

Public Document Pack



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Ask for Michelle Archer

PUBLIC

To: Members of Council

Tuesday, 23 November 2021

Dear Councillor,

Please attend a meeting of the **Council** to be held at **2.00 pm** on **Wednesday, 1 December 2021** in Members Room, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington

Director of Legal and Democratic Services

AGENDA

8. To receive questions from Elected Members (if any) (Pages 1 - 22)

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ELECTED MEMBER QUESTIONS TO COUNCIL – 1 DECEMBER 2021

a) Question from Councillor S Burfoot to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

Given the inevitable loss of millions of Ash trees on public owned land throughout the country, as a result of the dreadful Ash dieback disease, can the Council explain what measures are being taken to fell dead and dying Ash trees on our land and verges; and can we ensure we are in dialogue with all Local Government bodies in Derbyshire and that we are informing all neighbouring landowners with diseased Ash trees all of which are potentially in danger of falling onto roads and into rivers?

And can we make public our plans to handle this disease in the context of our biodiversity and climate change strategies?

Response:

Thank you, Councillor Burfoot, for raising this important issue.

Ash dieback will kill around 80% of ash trees across the UK. The effects will be staggering. It will potentially change our landscapes locally forever and threaten many species which rely on ash. I believe at least 40 plus insects rely alone on the ash trees and the cost of dealing with this will be in the millions locally and billions nationally.

Just by way of a quick background. Ash dieback is a fungal disease thought to have originated in Eastern Asia and imported into mainland Europe in the 1990s. It is a vascular wilt fungus that blocks the water transport vessels within the tree, firstly causing the leaves to die then lesions in the wood and bark leading to dieback of the twigs, branches and ultimately the whole tree.

The disease is usually fatal for most young ash trees and can kill saplings within one growing season. Larger mature ash with the infection are thought to be more tolerant or decline at a slower rate of several years. The rate of decline in individual trees is highly variable and may be affected by pre-disposing factors such as genetic variation, concurrent disease, pests and climate. Since 2018 there has been a marked increase in the rate of infection and decline.

Estimates for the number of trees in Derbyshire have been based on data from the Tree Council, the Forestry Commission and Derbyshire Lowland Biodiversity Action Plan. The data suggests there are about 8.6 million ash trees within woodlands or wide linear features in Derbyshire. This doesn't include individual trees in hedgerows, fields or urban settings so therefore the total is probably estimated to be more in the region of 9 million.

In Derbyshire as a whole ash is the second most common tree after oak but in the limestone areas of this county they are the more dominant species. Ash is the dominant tree in the woodlands of the limestone dales where it may comprise of up to 99% of tree cover. These limestone dales of Derbyshire and the Peak District contain the largest areas of ravine woodlands in Great Britain and are the best examples of this habitat in the UK and one of the most important areas in Europe for ash-dominated landscapes and habitats. In fact 21% of the UK's ravine woodland are protected by a Special Area of Conservation which covers about 900 hectares across Dovedale, Monsal, Lathkill, all the way to Matlock Dale.

Our officers have identified ash dieback as a significant risk and added it to the risk register in 2019.

The Countryside Service has been tasked with leading the response to ash dieback and there has been initiated an action plan. We have a dedicated project officer. An initial budget of £265,000 was set aside in the action plan to identify:

- Quantity and scale of the problem.
- Plan an inspection regime for roadside tree issues, including mapping and entry in an asset register.
- Train all site-based countryside staff and establish escalation procedures.
- Carry out desk based assessment of the location of ash trees utilising detailed site knowledge of staff, with subsequent confirmation on site as required.
- Use latest research to assess individual trees and make management decisions.
- Make preparations to provide advice to other County Council departments.
- Create cross-departmental ash dieback officers' working in groups to develop the Authority's approach.

The Officers' Working Group has been in operation since February 2020 and has assisted the project officer in the development of the Derbyshire Ash Dieback action plan.

The objectives of the Derbyshire action plan are to:

- (1) Provide an overarching plan to identify, communicate and address the risks of ash dieback across Derbyshire.
- (2) To set out how the County Council will identify and manage the risks, particularly with regard to public safety from falling trees and branches and across infrastructure roads, rail and utilities and the wider environment which includes landscape, ecology and ecosystem services.

(3) Prioritise actions based on agreed timescales and risk level with public safety being a major risk in the short to medium term with environmental risks being a longer term issue that will require long-term planning and resourcing.

(4) Identify the likely costs of responding to the disease and identify where extra resources will be needed.

Nationally there is uncertainty about the extent to which ash dieback will impact the ash population. The report, the actual plan which will be produced in the next couple of weeks is based on two scenarios: a worst case scenario of 90% of ash dieback within a ten year period and a best case scenario where around 50% of non-woodland ash are affected.

