

Public Document Pack



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Ask for Alec Dubberley, Head of
Democratic and Registration Services

PUBLIC

To: Members of Council

Tuesday, 5 July 2022

Dear Councillor,

Please attend a meeting of the **Council** to be held at **2.00 pm** on **Wednesday, 13 July 2022** in the Council Chamber, 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

1. Apologies for absence
2. Declarations of interest
3. Chairman's announcements
4. To approve, as a correct record, the minutes of the meetings held on 25 May 2022 (Pages 1 - 14)
5. Report of the Leader of the Council and Members' questions (Verbal Report)

6. Public questions (Pages 15 - 16)
7. Petitions
8. Derbyshire County Council's Senior Officer Accountability Framework (Pages 17 - 22)
9. Update on the Council's Pay Policy Statement (Pages 23 - 40)
10. Decisions taken as a matter of Urgency and Key Decisions and Special Urgency (Pages 41 - 52)
11. Elected Member questions (Pages 53 - 56)
12. Notice of Motion (Pages 57 - 58)

PUBLIC

MINUTES of the Annual Meeting of **COUNCIL** held on Wednesday, 25 May 2022 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors D Allen, R Ashton, K S Athwal, N Atkin, B Bingham, S Bull, S Burfoot, A Clarke, D Collins, C Cupit, A Dale, C Dale, J Dixon, R Flatley, M Ford, E Fordham, A Foster, M Foster, R George, K Gillott, A Gibson, N Gourlay, D Greenhalgh, L Grooby, C Hart, A Hayes, G Hickton, S Hobson, N Hoy, R Iliffe, J Innes, T Kemp, T King, G Kinsella, B Lewis, W Major, R Mihaly, P Moss, D Muller, D Murphy, G Musson, J Nelson, R Parkinson, J Patten, L Ramsey, R Redfern, C Renwick, P Rose, J Siddle, P Smith, S Spencer, A Stevenson, A Sutton, S Swann, D Taylor, J Wharmby, D Wilson, B Woods and M Yates.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director - Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Peter Handford (Interim Executive Director - Corporate Services and Transformation), Chris Henning (Executive Director - Place) and Helen Jones (Executive Director - Adult Care).

33/22 APPOINTMENT OF THE CHAIRMAN OF THE COUNTY COUNCIL FOR 2022-23

The Director of Legal and Democratic Services opened the meeting to seek nominations for the Chairman of the County Council for the ensuing year.

On the motion of Councillor B Lewis, duly seconded it was

RESOLVED:

To elect Councillor T Ainsworth as Chairman of the County Council for 2022-23.

Councillor Ainsworth joined the meeting.

On taking the Chair, the Chairman spoke to reflect on some of the highlights and achievements over the past year.

34/22 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J Barron, A Griffiths, P Niblock and J Woolley.

35/22 **DECLARATIONS OF INTEREST**

None received.

36/22 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that in order to reflect the recently approved changes to the constitution, Members questions would be dealt with further down the agenda after item 16.

37/22 **TO CONFIRM, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 23 MARCH 2022**

On the motion of Councillor B Lewis, duly seconded, it was

RESOLVED:

To confirm, as a correct record, the minutes of the meeting of Council held on 23 March 2022.

38/22 **APPOINTMENT OF THE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2022-23**

On the motion of Councillor R Iliffe, duly seconded it was

RESOLVED:

To elect Councillor D Wilson as Civic Chairman of the County Council for 2022-23.

39/22 **APPOINTMENT OF THE VICE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2022-23**

On the motion of Councillor P Moss, duly seconded it was

RESOLVED:

To elect Councillor D Taylor as Civic Vice-Chairman of the County Council for 2022-23.

40/22 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader of the Council spoke about the current cost of living crisis being felt by Derbyshire residents and he mentioned the various support available including the Derbyshire Discretionary Fund, Feeding Derbyshire and the Welfare rights team. He also mentioned the £5.4m Household Support Fund allocated to Derbyshire and the arrangements put in place to ensure that officers are able to quickly target those in need.

The Leader mentioned the ongoing work being done to resettle Ukrainian refugees in Derbyshire. He paid tribute to the work of the Resettlement Team and partners who were working in a very challenging environment to welcome refugees as quickly as possible and that over time it was hoped that over 700 arrivals could be accommodated.

The Leader next spoke about Derbyshire County Council signing up as a UK100 signatory in the quest to be a net zero Council. More information would follow in this in the near future.

Finally, the Leader touched upon the Queen's Platinum Jubilee celebrations that would be taking place in June and showed members the souvenir book that was being distributed to schools. There were celebratory banners as well as a number of events planned across the county, and he wished Her Majesty a wonderful weekend.

In response to a question from Councillor Fordham in relation to the anniversary of the Kinder Scout trespass incident, the Leader advised that announcements on the Glover report are expected shortly and he would be happy to talk to Councillor Fordham on the detail.

41/22 PUBLIC QUESTIONS

Question from Vicky Raynes, Tansley Parish Council to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change.

"Your own website states 'Prior to commencement of construction, developers are requested to submit full construction drawings for approval and enter into Section 38 agreement, with a Bond to cover full construction costs. Without such an agreement in place developers will be required to deposit monies with us under the Advanced Payment Code'.

Legislation Highways Act 1980: 'If work is done in contravention of Subsection 1 the person undertaking the erection of the building is guilty of an offence, and is liable to a fine'. Please could Cllr Lewis explain

WHY his Officers are not following Legislation in Tansley, and allowing development to proceed, when DCC have a statutory duty to ensure all new roads are financially secure ... in the first instance I refer to development at Whitelea Lane, Tansley?"

As this related to her portfolio, Councillor C Renwick, Cabinet Member for Infrastructure and Environment responded as follows:

"I was just going to inform Councillor Raynes that the Highways Authority Team is in active discussions with the developer regarding the Section 38 application signalling the developer's intentions to have the internal estate roads adopted by Derbyshire County Council. I was going to also add to that a has gone out to the relevant Local Planning Authority to remind them of their duty to notify us in a timely manner. I can forward a fuller response."

As the questioner was not present, there was no supplementary question.

42/22 **PETITIONS**

None received.

43/22 **COMMITTEE MEMBERSHIPS, SCHEDULE OF MEETINGS AND OUTSIDE BODY APPOINTMENTS FOR 2022/23**

The Director of Legal and Democratic Services introduced a report, which was circulated in advance of the meeting, seeking approval for appointments to the Committees of the Council, including Chairmen and Vice-Chairmen, the schedule of Council, Cabinet and Committee meetings and appointments to outside bodies for the ensuing year.

On the motion of Councillor B Lewis, Duly seconded it was

RESOLVED to:

- 1) Appoint the Chair, Vice-Chair and Members of the Council's Standing Ordinary Committees, Sub-Committees and Improvement and Scrutiny Committees as set out at Appendix 2 to the report;
- 2) Approve the schedule of meetings, attached at Appendix 3 to the report, for the 2022/23 Municipal Year; and
- 3) Appoint representatives to outside bodies as detailed at Appendix 4 to the report.

