for the schools capital programme additions set out in the addendum report, to add new schemes to the schools funded capital programme where the schemes are funded within the approved capital programme budget envelope.
7. To approve the capital changes detailed in appendix 2 of the addendum report for the schools capital programme.
8. To note the recommendations from the Executive Scrutiny Board in relation to the need for further details to be included in future reports to allow effective scrutiny.
9. To note that the S151 Officer would meet with the Chair of the Executive Scrutiny Board to discuss the level of detail required in future reports.

MINUTES END