So apologies, Councillor Burfoot, the action plan report is being presented to Cabinet this month and without pre-empting the report before it is official I can probably confirm that the plan will require substantial resourcing going forward and depending on the two scenarios we are potentially looking at between £17m and £30m over the next ten to 20 years.

The ash dieback project officer is in regular contact with tree officers in the District and Borough Councils as well as private landowners and statutory agencies such as the Forestry Commission and Natural England.

The inspection regime of the main road network, all major roads of course are annually inspected. The secondary road network and unclassified roads will be inspected over two years instead of the usual five year rolling basis.

The most effective inspection period to identify ash dieback unfortunately is in the summer when trees are in leaf so that gives us really only a three to four month survey window annually.

Identified trees are inspected and risk assessed and a decision taken on the appropriate management. Where felling is recommended this is actioned as quickly as possible through the Council Tree Teams or possibly longer term with private contractors too.

I was on site in Shipley and I have seen some felling just last week at Shipley Park. Private landowners are informed of identified trees and the recommended course of management and risk assessments.

In the months ahead we are going to be producing a public information document and "report it" facility to increase awareness of the disease more widely in advance of the next inspection season.

An essential element of the action plan is to minimise the long-term impacts of the disease on biodiversity and climate adaptation. Actions will include identifying and safeguarding trees that exhibit a natural resistance to ash dieback and sensitive management of veteran trees or trees of high ecological value and replanting with alternative tree species that have similar ecological characteristics to ash for species populations associated with ash. Building in resilience to threats from climate change and pests and disease will also be addressed through the new tree planting programme that will increase the diversity of tree species across the county in the years ahead.

Just to add to that, as part of this Council's one million tree planting scheme all our trees will be procured from British nurseries with the approved appropriate health plans.

So our priority in response is protecting life and limb first and foremost and yes, we will be announcing shortly some more engagement strategy. Unfortunately there is no cure or clear method of stopping the spread. There is some hope though of a natural tolerance for some trees meaning the population could eventually recover letting nature taking its course from the disease. Ash decline could improve (*inaudible*) future disease and climate change and then increase the genetic diversity planting and mix of native tree species. Just to let you know there are over 900 species of ash.

Finally, in terms of next steps around addressing long-term impacts of diversity there is no silver bullet. We will be taking a lot of advice from the main agencies who have engaged across this nationally.

b) Question from Councillor P Niblock to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The public consultation concerning the proposed East-West Cycle Route has been proved to have been woefully inadequate especially along the Chatsworth Road section where many households did not receive the letter which was allegedly sent to all affected residents. Will the Council now reopen this consultation and properly assess the concerns of the residents of Walton and West about this scheme?

Response:

Thank you, for your question.

A comprehensive public consultation was carried out as required in law. This was consistent with what the Government recommended to all local authorities throughout the pandemic. Therefore there are no further plans to reconsult, but you have stated very clearly in your question that this Authority's consultation has "proved to have been woefully inadequate". To me, your allegation is totally

baseless. On what grounds do you make this statement? You may want to answer that in your supplementary question. Thank you.

Supplementary question:

The Department for Transport will only fund schemes which meaningfully alter the status quo on the road. At one end of a perfectly sensible off-road route there is an arbitrary road closure, at the other end an unnecessarily complicated and dangerous segregated section. Is this why these have been incorporated in the scheme merely to justify and obtain the funding?

Response:

Thank you, Councillor Niblock. I don't think our officers in any way can pick a particular route. This was all based on what are the Government's requirements, it was based on the safety of the people of Chesterfield, and the route proposed has been the best possible route that was looked at after detailed analysis of what is available in Chesterfield. I think that is my answer at this moment in time.

c) Question from Councillor E Fordham to Councillor Carol Hart, Cabinet Member for Health and Communities

Rightly, the Council is supporting measures to ensure that PrEP (Pre-exposure prophylaxis) is available across Derbyshire at no direct cost to the patient within the NHS. Given this is an important step in the battle against isolation, stigma, and prejudice within and across the LGBTQ+ communities, will the Council undertake to work with Derbyshire LGBT+, with Derbyshire Community Health Trust and all other NHS trusts who operate within the county to promote this availability and roll-out of PrEP within Derbyshire and will the Council provide regular structures updates to all members on progress?

Response:

Thank you very much for your question, Councillor Fordham. I believe this was probably something that you wished to discuss with the Director of Public Health and myself some time ago. We did arrange a meeting and you accepted. Unfortunately something happened and you didn't attend but I am quite happy to tell you of all the work that is going off.