44/22 **NOTIFICATION OF PORTFOLIO HOLDERS AND MEMBERSHIP OF THE CABINET**

Consideration was given to a report of the Leader of the Council which notified Members of the identities of Cabinet Members, Cabinet Support Members and their respective portfolios and set out amendments to the Constitution to incorporate Cabinet delegations.

On the motion of Councillor B Lewis, duly seconded, it was

RESOLVED to:

- 1) Note the information, provided at Appendix 2 to the report, in relation to Cabinet and Cabinet Support Members for the ensuing year; and
- 2) Approve the record of delegations to be included in the Council's scheme of delegation at Appendix 1 to the Constitution.

45/22 **APPOINTMENT OF THE EXECUTIVE DIRECTOR FOR CORPORATE SERVICES AND TRANSFORMATION AND RECRUITMENT OF THE DIRECTOR OF PUBLIC HEALTH**

The Managing Director introduced a report, which had been circulated in advance of the meeting, notifying Council of the appointment to the post of Executive Director, Corporate Services and Transformation as well as seeking approval from Council for the salary package for the role of Director of Public Health.

On the motion of Councillor S Spencer, duly seconded it was

RESOLVED to:

- 1) Note the appointment of Joe O'Sullivan to the role of Executive Director Corporate Services and Transformation with effect from 4 July 2022; and
- 2) Approve the salary package for the role of Director of Public Health salary as Grade 18 and therefore, up to £103,169 per annum.

46/22 **COUNCIL PERFORMANCE MONITORING AND BUDGET MONITORING/FORECAST OUTTURN 2021-22 AS AT QUARTER 3 (31 DECEMBER 2021)**

The Interim Executive Director Corporate Services and Transformation introduced a report, which had been circulated in advance of the meeting, providing members with an update of Council Plan performance and the Revenue Budget/forecast outturn for 2021-22, as at 31 December 2021 (Quarter 3).

In response to a question from Councillor Fordham in relation to funding provided to Buxton Crescent Limited, the Executive Director advised that the funding provided came from government allocated Covid grant funding, which was designed to offset the costs associated with the pandemic, and not from any "Levelling up" funding.

On the motion of Councillor S Spencer, duly seconded it was

RESOLVED to note:

- 1) The update of Council Plan performance and the Revenue Budget position/forecast outturn for 2021-22 as at 31 December 2021 (Quarter 3); and
- 2) The position on General and Earmarked Reserves.

47/22 DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, reporting executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in was waived.

On the motion of Councillor B Lewis duly seconded it was

RESOLVED to note:

- 1) The key decisions taken where special urgency provisions were agreed is detailed at Appendix 2 to the report; and
- 2) The urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed at Appendix 3 to the report.

48/22 ELECTED MEMBER QUESTIONS

a) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“How many parking tickets issued by DCC have been overturned due to the driver being engaged in a visit for necessary health or care purposes in the last financial year?”

Response from Councillor Athwal:

“I have been advised that our PCN processing software relying for this on numerous reports does not produce a cancellation report based on specific reasons as to why we have overturned a penalty charge notice. As such the data requested by Councillor George is not available.

However, the Government’s NHS Covid-19 parking permit was made available throughout the pandemic. This allowed essential healthcare and volunteer workers free access to Council owned car parks and on-street parking facilities such as limited waiting and pay and display bays to assist these workers in carrying out their duties. This national concession was formally removed on 21 June 2021 after 14 months, although in line with Government guidance Derbyshire County Council extended the use of the permit open till 19 July 2021.

Councillor George asked the following supplementary question:

“A care worker who lives close to me, Susan Ball, in February was charged £70 for having to park on a single yellow line in Buxton to make an essential care visit. This is becoming an increasing problem for care workers who are very low paid, as we know, but carry out essential tasks now just as they did during the pandemic. Our parking schemes are administered by Nottinghamshire County Council who do have a parking permit for care workers to enable them to park on single yellow lines when they are engaged in necessary duties. I wonder whether Councillor Athwal would be prepared to consider this for care workers in Derbyshire who really can’t afford those £70 fines but also need to carry out their duties?”

Councillor Athwal responded as follows:

“The Government scheme as I alluded to earlier on ended in July last year. The scheme we had last year was Government funded. It was in many ways administered by the NHS and we were a party to that. It is something other Councils may decide to do these schemes but we also have to look at our own budgets, our own finances etc and we need to look at affordability as to what we can and cannot do, but having said that the care worker in question is still able to appeal against this issue of the PCN and it will be considered on its individual merits. We would give due consideration to any mitigating circumstances and decide in accordance with our policy whether an appeal would be upheld or not

and would depend on the nature of the parking and specific circumstances put forward by the appellant.

Really what I am saying is if the care worker has not appealed perhaps they should consider appealing and going forward as the scheme, which I have already answered, its affordability is something which we will consider but I can't promise you that."

b) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

"How many families of people with a Learning Disability in Derbyshire have expressed a wish for their family member to use a DCC Day Centre when they do not currently have a place at a Day Centre, how many people with a part time place at a Day Centre for Learning Disability have requested to increase their attendance, and when will these requests be responded to?"

Response from Councillor Hoy:

"We recognise that some people would like to return to the Derbyshire County Council Day Centres now that the pandemic restrictions are lifting or due to the change in their circumstances. Whilst we don't currently have a waiting list of people wanting to return we have had a handful of people approach us in the past few weeks requesting this and we are working with them to ensure they have the support in place."

Councillor George asked the following supplementary question:

"May I ask whether that support is the support of a Day Centre or the support of some alternative provision that they deem to be less viable than the Day Centre, which is what they were requesting please?"

Councillor Hoy responded as follows:

"We haven't received any complaints of the support we have put in place. We have been very clear with our commitment that we will support people if they want to go back to a building base Day Centre and this Authority is committed moving forward. I would request if anyone does contact Councillor George that they point them to officers who will be happy to support them."

c) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

"Why has the Branching Out Garden Centre at Alderbrook been closed?"

Response from Councillor Hoy:

“Branching Out, which is an extension of Alderbrook is not closed. Currently we have a lack of demand for this activity, therefore it is not being used. Colleagues have been temporarily redeployed to work within the Day Centre itself so that we can support more people to attend as we emerge from the Covid restrictions.

Should demand increase, and staff will be active in the Garden Centre again, I look forward to you publishing your public apology for the unnecessary upset and distress you have caused with incorrect and misleading information that you have circulated via the media. Yet again another elected member that craves the Facebook hits, shares and headlines with eyes fixed on nothing more than a headline on winning a seat back at Westminster with no consideration for the hurt and distress you have caused to the people and staff in Derbyshire. Next time you are hunting for a headline show some compassion and consideration to the people of Derbyshire and try, if at all possible, in speaking the truth when you are dealing with the media.”

