



**Council Cabinet Response to Scrutiny Recommendations**

**SUMMARY**

- 1.1 This report outlines the recommendations made by the Executive Scrutiny Board to Council Cabinet and Council Cabinet's responses to these recommendations. The relevant responses have been extracted (and condensed where appropriate) from the Council Cabinet Minutes and included in Section 4 of this report.

**RECOMMENDATION**

- 2.1 To note the responses from Council Cabinet recorded in the Council Cabinet Minutes.

**REASON FOR RECOMMENDATION**

- 3.1 To ensure that the Executive Scrutiny Board receives a response from Council Cabinet to the recommendations made.

**SUPPORTING INFORMATION**

**Council Cabinet Meeting of 9 October 2018**

**Matters Referred**

**4.1 91/18 Recommendations from the Executive Scrutiny Board**

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The 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.

**Council Cabinet Decision**

- 1. To receive the report and consider the recommendations alongside the relevant report.

## **92/18 Referrals from Council – Long Term Waste Contract**

The Executive Scrutiny Board resolved to:

- Express deep dismay at the recommendation before Council Cabinet to defer any decision; and
- Recommend that Council Cabinet should respect the will of Council and immediately terminate the waste contract in line with the democratic resolution made on 27 September.

### **Council Cabinet Decision**

1. To defer any decision on the Council resolutions until they can be considered alongside up-to-date and appropriate technical, financial and legal information.
2. *To note the recommendation from the Executive Scrutiny Board.*

### **Key Decisions**

#### **4.2 93/18 Highway Safety Inspections Manual – October 2018**

The Executive Scrutiny Board resolved to note the report.

#### **4.3 94/18 Improving Special Educational Needs and Disability (SEND) Provision in Derby**

The Executive Scrutiny Board resolved to:

1. Recognise the vital importance of early years intervention;
2. Recommend that Council Cabinet should not decommission enhanced resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;
3. Recommend that Council Cabinet should ensure there is an assessment unit to lead and inform early years intervention;
4. Recommend that Council Cabinet should ensure clarity of pupil pathways from early years to primary places;
5. Recommend that Council Cabinet should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion;
6. Recommend that Council Cabinet should increase resource and provide funding for Brackensdale Primary School to enable it to become a centre of excellence that can provide support for other settings, to promote inclusion; and

7. Recommend to Council Cabinet that any monies saved from the proposals should be reinvested in SEND provision and made available citywide to enhance resource.

### **Council Cabinet Decision**

1. Following very careful consideration of consultation responses on proposals to improve Derby's specialist provision, and in view of the requirements of the national SEND reforms, to approve:
  - a. the proposed updated placement criteria from September 2019, as set out in Appendix 3 of the report;
  - b. the proposed Enhanced Resource School pupil pathways from September 2019, as set out in Appendix 4 of the report;
  - c. the updated numbers of commissioned places in each of Derby's Enhanced Resource Schools from September 2019, as set out in Appendix 5 of the report.
  - d. a change in number of Enhanced Resource School places for Brackensdale ER Primary School to 28 commissioned places from September 2019, with additional funding to remain in place as part of the transition process until March 2021;
  - e. consideration of alternative options for providing places for pupils with Social, Emotional and Mental Health (SEMH) needs including proposals to start planning the de-commissioning of the current provision at Alvaston Junior School and the 11-16 provision at Lees Brook School;
  - f. the reallocation of the funding provided to Central Community Nursery School and Lord Street Nursery School to a single Early Years Inclusion Fund, including proposals to start planning the decommissioning of the Enhanced Resource School places at Central Community Nursery School and Lord Street Nursery School;
  - g. to establish 14 primary Enhanced Resource School places at the Bemrose School for pupils with communication and interaction needs;
  - h. Derby City Council being solely responsible for coordinating all SEND placements in Derby.
2. To approve the commencement of feasibility studies for increasing and improving provision at Bemrose School and St. Clare's School, with a view to making estimated capital investment of around £7.2m across the two schools.
3. To approve scheme commencement and amendment to the approved 2018/19 - 2020/21 capital programme with proposed scheme allocations as set out in Appendix 7 of the report.
4. To approve the scoping of initial proposals to establish special school pupil pathways, including initial proposals to consider changing the age range for St Clare's School from a secondary special school to a primary special school, and to seek Council Cabinet approval of the proposals, following this scoping exercise.
5. To note that a SEND Graduated Response Strategy for inclusion had been developed for consideration and Council Cabinet approval in a separate report.