The Council is already working with a range of partners to promote the availability of PrEP within Derbyshire. Provision of PrEP in Derbyshire is commissioned as part of the integrated Sexual Health Service provided by the Derby Community Health Services NHS Trust and the Council monitor the availability of PrEP against contractual and national requirements. The

Council and DCHS are working together to ensure that those who would benefit from PrEP are able to access it.

Action is already underway to promote its availability, including working with organisations specific to the population groups eligible for PrEP including Derbyshire LGBT+, also to deliver targeted sexual health and HIV prevention work.

NHS organisations across Derbyshire, including NHS Trusts; GP practices; community pharmacies and other Sexual Health Services are also involved in this work and a PrEP Awareness Event was recently held for all the sexual health professionals.

Further training on PrEP is also being developed. A grant scheme has been established to allow organisations to apply to deliver PrEP promotion and HIV prevention work with their client groups. Availability of PrEP in Derbyshire is advertised on local and national websites, including during the PrEP Awareness Week. Roll-out of PrEP in Derbyshire is happening alongside supporting communities at risk of HIV to access a wider range of sexual health services, support and advice.

As for keeping members involved, I am very happy to keep members involved and they can actually sign up to our public health updates. Any member can sign in for that and also we can include the information on the Public Health website. Thank you.

Supplementary question:

I ask the question today because it is of course World Aids Day. I am sure the portfolio holder is aware of the epidemiological report which shows the East Midlands' figures? If you look at Derbyshire 50% of HIV diagnosis is diagnosed late. We are the second worst county.

Will she join with me in re-approaching the Community Health Trust? Their promotion of this has been very very slow, and would she be willing to visit the Sexual Health Clinic, certainly in Chesterfield, where promotion of PrEP is entirely absent from every single one of their 17 notice boards? Would she be willing to visit those centres with me in order to chase up the responsible Health Trust and point out that we are investing a considerable amount of money in this and they are not respecting that?

Response:

Thank you. It is very difficult for me to comment on things that I don't actually know the truth about. I am quite happy to visit, I am quite happy to listen, but I will say that we do work well with DCHS so I am very disappointed that you

seem to be questioning that. Certainly we will follow it up. I will have a conversation with my director and we will see what we can do. Thank you.

d) Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

Given the pandemic can I ask the Portfolio Holder for Adult Care to detail the measures taken by the County Council to ensure that all Adult Care and Nursing Homes have improved their resilience in the event of a resurgence of the pandemic or indeed a new and different situation. Given we have a role in working with the private health and care sector - how is this monitored, reported and checked by the County Council to ensure it is both effective and thorough?

Response:

Since the onset of COVID 19, and indeed previously, there has been a system wide approach to promote improved practice and performance in Care Homes to protect residents and staff.

The focus has been on:

- Keeping COVID-19 and Flu out of care homes
- Identifying infections as early as possible so as to prevent the spread of COVID-19 and Flu in the care home
- Promoting excellent safe working conditions to promote effective infection prevention and control

This has been achieved by:

- New referrals into Care Homes need to have a negative COVID-19 test result. COVID positive clients are placed in special designated locations
- The Council's Contracts team have coordinated the distribution of new guidance as it has been made available and helped providers with interpreting requirements so that they could implement new practice whilst maintaining a homely environment
- The Contract Team building on positive relationships with providers to ensure open transparent dialogue placing resident's well-being at the centre of any conversation.
- All homes are required to follow Infection Prevention and Control guidance to promote safe working arrangements to restrict spread of infection with PPE being routinely used
- All professional visitors have to show their vaccination status and either demonstrate recent negative test or be willing to complete one at the home in a safe environment.
- When and if a home experiences an outbreak there is agreement to restrict all visits to a home and no new referrals until Public Health agree that there is no longer a risk

- Homes that experience an outbreak receive support from Infection Prevention and Control Nurses and Public Health professionals to quality assure practice and make suggestions about improvements
- The Council works closely with partner agencies to monitor the 270 care homes across the county and is part of the team coordinating action to manage concerns
- There are weekly meetings with Care Quality Commission, the care regulator and local NHS to coordinate monitoring of services and to identify required actions and promote improvements in working practice
- The Council has close links with Primary Health Care and GP services to ensure that local intelligence about Care Homes practice is readily shared
- Action is taken when concerns are identified to safeguard people this can include contract sanctions and regulatory sanctions.

e) Question from Councillor E Fordham to Councillor S Spencer, Cabinet Member for Corporate Service and Budget

To ask the Council to make available a list and schedule of properties owned by the County that are currently vacant, not occupied, nor in regular staffed use and to provide a metric for their value and worth and purpose within our portfolio? And to compliment this with an insight into listed and historic buildings that the Council owns to which we have a responsibility for maintenance? Given the volume of business we have I am happy for this to be a written question only and I am happy to hold it off if you wish to progress further.