Councillor George asked the following supplementary question:

“Considering that what I posted on social media was a post that was taken from the Alderbrook Branching Out Garden Centre’s own Facebook page posted by the staff there then I would request an apology from the Executive Member for that slanderous declaration. If she has any comment and claims that anything I state is not true because the Branching Out Garden Centre is closed, it is not open to the public, it has had a sign on it to say that it is not open it is therefore per se closed, be it temporary or be it permanent I have not said that, I have said it is closed. If she is trying to claim that I have had said something else then she should state so instead of making unfounded allegations claiming things about me which she knows absolutely nothing at all.”

Councillor Hoy responded as follows:

“I would like to stand by the comments I made in my opening statement and I would just like to add that a local member, Councillor Peter Smith, actually brought it to my attention shortly before we came into this meeting that some child-like taping had been put over the sign at the Branching Out Day Centre (this hasn’t been authorised by this Authority) and he intends to rip this tape off that is mentioned that this is closed on his way home today.”

d) Question from Councillor R George to Councillor K Athwal,

Cabinet Member for Infrastructure and Environment

“When will the council act to ensure that Public Footpath 105 in Whaley Bridge is accessible for the elderly residents for whom it is their only means of access?”

Response from Councillor Athwal:

“After a recent enquiry from a local resident the inspection was undertaken of Footpath 105 in which a number of potholes were identified for repair. These repairs are now in the Council’s reactive maintenance schedule, and I am pleased to say that they are planned to be completed by early June. I hope Councillor George finds this acceptable.”

There was no supplementary question.

e) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“When will the council bring forward a consultation on the use of the Safer Roads Fund for the A5004 Long Hill and will the options include a safe cycle route, as stated in the Key Cycle Network plan 2020?”

Response from Councillor Athwal:

“The intention is to commence the consultation on the A5004 Safer Roads proposal during June. I understand that this consultation process will be online via the Derbyshire County Council website. In regard to the Key Cycle Network Plan the answer is yes, the option will be included.”

There was no supplementary question.

49/22 NOTICES OF MOTION

Motion one received from Councillor G Kinsella

Councillor Kinsella proposed a motion, which was duly seconded, in the following terms:

This Council resolves to:

1. Update the out-of-date Derbyshire County Council webpage
2. Work with Vision Derbyshire and take a lead on developing and funding a Derbyshire ‘one stop shop’ that:

- Provides a comprehensive and trusted single point of contact, giving advice on reducing household energy costs, as well as providing a sign posting service.
 - Provides vulnerable residents with high energy costs, advise on how to make *affordable* energy saving improvements to their homes
 - Facilitates direct referrals into a host of other organisations to provide expert energy advice and information on accessing grants and funding for insulation and heating
3. Build on and go beyond the actions set out in the Climate Change Strategy by establishing a Vision Derbyshire Retrofit Taskforce. Working with the districts and other interested parties who can offer technical expertise to:
- Identify the most inefficient homes. Using GIS mapping identify the worst cases of energy loss and determine appropriate retrofit interventions as has been successfully done by other councils
 - Use the county and district councils' spending power to purchase loft insulation at a discount and administer a loft insulation scheme targeting the most inefficient homes
 - Replicates Cosy Homes Oxfordshire retrofitting advise website aimed at both householders (including landlords) and building professionals
 - Fund and coordinate an 'eco homes' events in virtual and 'roadshow' form.
4. Working in partnership with other agencies, such as Nottingham Energy Partnership to assist householders to:
- Provide independent advice on ways to reduce fuel poverty and improve homes energy efficiency
 - Access revenue and capital funding to make householders' homes more energy efficient
 - Provide contacts of reputable and trust marked installers.
5. To leverage the county council's financial strength to provide households with loans for retrofitting homes throughout Derbyshire.
6. Provide interest free or very low interest loans to householders for retrofits similar to Salix Finance who provides interest-free Government funding to the public sector to improve energy efficiency, reduce carbon emissions and lower energy bills.

7. Issue bonds (also known as Community Municipal Investment) to raise money from Derbyshire residents and community groups to fund retrofitting projects. Successful examples include Conservative county council West Berkshire's CMI. £1 million was raised through this bond issue. West Berkshire used the money to finance numerous rooftop solar installations, as well as funding a range of other initiatives, such as active travel infrastructure improvements.

8. In the light of these proposals refresh the Climate Change Strategy, setting out greater ambition, reflecting the climate emergency.

Following debate, the motion was duly voted on and declared to be LOST.

Motion two received from Councillor M Yates

Councillor Yates spoke to advise Council that he wished to move an amended motion, the text of which was circulated around the Council Chamber.

The Chairman agreed to an adjournment to give members the opportunity to read the revised motion.

The meeting adjourned between 3.46 pm and 3.56 pm

As the Council Procedure Rules only enable a Member to alter a motion of which they have given notice with the consent of Council, a vote was taken on whether to allow a revised motion to be proposed. This was declared to be LOST.

Councillor Yates then spoke to advise that he wished to withdraw his motion.

Councillor Renwick spoke to advise that the points raised in Councillor Yates's motion would be fed into the consultation on the Derbyshire and Derby Mineral Local Plan.

The meeting finished at 3.58 pm

PUBLIC

MINUTES of an extraordinary meeting of **COUNCIL** held on Wednesday, 25 May 2022 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors D Allen, R Ashton, K S Athwal, N Atkin, B Bingham, S Bull, S Burfoot, A Clarke, D Collins, C Cupit, A Dale, C Dale, J Dixon, R Flatley, M Ford, E Fordham, A Foster, M Foster, R George, A Gibson, K Gillott, N Gourlay, D Greenhalgh, L Grooby, C Hart, A Hayes, G Hickton, S Hobson, N Hoy, R Iliffe, J Innes, T Kemp, T King, G Kinsella, B Lewis, W Major, R Mihaly, P Moss, D Muller, D Murphy, G Musson, J Nelson, R Parkinson, J Patten, L Ramsey, R Redfern, C Renwick, P Rose, J Siddle, P Smith, S Spencer, A Stevenson, A Sutton, S Swann, D Taylor, J Wharmby, D Wilson, B Woods and M Yates.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director - Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Peter Handford (Interim Executive Director - Corporate Services and Transformation), Chris Henning (Executive Director - Place) and Helen Jones (Executive Director - Adult Care).

50/22 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J Barron, A Griffiths, P Niblock and J Woolley.

Councillors A Frost, Gibson and Stevenson left the Chamber following the annual meeting.

51/22 DECLARATIONS OF INTEREST

None received.

52/22 PUBLIC QUESTIONS

None received.

53/22 REQUISITION ONE FOR AN EXTRAORDINARY MEETING OF THE COUNCIL

Councillor J Dixon, as lead requisitioner, spoke to move a motion for debate, which was duly seconded, in the following terms:

The Council notes the previous decisions by both Labour and Conservative administrations to build new care homes and reaffirms its commitment to the principle that no care home should close without replacement provision, and calls upon the Cabinet to reverse its decision of the 5 May 2022 and to implement the Majority Group's manifesto commitment to invest in providing new modern care homes before any home is closed.