6. To endorse the Council's approach of requiring all mainstream schools and enhanced resource schools to set separate budget plans in relation to prioritising SEND notional funding, and enhanced resource school funding from 2018-19 and future years.
7. To note that, subject to approval of the specialist provision proposals in recommendation 2.1 (above), Service Level Agreements (SLAs) would be updated to reflect the SEND changes for Special Schools and Enhanced Resource Schools.
8. *To reject the following recommendations from Executive Scrutiny Board that Council Cabinet:*
  - *should not decommission enhanced resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;*
  - *should ensure there is an assessment unit to lead and inform early years intervention;*
  - *should ensure clarity of pupil pathways from early years to primary places;*
  - *should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion; and*
  - *should increase resource and provide funding for Brackensdale Primary School to enable it to become a centre of excellence that can provide support for other settings, to promote inclusion.*
9. *To note the recommendation from the Executive Scrutiny Board requesting Council Cabinet to ensure that any monies saved from the proposals should be reinvested in SEND provision and made available citywide to enhance resource.*

**4.4 95/18 Graduated Response Strategy – Improving Special Educational Needs and Disability (SEND) Support and Outcomes in Derby**

The Executive Scrutiny Board resolved to note the report.

**4.5 96/18 Children Missing from Education (CME) Policy Update**

The Executive Scrutiny Board resolved to note the report.

**4.6 97/18 Emotional Health and Wellbeing Service for Children in Care, Leaving Care and Adopted Children**

The Executive Scrutiny Board resolved to recommend that Council Cabinet identify as a matter of urgency a potential alternative building to allow the service to be delivered as soon as a provider has been identified.

**Council Cabinet Decision**

1. To approve a joint procurement exercise with SDCCG and for Derby City Council to be the lead in procurement of an emotional health and well-being service provider, to commence from 1 April 2019 for a period of up to 5 years.

2. To note the current premises were not fit for purpose and the Council would seek in the first instance for the successful provider to provide premises. In the event that no suitable alternative premises were presented, the Council would consider options to provide premises from their property portfolio.
3. To approve a Derby City Council contribution of up to £233,000. In the event that suitable premises were not put forward by a successful bidder, that any potential alternative suitable premises could be leased and this contribution by Derby City Council would be in addition.
4. To note the CCG contribution to the service (Appendix 1, section 1.5 of the report) was subject to confirmation of approval. The contract value was based on indication from the CCG of the potential maximum CCG contribution.
5. To enter into a Section 75 agreement or alternative partnership agreement with SDCCG for the procurement, management and financial contribution of the provision of the service.
6. To delegate authority to the Strategic Director for People Services, following consultation with the Strategic Director of Resources and Cabinet Member for Children and Young People, to approve the Council entering into a contract with the successful provider and any potential lease (if necessary).
7. *To note the recommendation from the Executive Scrutiny Board requesting that Council Cabinet identify as a matter of urgency a potential alternative building to allow the service to be delivered as soon as a provider has been identified.*

#### 4.7 **Children's Residential Homes – Proposed Reconfiguration of Service Provision**

The Executive Scrutiny Board resolved to:

- Recommend to Council Cabinet that there should be no overall reduction in the number of mainstream bed spaces;
- Recommend that Council Cabinet should seek to potentially increase the number of bed spaces, enabling those on external placements to be brought back into the city and enabling the council to sell surplus bed spaces; and
- In the event that the recommendations detailed in the report do go ahead, to recommend to Council Cabinet that it ensures local ward councillors are consulted and involved in any decision relating to what happens to those buildings.

#### **Council Cabinet Decision**

1. To agree the two phased approach to reconfiguration of children's in-house residential services, those phases being the establishment of a two hub approach and creation of a semi-independent living pathway.
2. To agree as part of Hub 1 establishment to;

- a) cease the scheduled refurbishment of the final home
  - b) approve formal closure of this home and;
  - c) agree transfer the capital budget to invest in the refurbishment of a smaller building already within the site of Hub 1 into a two bedded home.
3. To agree closure of the home that has been empty since April 2018
  4. To agree a future review of properties within the councils portfolio to determine, subject to an updated strategic needs assessment, if any properties might be suitable for children's residential provision.
  5. *To reject the following recommendations from Executive Scrutiny*
    - *that there should be no overall reduction in the number of mainstream bed spaces; and*
    - *that Council Cabinet should seek to potentially increase the number of bed spaces, enabling those on external placements to be brought back into the city and enabling the council to sell surplus bed spaces.*
  6. *To accept the recommendation from Executive Scrutiny Board to ensure local ward councillors are consulted and involved in any decision relating to what happens to those buildings.*

## **Council Cabinet Meeting of 24 October 2018**

### **Matters Referred**

#### **4.8 103/18 Recommendations from the Executive Scrutiny Board**

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The 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.

#### **Council Cabinet Decision**

1. To receive the report and consider the recommendations alongside the relevant report.

### **Key Decisions**

#### **4.9 105/18 Air Quality Reducing Roadside Nitrogen Dioxide**

The Executive Scrutiny Board resolved:

- To recommend to Council Cabinet that measures to encourage women to cycle safely were included as part of the bid to the Clean Air Fund.
- To recommend to Council Cabinet that local councillors are consulted on both citywide and ward based measures to improve air quality, as part of wider public consultation prior to submission of the Clean Air Fund bid.