Response:

In total the council owns 686 building assets, 1186 if you include schools. The total value of the estate is £1.623bn.

It's important to stress that the council does not have buildings sitting around empty without any plan in place for them. We have a robust process in place to challenge every asset as part of our property 2025 programme, to ensure that we understand the reason for holding the asset and to have a plan in place for it. In year one we have very much focused on the vacant assets.

Assets are categorised as:

Essential for service delivery

An opportunity for development, including sustainable energy generation, adult social care etc

Commercial or income generating

Held for some other reason – community, historic etc

Surplus for disposal

Disposal is rightly the final option, as we can't undo it. So far this year, 75% of the asset plans written have identified the asset for short term disposal. This

won't be the case right across the estate because, as already stated, we have focused this year on the vacant buildings. Nevertheless this list will grow as more plans are signed off.

We now have a detailed vacant and surplus asset tracker, with every vacant or potentially vacant asset on it. There are currently 112 assets on the list, approximately 20% of our non-school estate. Some of them are not yet vacant, but we are already preparing asset plans for them in advance. The tracker enables us schedule in their disposal and to project when we will get the capital receipt and/or the budget saving over a five year programme.

The total value of the pipeline of surplus assets is £29.1m. So far this year we have generated £2.783m in capital receipts, against a target of £3.61m, which we expect to achieve by the end of the financial year, or just beyond.

We are required to try and achieve 'best consideration' for the council from any disposal which, depending on the asset, may involve planning permission, site investigations and ground conditions, ecological surveys, title issues and infrastructure. And sometimes assets form part of a wider, strategic review, such as our depot rationalisation programme. This is why our disposals programme is over five years.

We hold ourselves accountable for progressing the disposal of assets via the Disposals Focus Group, which meets monthly and includes estates, asset management, comms and legal colleagues. The group reports in to the Corporate Asset Management Group.

f) Question from Councillor G Kinsella to Councillor S Spencer, Cabinet Member for Corporate Service and Budget

Many residents in my area are frustrated at the length of time it takes to assess and deliver service requests, particularly Highway's requests. The position is exacerbated by a lack of updates, followed by months of delay. These delays have on occasions been so significant, I have had to ask a Cabinet member to intervene. I understand this is partly because of critical staff shortages, due to recruitment and retention problems.

What is the Council doing to address these issues and when will residents see an improvement in services as a result?

Response:

Thank you for the question, Councillor Kinsella.

Let's start with the ETE or Highways Department enquiries list to start with. As you will be aware the Highways Department or the Place Department receives

about 90,000 enquiries per annum. A vast majority of these are dealt with within the pre-requisite timeframe but unfortunately some of them are not because they happen to be complicated requests that need considerable investigation to come forward with a clear and definitive answer, but I too share your concern that we should have a structure in place to at least acknowledge receipt of those emails in a suitable timeframe and give a holding response to the member of the public or whomever raises those enquiries. That is why last year we heavily invested in the new CRM System, the Customer Relationship Management System that will come on-stream in the summer of next year which I hope will go some way to address the issues and concerns you have. I think it is fair to say that on occasion some of the enquiries have taken a period of time that I would prefer not to see.

With regard to the retention and staff vacancies we have within the organisation we are not unique in this circumstance. Many Authorities and many organisations across the country are having great difficulty obtaining staff and people with the pre-requisite skills to carry out those duties, particularly in structural engineering areas, engineering works areas and engineering management areas.

We have put in our people strategy which is hopefully going to streamline the process of recruitment, speed the process up and make the roles that we are advertising more attractive to the people out there with the skills sets required. This does not happen overnight. We are trying our best. We have used interim engagement in some cases, we have used external resources in others, but I must pay tribute to the ETE Department or Place I should say sorry, pay tribute to the implementation of the capital programme that we delivered last year. We introduced a capital programme of £40m last year which is double what it usually has been in previous years and we have two more years of £40m investment in highway infrastructure over the coming two years. That has not been an easy task with the resources and the staff we have available. I pay tribute to those staff who have gone the extra mile to deliver those capital programmes. That should have some impact on the maintenance programmes because our capital investment into infrastructure and assets of the organisation delivers an improvement in the network as a whole and we are I think next year investing £58m in the highways' network in totality. That is a huge undertaking for an Authority of this size with a network and geography the size of Derbyshire, but I do pay tribute to those efforts. I recognise there are issues with regard to the responses that you have mentioned. I am fully onboard with your ambition to improve that but I do pay tribute to the work that has been done. Thank you.