Following debate, on the request of five members, a recorded vote was taken as follows:

For the motion

Councillor Allen, Bingham, Burfoot, Clarke, Collins, C Dale, Dixon, Fordham, George, Gillott, Gourlay, Greenhalgh, Hayes, Innes, Kinsella, Mihaly, Ramsey, Woods and Yates.

Against the motion

Councillors Ainsworth, Ashton, Athwal, Atkin, Bull, Cupit, A Dale, Flatley, Ford, M Foster, Grooby, Hart, Hickton, Hobson, Hoy, Iliffe, Kemp, King, Lewis, Major, Moss, Muller, Murphy, Musson, Nelson, Parkinson, Patten, Redfern, Renwick, Rose, Siddle, Smith, Spencer, Sutton, Swann, Taylor, Wharmby and Wilson.

The motion was declared to be LOST.

54/22

REQUISITION TWO FOR AN EXTRAORDINARY MEETING OF THE COUNCIL

Councillor Fordham spoke to advise that he was happy to withdraw his motion and not press to the vote. The Chairman confirmed in accordance with Standing Order 15.7 that the motion was treated as withdrawn.

The meeting finished at 5.07 pm

PUBLIC QUESTIONS TO COUNCIL – 13 JULY 2022

Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget.

“At Full Council in December 2021 I raised a query associated to a disciplinary FOI and three officer complaints. On 12th May 2022 a Decision Notice regarding DCC was issued, published by ICO on their website. Following the Centralisation of HR and record archiving, obtaining disciplinary case numbers and decision statistics for even a 12-month period now takes longer than 18 hours to process. Consequently, the Council chose to apply an exemption based on time factor meaning no response had to be provided.

Even if ICO acknowledges a requester's view information sought is in the public interest, as was in this case, the exemption can still be relied upon.

The Decision Notice clearly illustrates the hidden cost of having to respond to officer/member internal questions that necessitate the access of archived data/council systems. As a publicly declared transparent Council how can system cost/time access issues be addressed/FOI barriers reduced?”

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 July 2022

Report of the Managing Director

Derbyshire County Council's Senior Officer Accountability Framework

1. Purpose

- 1.1 For Council to note the work undertaken and the conclusion of the senior officer accountability framework review.

2. Information and Analysis

- 2.1 A report was submitted to Council on 15 September 2021 relating to the proposal to introduce a permanent senior officer operating model. To strengthen the proposed operating model, it was recommended that a clear senior leadership accountability framework was developed to provide clarity on role boundaries and to ensure accountability levels are clearly defined.
- 2.2 Council approved the Director of Organisation Development & Policy to commission an independent review of the council's senior pay and grading framework. Korn Ferry were commissioned following a procurement process to undertake the review which commenced in October 2021. The Council utilise the Korn Ferry Hay job evaluation method which considers the required Know-How, Problem Solving and Accountability of roles to ascertain the total job size for all roles within the Derbyshire pay structure.
- 2.3 A politically balanced Appointments and Conditions of Service working group was established with its first meeting taking place in October 2021. The purpose of the group was to consider and provide

recommendations to the Appointments and Conditions of Service (ACOS) Committee on the Councils senior accountability framework.

- 2.4 A trade union workstream was also established in October 2021 to enable the Council to engage with trade unions to consider information relating to the senior accountability framework taking into account the independent report.
- 2.5 A report was submitted to the ACOS Committee on 24 May 2022 to outline the work undertaken and to seek approval to the following;
- Level descriptors providing the Council with a framework to enable clarity on role boundaries and to ensure accountability levels are clearly defined between the Managing Director, Executive Directors, Directors and Assistant Directors. This supports the Councils organisation design principles for senior leadership roles and provides the basis of accountabilities, knowledge, skills and experience for job design.
 - A service level agreement outlining the evaluation process, timescales and costing to be used for evaluations undertaken throughout the current contract in place with Korn Ferry for senior roles.
 - Standardised collective leadership responsibilities to be utilised in the job and person profiles for all future roles developed, evaluated and advertised to ensure consistency.
 - Evaluation outcomes following independent evaluations by Korn Ferry of the senior roles in scope of the review i.e. roles in the Derbyshire pay structure grades 16 to 20. The job evaluation outcomes demonstrated that reference levels remain appropriate based on the current role portfolios.
 - The level descriptors and pay benchmarking data were provided to enable the creation of an effective pay and grading structure, however, the ACOS Committee concluded that the pay and grading structure should not be reviewed for senior roles in isolation to the remainder of the workforce.
- 2.6 The ACOS committee approved the recommendations and confirms to Council for noting that the review of the senior pay and grading framework is complete.
- 2.7 As outlined in 2.5 the ACOS Committee determined that pay should not be reviewed for senior roles in isolation to the remainder of the workforce.

3. Consultation

- 3.1 An informal engagement session was held with the senior officers impacted by the Senior Accountability Framework review on 14 October 2021 to outline the approach and the review timeline. A further engagement session was held prior to Full Council on 1st July 2022 to outline the senior accountability framework.
- 3.2 A trade union workstream was established with its first meeting taking place in October 2021 to engage with them on the review. Several meetings have been held with trade unions to keep them informed on the progress of the review and to seek their feedback on the senior accountability framework with a further meeting held on 16 May 2022 to outline the proposed approach being submitted to the ACOS Committee.

4. Alternative Options Considered

- 4.1 The ACOS Committee considered the alternative option to not adopt the level descriptors proposed. However, these descriptors provide a consistent basis and framework for accountabilities, knowledge, skills and experience for future job design and will support more efficient recruitment and a consistent Council-wide role structure in the future.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 ACOS Committee report of 24 May 2022 – Derbyshire County Councils Senior Officer Accountability Framework

7. Appendices

- 7.1 Appendix 1 – Implications

8. Recommendation(s)

That Council:

- a) Notes the conclusion to the senior pay and grading review and the adoption of the senior accountability framework.

9. Reasons for Recommendation(s)

- 9.1 It was resolved at the meeting on the 15th September 2021 to update Council with the outcomes from the ACOS Committee.

Report Author: Pete Buckley

Contact details: pete.buckley@derbyshire.gov.uk

Appendix 1

Implications

Financial

1.1 None

Legal

2.1 The terms of reference for the Appointments and Conditions of Service Committee provide for the Committee to take key policy decisions in relation to job evaluation and to determine terms and conditions on which all staff hold office as well as considering proposals for changes to standards terms and conditions.