- To recommend to Council Cabinet that a sub-group of the Green Forum was formed to consider air quality, to include cross-party and officer representation.
- To recommend to Council Cabinet that the number, scale and scope of air quality management areas is expanded as part of the bid to the Clean Air Fund.

### **Council Cabinet Decision**

1. To note the consultation outcomes detailed in paragraphs 4.3 to 4.9 of the report.
2. To approve Option 1 – traffic management measures focussed on Stafford Street to address the specific exceedance without any charges for road users - as the preferred option for further development in accordance with the minimum modelling requirements which would provide further detailed analysis and, subject to the results of this work, to form the basis of the submission of a Full Business Case to meet the legal duty in relation to the NO2 reduction.
3. To approve further consultation on the preferred option and the use of the result as part of development of the business cases required by Government.
4. To authorise the further development of an equality impact assessment, expanding on the assessment attached to the report, and for its outcome to be taken into account as part of development of the Full Business Case.
5. To delegate approval to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources, having taken account of the outcomes of recommendations 2.3 and 2.4, to submit appropriate and required documentation including the bid for funding to deliver the preferred option, at the earliest possible date, and if the funding bid is successful, to accept the funding on behalf of the Council.
6. To delegate approval to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources, to submit a Clean Air Fund bid and if this bid is successful to accept the funding on behalf of the Council.
7. *To note the following recommendations from Executive Scrutiny Board*
  - *That measures to encourage women to cycle safely were included as part of the bid to the Clean Air Fund.*
  - *That local councillors be consulted on both citywide and ward based measures to improve air quality, as part of wider public consultation prior to submission of the Clean Air Fund bid.*
  - *That a sub-group of the Green Forum be formed to consider air quality, to include cross-party and officer representation.*
8. *To reject the following recommendation from the Executive Scrutiny Board*

- *That the number, scale and scope of air quality management areas be expanded as part of the bid to the Clean Air Fund.*

## **Budget and Policy Framework**

### **4.10 106/18 Medium Term Financial Plan 2019/20 – 2022/23**

The Executive Scrutiny Board resolved:

- To note the report.
- To recommend that Council Cabinet explore the viability of employing foster carers as in-house staff.

## **Council Cabinet Decision**

1. To approve the early progression of savings of an operational nature within the Corporate Resources Directorate which did not require consultation outlined in section 7.4 and Appendix 4a of the report.
2. To approve the early start of appropriate consultation processes to deliver the staff car parking saving as detailed in 7.4 and Appendix 4a of the report.
3. To agree in principle, subject to the outcomes of recommendations 2.4 and 2.5, the proposed savings for the People's Directorate as detailed in Appendix 4b of the report.
4. To approve the start of appropriate consultation processes, including collective consultation, to deliver these savings and the preparation of an equality impact assessment of the impact of a decision to deliver some or all of these savings.
5. To note current list of savings options outlined in Appendix 4 of the report which would have an impact on jobs with an estimated reduction in posts by 128.1 full time equivalent posts.
6. To note the current estimated service pressures outlined in Appendix 5 of the report.
7. To note the current estimated financial position with a revenue funding gap of £5.474m in 2019/20 and £9.570m across the four year period to 2022/23 as summarised in section 7, with detail in Appendix 3 of the report.
8. To note some of the priorities which require consideration to reduce the gap as outlined in section 10 of the report.
9. To agree the updated timetable for the development of our Budget for 2019/20 and our Medium Term Financial Plan for 2019/20 – 2022/23 including consultation periods set out in section 11 and Appendix 2 of the report.
10. *To reject the recommendation from Executive Scrutiny Board to explore the viability of employing foster carers as in house staff.*

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None.

**This report has been approved by the following officers:**

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	N/A
<b>Service Director(s)</b>	N/A
<b>Other(s)</b>	David Walsh – Head of Democracy

<b>For more information contact:</b>	Alex Hough – Democratic Services Manager 01332 643643 alex.hough@derby.gov.uk
<b>Background papers:</b>	Council Cabinet Minutes and Reports 12 September 2018 Council Cabinet Minutes and Reports 20 September 2018
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 Costs associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Legal**

- 2.1 Rule OS23 of the Council's Constitution relate are relevant to this report in its final submissions to Council Cabinet. Rule OS23 states that the Council or Council Cabinet shall consider the report of the overview and scrutiny board within one month of it being submitted to the proper officer.
- 2.2 Legal implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Personnel**

- 3.1 Personnel implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**IT**

- 4.1 IT implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Equalities Impact**

- 5.1 Effective scrutiny benefits all Derby people and the very nature of the Scrutiny Board's work means that equality issues are addressed.

**Health and Safety**

- 6.1 None directly arising from this report.

**Environmental Sustainability**

- 7.1 None directly arising from this report.

**Property and Asset Management**

- 8.1 Asset management and acquisition implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Risk Management**

- 9.1 Risks management implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Corporate objectives and priorities for change**

- 10.1 Our aim is to work together so that Derby and its people will enjoy a thriving sustainable economy, good health and well-being and an active cultural life.