Supplementary question:

Thank you for that response. Just this morning I spoke to a manager within a Service who described his position as being "swamped" with work and being

overwhelmed with requests and tasks. He did talk about the mental health impact on another member of his team so clearly this is a serious issue.

Councillor Spencer spoke about streamlining recruitment and making roles more attractive. Can you give me some examples about how that streamlining in recruitment is taking place and what are the Council doing to make roles more attractive?

Response:

Thank you. Let's start with the member of staff you have been speaking to, Councillor Kinsella. I would certainly recommend that that member of staff speaks to his line manager and discusses the issues that he has articulated to you and then we can do something about addressing it. I am sure his line manager is in a better place to address it than you are.

Having said that, I would suggest we do need to streamline and enhance the package offers we have available to staff. That is why we are going through the process and the Modern Ways of Working which will bring about significant changes in the way the County Council delivers its services and the expectations placed on those individuals to deliver those services.

You will be fully aware we are going through a process of senior management review at this moment in time. There is myself and two other members on that Committee, including the Leader of the Opposition Group. We are reviewing senior management pay group and we are looking with regard to the Modern Ways of Working at all aspects of service making sure we have the contingencies in place to address the needs of the public whilst recognising the needs of the individual also, giving them the flexibility to work in a place that is convenient for them; giving them the flexibility to deliver the services in the most cost effective, most environmentally friendly way we can do, so there is an awful lot of work going on at the moment, Councillor Kinsella.

I am sure you will see on the Committee you sit on the impact of that work on the environmental footprint of Derbyshire County Council. I hope to see that programme developed over coming weeks and become very clear and apparent to all concerned within the Council, including the staff, the members and the public in general. Thank you.

g) Question from Councillor G Kinsella to Council Leader, Cabinet Member - Strategic Leadership, Culture, Tourism and Climate Change

Derbyshire Pension Fund has over £145 million invested in oil and gas companies which are fuelling climate change and represent a serious financial risk to the Fund.

Globally, more than 1,300 institutions have made a divestment commitment, which equates to a value of around \$14.5 trillion in divested assets. This includes a number of Local Authority pension funds (eg Southwark, Islington, Waltham Forest, Merseyside, South Yorkshire, Oxfordshire, Hackney and Haringey).

Boris Johnson has said that “Glasgow has sounded the death-knell for coal power.” In the light of the COP 26 statements about the need for financial organisations and pensions to disinvest from fossil fuels, will the pension fund urgently consider doing this?

Response:

Thank you, Councillor Kinsella, for your question. I know you have asked this question in various different guises in various different forums. It is a worthwhile question and it is worthwhile just spending a moment or two going through quite a comprehensive answer.

The Pension Fund invest in a wide range of investment assets on behalf of its participating employers. There are over 330 which includes Derbyshire County Council as the largest of those to support the payment of pension benefits to its members, which cover fiduciary responsibility.

Climate change is considered as part of the evaluation of all those investment risks associated with the fund’s diverse portfolio. The Pension Fund’s climate strategy was approved last year following consultation with the stakeholders which involved writing to the fund’s members and asking for their views. The strategy sets out support for the Paris Agreement and includes clear targets for reducing the carbon emissions of the whole investment portfolio and for increasing investment in low carbon and sustainable investments, very much a position that has been set out by our Government and many governments globally which has set that ball rolling to which industry will ultimately bend.

The Pension Fund’s climate related disclosures published in March 2020 report the steps being taken by the fund to manage climate related risks. Updated disclosures are due to be presented at next week’s Pensions and Investments Committee and will report on the good progress that has been made against the climate strategy targets.

Over the last few years the fund’s exposure to fossil fuel production has been reduced significantly to around 2.5% of the portfolio. At the same time the fund has made commitments of over £275m to renewable energy funds representing around 4.5% of total fund assets. The assets in these funds will include investments in offshore/onshore wind, offshore wind, solar, hydro and battery storage. New investments amounting to around £1 billion have also been made in global sustainable equities representing investments in global companies that

are sustainable in financial, environmental, social and governance terms and, where appropriate, that provide solutions to sustainability challenges.

A responsible investment framework was approved at the same time as the Climate Strategy and sets out the fund's approach to engaging with companies to influence their behaviour and enhance their value. This influence would be lost through a divestment approach and any shares sold could be acquired by investors with differing views on responsible investment. Collaborative and coordinated engagement with other like-minded investors has the potential to drive positive changes to companies' business models as they adapt for the transition to a low carbon economy.

Engagement with companies whose products are expected to remain an important part of the energy mix for many years to come, and which are amongst some of the largest developers of renewable energy solutions, forms an important part of the Pension Fund's engagement activities with its engagement partners. It remains vital for the fund to be able to continue to access the widest possible investment universe of investment opportunities and, as a long-term investor, the Pension Fund is well placed to provide support to companies during the energy transition as the Pension Fund progresses towards a portfolio of assets with net zero carbon emissions by 2050. Thank you, Chairman.