Human Resources

3.1 As outlined in the report.

Information Technology

4.1 None

Equalities Impact

5.1 None

Corporate objectives and priorities for change

6.1 The adoption of a senior accountability framework aligns with the people priorities outlined within the Council's People Strategy and in particular supports the priority 'To engage, nurture and develop our people and our future potential' by having a clear accountability framework to support our performance management approach.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 July 2022

Report of the Director of Organisation Development & Policy

Update on the Council's Pay Policy Statement

1. Purpose

- 1.1 This report seeks approval to amend the Council's Pay Policy Statement (PPS) to remove limitations that prevent the Council from making recruitment and retention payments outside those covered in the existing Market Supplement Policy.

2. Information and Analysis

- 2.1 The PPS sets out the methods by which salaries of all employees are determined, the detail and level of remuneration of its most senior employees. It is reviewed annually and approved by Council prior to publication each year in April.
- 2.2 Since the 2022/23 PPS has been approved in March 2022 and published on 1 April 2022 a further change has arisen which requires the approval of Council.
- 2.3 In December 2021 funding from the NHS was provided for the purpose of making retention payments to retain Care Workers working in the Home Care sector over the winter period. This payment could be made to employees and workers employed by the Private, Voluntary and Independent sector.
- 2.4 When considering the possibility of making a retention payment to Care Workers, it was identified that such payments would not be

permitted under the existing PPS. Whilst there were other operational and legal considerations that were factored into the Council's position on not making retention payments at the time, it was considered appropriate to undertake a review of the PPS to remove the restrictions that prevent a payment to being made in the future to enable flexibility.

2.5 The wording of the PPS has been reviewed to provide the Council with flexibility in the future to apply recruitment and retention payments. The current and proposed wording is outlined at 2.6 and 2.7.

2.6 **Current Wording** - The Council has agreed to apply market rates to address recruitment and retention difficulties where these arise subject to strict criteria and approval through the Appointments and Conditions of Service Committee (ACOS). Read about the Council Market Supplement Policy [here](#).

Performance related pay and bonuses, including lease cars, are not part of the remuneration package within the Council.

2.7 **Proposed amended wording** - The Council has agreed to apply recruitment and retention payments to address recruitment and retention difficulties where these arise subject to the appropriate approval including Market Supplement Payments. Please see our recruitment and retention payments policies [here](#).

Any pay supplements paid to Senior Officers will be published within the Council's senior management salaries [here](#).

2.8 The proposed amendment enables the organisation to be responsive to the market across all sectors and job roles within the Council when appropriate. Should a case arise for a payment to be made, there will be a full assessment of the external market forces, internal factors and an assessment of the statutory, financial, legal and reputational risk to the Council.

2.9 In addition, to ensure there is a clear framework for assessing the need to make a recruitment or retention payment, an Interim Recruitment and Retention Payments Policy will be developed, and it is anticipated this will be submitted to the Appointments and Conditions of Service Committee in October 2022.

- 2.10 Any applications for a recruitment and retention payment prior to the implementation of the policy will be subject to agreement at the Appointment and Conditions of Service Committee.
- 2.11 In addition, and to further enhance our responsiveness, the Council has reviewed the PPS that refers to the approval of senior officer appointments and in particular the requirement for the Council to agree salary packages in excess of £100k to enable the Council to efficiently recruit and appoint senior officers. In addition, following the introduction of the permanent senior officer operating model and senior accountability framework, Table 1, as set out in the PPS, has been updated to reflect the salaries of the Managing Director, Executive Directors, statutory chief officers, non-statutory chief officers and deputy chief officers. The current and proposed wording is outlined at 2.12 and 2.13.
- 2.12 **Current Wording** - Full Council will approve the appointment of the Managing Director (Head of Paid Service) and Executive Directors following the recommendation of such an appointment by a panel formed from the Appointments and Conditions of Service Committee, together with any appointments above £100k per annum.
- 2.13 **Proposed amended wording** – Full Council will approve the appointment of the Managing Director (Head of Paid Service) and Executive Directors following the recommendation of such an appointment by a panel formed from the Appointments and Conditions of Service Committee, together with any salary packages for the roles exceeding £100k per annum. The recruitment panels are formed in line with the requirements of the Council's Constitution. The salary package offered for Chief Officer appointments are made in line with the Council's Senior Accountability Framework and pay and grading structure and are set out in the table below.
- 2.14 The amended PPS is at Appendix 2 with the relevant updated sections highlighted for ease of reference.
- 2.15 In order to avoid any delays in recruitment of Chief Officers where the salary range exceeds £100k, it is proposed that Council agree that a salary within the range set out in Table 1 of the approved PPS, subject to any in-year JNC pay award, for such posts is approved and can be offered in respect of a new appointment during the year. Any additional salary package that is not included in the

salary range set out in the PPS would be subject to separate Council approval.

3. Consultation

- 3.1 The Council has engaged with the recognised Trade Unions to outline its intentions to amend the Council's PPS to enable recruitment and retention payments to be made where there is a justified business reason to support a payment to identified employee groups aligned to the required approval processes.
- 3.2 Trade Unions will be consulted on the future Interim Recruitment and Retention Payments Policy development that will support the Council's people strategy in attracting and retaining people in the most effective way.

4. Alternative Options Considered

- 4.1 An alternative consideration would be to not amend the Council's pay policy, however the existing PPS does not provide the required flexibility in the Council's ability to provide solutions to support the Council's recruitment and retention issues.
- 4.2 In addition, the Council could continue to approve the salary package and appointment of senior officers individually however this would inhibit our ability to recruit and appoint senior officers in the most timely way.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None

7. Appendices

- 7.1 Appendix 1 – Implications.
Appendix 2 – Updated Pay Policy Statement

8. Recommendation(s)

That Council:

- a) agrees to update the Council PPS as outlined in Appendix 2; and
- b) agrees that a salary within the range set out in Table 1 of the approved PPS, subject to any in-year JNC pay award, for Chief Officer posts where the salary range exceeds £100k is approved and can be offered in respect of any new appointments during the year.

9. Reasons for Recommendation(s)

- 9.1 Updating the PPS will enable the Council flexibility to support recruitment and retention payments where there is a supported and justified business case and enable the Council to efficiently recruit and appoint senior officers.
- 9.2 To enable the Council to efficiently recruit and appoint senior officers and avoid delays.

Report Author: Pete Buckley

Contact details: pete.buckley@derbyshire.gov.uk

Implications

Financial

- 1.1 Due to the ongoing recruitment difficulties in the labour market, it has been identified that vacancies in some disciplines are increasingly hard-to-fill. Whilst the proposed amendment to the PPS to allow recruitment and retention payments will result in a cost to the Council, this can be offset with the opportunity cost of unfilled vacancies, the impact and potential disruption to service delivery, and the significant amount of officer time to manage the recruitment process.
- 1.2 The process for approving recruitment and retention payments will be carried out on a case-by-case basis including the identification of costs associated with each proposal. These costs are expected to be funded departmentally.

Legal

- 2.1 Pursuant to s. 38 Localism Act 2011 Derbyshire County Council, as a relevant authority, is required to prepare a PPS for the financial year setting out its policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and lowest paid employees. A relevant authority may amend its PPS by resolution and as soon as reasonably practicable after approving or amending the PPS, it must be published in such a manner as it thinks fit.
- 2.2 The PPS states that any amendments to this policy, other than minor amendments to reflect the 2022/23 pay agreement, will require the approval of Full Council.
- 2.3 The Openness and accountability in local pay: Guidance under section 40 of the Localism Act provides that Full Council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100k is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment. As set out in the Constitution, Appendix 1 – Responsibility for Functions, approval of remuneration on appointments in excess of £100k is the responsibility of Full Council.

Human Resources

- 3.1 Changes to the PPS will enable the Council to consider recruitment and retention payments to employees that fall outside the existing market supplement policy.

An Interim Recruitment and Retention Payments Policy will be subsequently developed that will formalise the criteria for recruitment and retention payments, in addition to those outlined within the current Market Supplement Policy.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The Council's pay and grading structure is based on a "points to pay" relationship determined through Job Evaluation as a mechanism to ensure the consistent evaluation of the relative value of job roles across the Council. This ensures a fair, open and transparent pay and reward structure that is affordable and supports the equal treatment of all employees in respect of their pay, terms and conditions and is compliant with Equal Pay legislation and Single Status requirements.
- 5.2 The Council's policies on pay and terms and conditions are applied equally to employees, regardless of any protected characteristic arising from the Council's pay and grading structure, salary structure or reward and remuneration policies.
- 5.3 Recruitment and retention payments approved by the Council are supported by an Equalities Impact Assessment.

Corporate objectives and priorities for change

- 6.1 This proposal aligns with the people priorities outlined within the Council's People Strategy and in particular to 'attract and retain the best people in the most effective way possible, enable responsive workforce plans and develop credible reward strategies' by enabling the Council greater flexibility when applying recruitment and retention strategies.

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Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

Derbyshire County Council
Pay Policy Statement



July 2022

Introduction

The Council is committed to fairness and transparency of pay in employment.

This Pay Policy Statement sets out the Council's policy on pay for senior managers and employees for 2022/23 and is in accordance with the requirements of section 38 of the Localism Act 2011 and Guidance and Supplementary Guidance issued by the Department for Communities and Local Government in February 2012 and February 2013. For the purposes of this statement, senior managers means 'chief officers' as defined by section 43 of the Localism Act 2011. The posts falling within the statutory definition are set out at Appendix 1.

Under the Local Government Transparency Code 2015 additional organisational information is required to be published annually on the website. This consists of third tier organisation charts, senior salaries information, including functional responsibilities, budget amounts and numbers of staff responsible for, together with details of trade union facility time. Read about our current organisational data and trade union information [here](#).

This Pay Policy Statement was updated and approved by Full Council on 13 July 2022.

Full Council will approve the appointment of the Managing Director (Head of Paid Service) and Executive Directors following the recommendation of such an appointment by a panel formed from the Appointments and Conditions of Service Committee, together with any salary packages for the roles exceeding £100k per annum. The recruitment panels are formed in line with the requirements of the Council's Constitution. The salary package offered for Chief Officer appointments are made in line with the Council's Senior Accountability Framework and pay and grading structure and are set out in table 1 below.

Any amendments to this policy, other than minor updates to reflect the 2022/23 pay agreement, will require the approval of Full Council.

Scope

The statement applies to all Council employees, excluding teachers and staff of local authority schools.

About the Council

For 2022/23 the Council has a net budget requirement of £618.5m and will use these funds to provide approximately 807,000 residents with essential local services. By 31 March 2027 the Council needs to save £67m due to reductions in Government grants, inflation and greater demands on areas of the budget for Adult Social Care, vulnerable children and waste disposal.

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As £8.1m savings are planned in 2022/23 it is important that services provide excellent value for money and make the best use of our resources.

The Council has approximately 12,000 appointments across four departments. A Managing Director (Head of Paid Service) and four Executive Directors, together with the Director of Finance & ICT, Director of Public Health, Director of Legal & Democratic Services and Director of Organisation Development & Policy form the Council's Corporate Management Team leading the work that provides services across Derbyshire.

Pay arrangements

The Council uses the Korn Ferry Group's Job Evaluation Scheme to evaluate the elements of each job to provide an individual score line and total points score. The Council's pay structure is aligned to the scheme's points bandings and applies across the whole workforce (with the exception of Soulbury, Further Education Lecturers, Apprentices and centrally employed Teaching and Headteacher posts). Read about the Council's pay structure and pay progression [here](#). Read about information relating to the job evaluation scheme, including the elements assessed [here](#).

The Council has agreed to apply recruitment and retention payments to address recruitment and retention difficulties where these arise subject to the appropriate approval including Market Supplement Payments. Please see our recruitment and retention payments policies [here](#).

Any pay supplements paid to Senior Officers will be published within the Councils senior management salaries [here](#).

Chief Officers' Remuneration

The grade and salary range of the Managing Director, Executive Directors and statutory chief officers, non-statutory chief officers and deputy chief officers is set out below. The table details the level and elements of remuneration for each chief officer and the remuneration that would be paid to chief officers on recruitment. *Senior Salaries shown reflect the 2021/22 salary rates and are subject to change following the 2022/23 JNC pay agreement.*

Table 1

Job Title	Grade	Salary range 2021/22
Managing Director (<i>Head of Paid Service</i>)	21	£163,415- £178,568
Executive Directors: <ul style="list-style-type: none">• Adult Social Care & Health (<i>Statutory Chief Officer</i>)• Children's Services (<i>Statutory Chief Officer</i>)• Place (<i>Non-Statutory Chief Officer</i>)	20	£119,637- £131,600

<ul style="list-style-type: none"> Corporate Services & Transformation (<i>Non-Statutory Chief Officer</i>) 		
Director of Public Health (<i>Statutory Chief Officer</i>) Director of Finance & ICT (<i>Statutory Chief Officer</i>) Director of Legal & Democratic Services (<i>Monitoring Officer</i>) Director of Organisation Development & Policy (<i>Deputy Chief Officer</i>) Director of Corporate Property (<i>Deputy Chief Officer</i>) Director of Adult Social Care (<i>Deputy Chief Officer</i>) Service Director Early Help and Safeguarding (<i>Deputy Chief Officer</i>) Service Director Schools & Learning (<i>Deputy Chief Officer</i>) Highways Director (<i>Deputy Chief Officer</i>) Environment & Transport Director (<i>Deputy Chief Officer</i>) Economy & Regeneration Director (<i>Deputy Chief Officer</i>)	18	£93,788- £103,169
Service Director, Transformation and Partnerships (<i>Deputy Chief Officer</i>) Service Director, Performance, Quality and Partnerships (<i>Deputy Chief Officer</i>) Service Director, Commissioning and Transformation (<i>Deputy Chief Officer</i>) Deputy Director of Public Health (<i>temporary post</i>) (<i>Deputy Chief Officer</i>)	17	£81,855 – £90,042
Assistant Director Public Health x 3 (<i>Deputy Chief Officer</i>) Assistant Director, Traded Services, Process Improvement & Music Partnership (<i>Deputy Chief Officer</i>)* Assistant Director of Finance (<i>Deputy Chief Officer</i>) Assistant Director of Finance (Audit) (<i>Deputy Chief Officer</i>) Assistant Director of ICT (<i>Deputy Chief Officer</i>) Head of Pension and Investments (<i>Deputy Chief Officer</i>)	16	£62,872 - £68,599
Head of Service Commissioning & Partnership (<i>Deputy Chief Officer</i>)* Finance Manager x 2 (<i>Deputy Chief Officer</i>) Head of Client Financial Services (<i>Deputy Chief Officer</i>)	15	£55,409 - £60,962
Public Health Lead (Public Health Policy) (<i>Deputy Chief Officer</i>) Performance & Engagement Manager (<i>Deputy Chief Officer</i>) Department Service Relationship Manager (<i>Deputy Chief Officer</i>)	14	£48,007 - £53,561