Supplementary question:

Thanks for that response. No doubt those arguments can and are made in the Pensions and Investment Committee. So given that, I just wonder whether the Council Leader and the Chair of the Pensions and Investment Committee would support the facilitation of a presentation to the Committee by an independent and respected financial organisation and think-tank carbon tracker in order to balance those arguments with arguments around the issues to do with the financial risk of continuing to invest in fossil fuels so a fair hearing and a balanced perspective can be taken by that Committee?

Response:

Thank you again, Councillor Kinsella. I think I have answered the question in full as to around why we are embarking on the approach we are doing but I am sure if you write to the Chairman of the Pensions Committee he will consider your request.

h) Question from Councillor J Dixon to Councillor N Hoy, Cabinet Member for Adult Care

Cabinet recently decided to move to consultation on the closure of seven of our care homes throughout Derbyshire. In the Conservative Manifesto there was a pledge that “no care home will close without replacement provision.” Can you outline what plans have been made by the County Council to provide replacement provision should any of these homes close?

Response:

On 4th June 2020 (further to the 2020 consultation) Cabinet invited Scrutiny Committee - People to consider including within its work programme, oversight of the next steps (with particular reference to the need for and type of local provision required), to ensure transparency of decision making and to make any recommendations to Cabinet or elsewhere that may arise as a result of such scrutiny.

On 11 March 2021, the Chairman of the Improvement and Scrutiny Committee – People, provided an update in relation to the work completed and provided comment on the methodology that might be used to determine what is “local” and “suitable” alternative provision, in the event of any of the 7 homes subject to consultation closing.

That work and that report is in the public domain and a summary is set out in Appendix 2 of the related report that went to cabinet on Thursday 18th November 2021

As part of this work, Scrutiny Members were provided with a map of the surrounding area for each of the seven homes with a 10 mile radius drawn and Members were advised of the vacancies at residential care homes in this ‘local’ area with an indication of the Care Quality Commission rating for each home. This information has been updated and the latest figures are at Appendix 3 of the report taken to cabinet on Thursday 18th November 2021.

People are of course entitled to choose which home they wish to live in.

i) Question from Councillor M Yates to Councillor N Hoy, Cabinet Member for Adult Care

One of my residents that has a parent living in the East Clune Care Home in your division Clowne commented to me that the “Consultation on future accommodation for older people was not a real consultation”. In his opinion the decision was already made to close the care homes and the council were not really consulting, they were just going through the motions.

Is the consultation a genuine consultation and if the result is the same as the consultation in 2020 will Derbyshire County Council keep all the care homes open as they did in 2020?

Response:

This is an open consultation and no decisions have been made. We will listen to all views that come forward during the consultation period before making any decisions.

j) Question from Councillor Gillott to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

In June 2021, the Leader of the Council announced that he was initiating a survey inviting people to give their views on the current speed limits for the A61, Derby Road, south of Chesterfield.

In September 2021, the Leader of the Council announced that he was initiating a survey inviting people to give their views on his short, medium and long-term plans for the A61, Derby Road, south of Chesterfield.

Could the Cabinet Member for Highways Assets and Transport give me an update on how these two surveys are progressing and what, if any, initial conclusions his department has drawn from the responses to them?

Response:

Thank you, Councillor Gillott. We fully recognise the issues with the flow of traffic on the A61 south of Chesterfield and have been working closely with partners, particularly North East Derbyshire District Council, to address them.

At the Cabinet meeting on the 6 December, next Monday, we will consider a decision to launch a public consultation exercise on traffic issues on the A61 south of Chesterfield. Subject to Cabinet's approval we will undertake this consultation during the current financial year. This will enable the Council to engage with the public over short, medium, longer term plans for this stretch of the A61 and the issues that they are currently facing, including the speed of traffic. Thank you, Mr Chairman.

Supplementary question:

Thank you for that response. It is roughly what I expected. My concern with all of this is as the local member I am finding out things by social media and/or the local press. I don't think that is an appropriate way for an Authority to work and as the local member this is clearly an issue that is of great concern to my community, which is why I keep raising it, so I would ask you today would you give an undertaking that assuming the Cabinet goes ahead with that consultation - and again I found out about that by accident, the Authority didn't tell me the paper was there I just happened to read it when I was reading the

Cabinet papers - but if the consultation does go ahead would you give me an undertaking that you will at least involve me in that so I get a briefing as to what the outcome is and I don't have to read it in the paper?