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*Reporting to the Executive Director of Childrens Services on an interim basis.

Read about chief officer salaries within the Council's open data and the Local Government Transparency Code data [here](#). Derbyshire salary scales including senior officer salaries are available [here](#).

Lowest Paid Employee

At 1 April 2022 pay point 1/2 on the Derbyshire Pay and Grading Structure in Grade 1/2 £18,333 (£9.50/hr), is the salary that is defined as the lowest within the Council. (The Council's pay structure is pending the 2022/23 pay award).

The Council employs apprentices who are not included within the definition of 'lowest paid employees' as they are employed on temporary contracts and paid the national minimum wage rate applicable for their age.

Pay Multiple

In accordance with the Hutton Review of Fair Pay in the Public Sector and the requirements of the Local Government Transparency Code 2015, based on the Council's pay structure, the pay multiple between the median salary (£22,384) and the highest salary (£163,415) is a ratio of 7.3:1. (The Council's pay structure is pending the 2022/23 pay award).

Starting Pay

All employees, including senior managers, will normally be appointed to the minimum point of the pay grade for the job.

In certain cases, it may be appropriate to appoint to a higher point in the pay grade. This may arise when, for example, the preferred candidate for the job is, or has been, in receipt of a salary at a higher level than the grade minimum or has undertaken an extended period of acting up duties within the job.

Pay Progression

Employees on Grades 1/2 to 4 are on single pay points. Employees on Grade 5 and above receive annual increments until the top of their salary grade has been reached. The first increment is paid when the employee has been in post for 12 months.

National Pay Agreement

The Derbyshire Pay and Grading Structure is adjusted by any 'cost of living' increase agreed nationally by the relevant National Joint Committee. If the national agreement is not a flat rate increase, application will reflect the national agreement and read

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across to the Derbyshire Pay and Grading Structure. The statement will be updated once relevant pay agreements are finalised.

Terms and Conditions

All employees are covered by the Derbyshire Package terms and conditions of service. Read about the Derbyshire Package terms and conditions of service [here](#). Other conditions, such as disciplinary procedures and pay awards are negotiated by the National Joint Council for Local Government Services for employees up to Grade 16, the Joint Negotiating Committee for Chief Officers of Local Authorities for senior managers Grade 17 and above and the Joint Negotiating Committee for Local Authority Chief Executives for the Managing Director.

Protection of Earnings Policy

Read about the Council's policy on Protection of Earnings [here](#). This applies to all employees of the Council.

The period of pay protection is for a maximum of two years from the date of the change of basic pay.

Termination of employment

No additional payments are made to any employee of the Council, including senior managers, at their point of leaving the employment of the Council, except in circumstances of redundancy and that is in accordance with the Council's published policy statements.

Local Government Pension Scheme

The Council is part of the Local Government Pension Scheme which provides pension benefits to eligible employees. Read about the Local Government Pension scheme [here](#).

The Council exercises the various discretions provided by the Local Government Pension Scheme. Read about the Derbyshire Pension Fund and Derbyshire County Council employer discretions [here](#).

Short Term Secondments

A temporary payment may be made for covering part of another job or taking on extra responsibilities. Read about the Secondment Policy [here](#).

Gender Pay Gap

In accordance with the Gender Pay Gap legislation which came into force on 31 March 2017, employers with at least 250 employees are required to publish their

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gender pay gap information by 31 March each year. Read about information relating to the Council's Gender Pay Gap [here](#). See information relating to Government Gender Pay Gap [here](#).

Senior Management Structure – Statutory and Non-Statutory Chief Officers and Deputy Chief Officers

Managing Director (*Head of Paid Service*)

Executive Director Corporate Services & Transformation (*Non-Statutory Chief Officer*)

- Director of Legal & Democratic Services (*Monitoring Officer*)
 - Assistant Director of Legal Services x 2
 - Head of Democratic & Registration Services
- Director of Organisation Development & Policy
- Director of Corporate Property
- Director of Finance & ICT (*Statutory Chief Officer*)
 - Assistant Director Finance x 2
 - Head of Pensions & Investments
 - Assistant Director ICT
 - Finance Manager x 2
 - **Head of Client Financial Services**

Executive Director Adult Social Care & Health (*Statutory Chief Officer*)

- Director of Public Health (*Statutory Chief Officer*)
 - Deputy Director of Public Health (*temporary post*)
 - Assistant Director Public Health x 3
 - Public Health Lead (Public Health Policy)
- Director of Adult Social Care
- Director of Transformation

Executive Director Children's Services (*Statutory Chief Officer*)

- Service Director Early Help & Safeguarding
- Service Director Performance, Quality & Partnerships
- Service Director Schools & Learning
- Service Director Commissioning & Transformation
- **Assistant Director, Traded Services, Process Improvement & Music Partnership ***
- **Head of Service Commissioning & Partnership ***