Response:

Thank you, Councillor Gillott. My understanding is you are not really the "local member", that is first and foremost and, secondly, you are not finding information out from the local media you have had a detailed briefing from one of our senior managers on the A61 and the issues that are on there.

I have already mentioned there is a paper going to Cabinet next Monday. If Cabinet approves that then there will be a further consultation and then the results of the consultation will be shared to how to improve the A61 but it seems to me with yourself, Councillor Gillott, it is a case of do as I say not as I do because I believe you were party to all these issues that have happened as a longstanding member of the North East Derbyshire District Council, also as a County Councillor, also as a previous Assistant PCC for four years, so you could have dealt with these issues yet you leave it to this administration to sort the issues out, the mess that you left. We are endeavouring to do that. There is a paper going to Cabinet next week and I will endeavour to sort these things out. Thank you.

k) Question from Councillor M Ford to Councillor S Spencer, Cabinet Member for Corporate Service and Budget

Would Cllr Spencer please comment on the recent issues raised in the media concerning appropriate Council employees assisting members with their e-mail correspondence?

Response:

Thank you, Councillor Ford. You will note I have moved to the front of the room so I can look directly at the person I am referring to.

It has been custom and practice at this Authority to provide secretarial support for all elected members and before I go any further I want to pay tribute to those members who dedicate their lives to delivering a service that we can be proud of. I have to say in all the time I have been on this Authority those staff do everything they can to accommodate the needs of us all from whatever Political Party, whatever badge we wear, whatever requests we make. As far as I am concerned it is a sad day when I have to stand here and say this because I say it often enough to them, those individuals concerned.

On a personal level I will say it will be nigh on impossible for me to carry out my duties without the secretarial support that I receive from my colleagues in the office and I want to pay tribute to that individual in her own right.

It was brought to my attention that the Leader of the Liberal Democrats, Councillor Fordham, made an allegation to the Head of Legal Services and the Head of CCP at the time about his emails being accessed illegally and his emails being tampered with by members of staff. Following that allegation the Data Protection Officer was immediately requested to carry out a review, which she did in a two day period and reported back to Cabinet and to Councillor Fordham that no breach of GDPR had taken place, but to make sure we have total transparency this Authority submitted itself to the Information Commission to clarify that position, which the Information Commission has done.

I think the only issue I could raise is within that process our staff have access to our emails, that has been custom and practice for many years. Perhaps the paper trail can be improved and that will be reviewed, but my biggest concern, colleagues, is that Councillor Fordham instead of allowing an opportune period of time for our officers to investigate this went immediately to the press and made allegations that our staff here in County Council were illegally accessing his emails, tampering with them, altering them, and he was ably assisted by the *Derbyshire Times* in this allegation.

Well I for one find it totally unacceptable that a member of this Council can attack a group of officers within our organisation when they have no recourse or no defence for themselves. Pick on me by all means, councillor, but don't pick on the staff.

As far as I am concerned, Chairman, Councillor Fordham had a motion in this afternoon. Now I understand, unbeknown to me, that he organised a meeting this morning with those staff that he is alleged had acted inappropriately to apologise.

Well, Councillor Fordham, an apology behind closed doors and not in front of the media and this Council is not acceptable to me because you owe the whole of Derbyshire County Council staff an apology making these allegations. (*Hear, hear*)

Today Chairman I am angry, as you can probably tell, because I find it utterly abhorrent that an elected member can go about his business and use our staff in such a way to gain political momentum.

So, Councillor Fordham, you have pulled your motion for this afternoon, you have got cold feet and I understand why because I know there are more than 60 members in this room who were looking forward to debating with you this afternoon. I know those members would have been very much in my camp as

far as the way you have behaved. I for one am not finished with this particular issue yet because I expect a public apology from you to the public, to the Council, through the press if you like because you seem to be able to dictate to *Derbyshire Times* what is printed (they don't even print the response that came from the County Council in full but they gave you three pages). So Chairman, in all I have made my views clear and if you can't do that and be big enough to step forward and give an apology to those individuals in a public fashion I will take matters into my own hands. Thank you, Chairman. (*Applause*)

Supplementary question:

Like Councillor Spencer, and I am sure like many others, I was appalled to see the attack on our staff in the mail by a member who has been on here five minutes. I have been on here since 2005 and I know others who have been on here a lot longer than me and I wouldn't have a clue how to do my job without the help and assistance of our excellent, excellent support staff. I will go a bit further, not just the support staff but every member of staff I have come across in this Council has been professional and have worked with me with complete openness and complete honesty.

For Councillor Fordham to go to the press, as Councillor Spencer said to attack them in the way he did was abhorrent. It was crass and it was puerile, so would Councillor Spencer agree with me that all our staff, *all* our staff, but especially the support staff who operate using sensitive data operate in the most open, honest, sensitive and secure way possible?

Response:

Chairman, I expect high standards from our staff, as I expect high standards from our colleagues and myself as well for that matter. What I will say to you, Councillor Ford, is that I believe our staff who act in our best interests are dedicated to what they do in serving the public and their roles are so diverse. Councillor Fordham surely knows that when he shortly after the election was in and out of our office asking advice on numerous issues of numerous members of staff he was given as much assistance as he could possibly be given, that has always been the case with the individuals concerned, but the trouble with the media expression that took place it undermines not just those individuals it undermines a process in which our staff are suspected of doing something they have not done and I will say today, Chairman, I have every confidence in the measures that are in place. I will look at them and I will enhance them if required and I will also carry out a review of whether secretarial support is needed for all members of this organisation. Thank you.

I) Question from Councillor R George to Councillor A Dale, Cabinet Member for Education

Having seen the recommendations of officers that the school walking routes from Whaley Bridge and Chinley to Chapel High School are both currently safe for children, I am very grateful to the cross-party group of councillors who formed the Walking Route Assessment Panel for their impartial views on the routes.

When will the Council be issuing the results of these assessments and will the Executive Member confirm that a panel of democratically elected and accountable councillors will continue to assess all school walking routes where communities have justifiable concerns for children's safety?

Response:

CLLR A DALE: Thank you, Chair, and thank you, Councillor George for your question. I just want to start by offering a bit of clarity in relation to your first point around officer recommendations.

The current process that we follow is that Panel members conducting the assessment receive background paperwork which reminds them of the criteria they need to follow as well as route information, some officer comment, and information around previous recordings of accidents. The paperwork does not specify a recommendation from officers for whether or not the route is safe, that is left open to members on the Panel to determine. That is not to say though that officers who accompany members on the walks to provide technical advice are not entitled to their own professional opinion but I would just like to be clear that the two things are obviously quite different.

In relation to the two specific assessments you have highlighted my understanding is the reports are being finalised this week and are therefore due for a decision imminently within the next few weeks.

Finally in regard to your latter point I can confirm that we are currently reviewing the process in relation to the route assessments and that is because we are mindful of the time it takes from a request being made to a decision being taken. It can be quite prolonged which clearly isn't in the best interests of children and parents involved. Often some of the challenges are in arranging the Member Panels themselves. They can be quite a task because of the need for volunteers to come forward, the distances involved in terms of some members having to travel, and also the coordination of diaries. It is important that we also consider the use of technology now and how it might be able to assist us in moving forward. I would add, though, that no decisions have been taken as yet and we will consider various options but I can absolutely assure Councillor George that democratic accountability and the participation of elected members will continue to be a key feature within any new process which is agreed. Thank you.

Supplementary question:

Thank you, Councillor Dale, for your response. I am glad to hear that the assessments will shortly be coming forward. They are much awaited by those parents.

I am concerned at the review of the process that you have just announced because actually going and walking a route alongside a road with heavy vehicles with traffic in all sorts of weather is a key part of what we expect children to do and therefore it should be something that we expect our councillors to be able to do. Actually the councillors on that Walking Route Assessment Panel I found on both those routes to be remarkably versatile, they were really accommodating. They came out to both routes very quickly as soon as it was announced that they could go ahead. I think the Council needs to take that into account and not try and downgrade that important role of elected members from across the county by claiming that there is an issue with diaries because that simply hasn't been the case. Thank you.

Response:

I am not sure if it was a question, but I will attempt to just come back because I did feel I ought to clarify a little bit.

I want to be absolutely clear that I myself have attended a number of these walks over the past four years so I fully appreciate and fully accept the role that elected members play and fully value it as well. What I was saying there around the review was not in any way - and I did make it pretty clear in my final remarks - that democratic accountability and participation of elected members will continue to be a key feature with any new process. I did make it pretty clear I think that that was going to continue to be the case. There wasn't any expectation that the walks wouldn't necessarily happen.

I would just add though that part of the reason behind the review actually is we have looked back at the policy itself and it doesn't include the mention of elected members. If you go by the policy alone it refers to officers undertaking the review so at the moment we are doing something based on convention which has made the review necessary. I just thought that point is pretty important to add, I didn't want her to think it was a review that was completely unnecessary.

I think the point she is making around them not being that difficult to organise I would like to put her in the shoes of my own secretary who does have to organise these routes and I know she pulls her hair out virtually every time because it is quite difficult to get members to come forward. I would encourage all members, including Councillor George, to put their names forward to do more of these routes. If they want to see elected members doing them and walking

them then we need councillors to come forward so I would encourage all members, including her, to put themselves forward for doing them. Thank you.

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