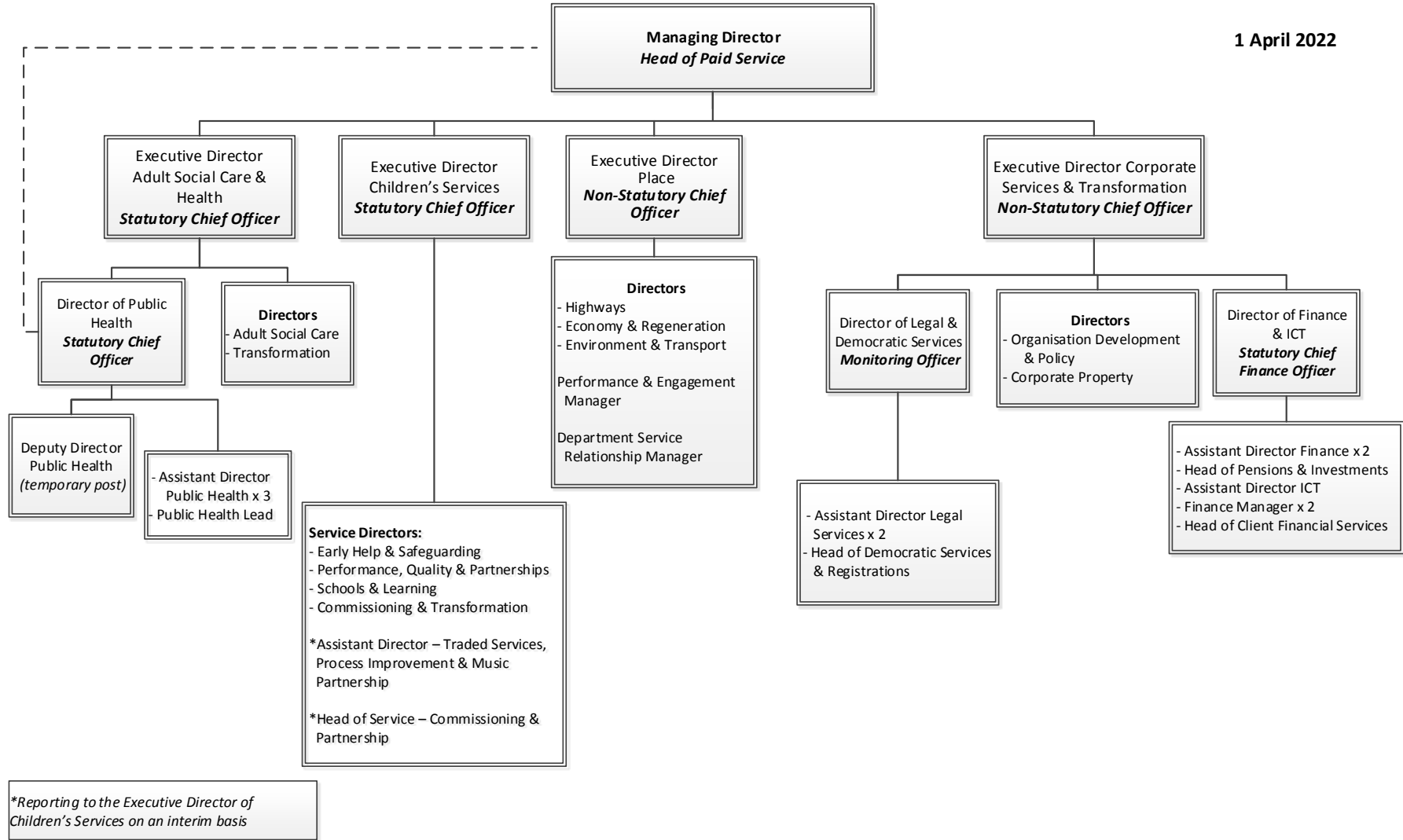
Executive Director Place (*Non-Statutory Chief Officer*)

- Highways Director
- Economy & Regeneration Director
- Environment & Transport Director
- **Performance & Engagement Manager**
- **Department Service Relationship Manager**

***Reporting to the Executive Director of Childrens Services on an interim basis.**

Senior Management Structure – Statutory & Non-Statutory Chief Officers and Deputy Chief Officers

1 April 2022



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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

13 July 2022

Report of the Director of Legal & Democratic Services and Monitoring Officer

Decisions taken as a matter of Urgency and Key Decisions and Special Urgency

1. Purpose

- 1.1 In accordance with the provisions of the Constitution, to report to Council those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived.

2. Information and Analysis

- 2.1 Members of Council will be aware that on occasion there is a necessity for decisions to be taken urgently, most recently predominantly as a result of the covid-19 pandemic and the need to respond to changing government guidance in a timely fashion.

Key decisions – Cases of special urgency

- 2.2 Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, before the Council makes a key decision certain information needs to be published 28 clear days in advance. This is usually known as the 'Forward Plan'. The Regulations recognise that in the case of urgent decisions, this is not possible. As a result:

- a) where a key decision needs to be taken and publication of the information is impracticable, the decision can be made as long as five clear days' notice of the decision is given to the relevant Improvement and Scrutiny Committee Chairman; and
 - b) in cases of special urgency, a key decision can be taken with less than five clear days' notice if agreement is obtained from the Improvement and Scrutiny Committee Chairman that the making of the decision is urgent and cannot reasonably be deferred.
- 2.3 The Regulations require a report to Council at least once a year detailing each key decision taken where it was agreed that the special urgency provisions apply. The Access to Information Procedure Rules included in Appendix 6 to the Constitution requires this report to be submitted on a quarterly basis to full Council.
- 2.4 In accordance with the above requirement, Appendix 2 sets out the key decisions taken where special urgency provisions were agreed since the last report to Council.

Waiver of Call-in provisions

- 2.5 Members will be familiar with the Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution which sets out the call-in procedure. The call-in procedure does not apply where the executive decision being taken is urgent: that is where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. In such cases call-in can be waived if the Chairman of the appropriate Improvement and Scrutiny Committee agrees both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.6 The Improvement and Scrutiny Procedure Rules require such urgency decisions to be reported to the next available meeting of the Council, together with the reasons for urgency.
- 2.7 In accordance with the above requirements, details of urgent decisions where the call-in process was waived since the last report to Council and the reasons for urgency are set out in Appendix 3.

3. Alternative Options Considered

- 3.1 Not to consider those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived; however, this is not recommended as this would not be in accordance with the Council's Constitution.

4. Implications

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1 None.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Key decisions taken where special urgency provisions were agreed.

7.3 Appendix 3 - Details of urgent decisions where call in procedure was waived and the reasons for urgency.

8. Recommendations

That Council notes:

- a) the key decisions taken where special urgency provisions were agreed as detailed in Appendix 2; and
- b) the urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3.

9. Reasons for Recommendations

9.1 In order to comply with the provisions in the Council's Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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Implications

Financial

1.1 None.

Legal

2.1 As set out in the report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 None.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

**Appendix 2. Key decisions taken where special urgency provisions were agreed
14 May 2022 to 28 June 2022**

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Childrens Home Refurbishment Programme	Cabinet Member for Children’s Services and Safeguarding 9 June 2022	To purchase two replacement property assets and investigate the building of a new property asset.	Cabinet previously approved the refurbishment of four children’s homes in Derbyshire (21/01/2021 and 24/01/2022). Subsequently it was identified that health and safety policy would require all new homes or homes undergoing significant refurbishment to be fitted with sprinkler systems. Potentially this could have put the programme at risk of an additional overspend of £1M with a current budget of £4.686M	To enable an offer to be made on the identified properties in a timely manner. A delay would have run the risk of others taking up the properties and potentially led to the identified financial risks and increased levels of disruption to children in care

			Investigations identified two properties that could be purchased and a new build opportunity on a Derbyshire asset that would deliver high quality future proofed children's home services, that meet all required standards and policy without the disruption to children and staff and within current budget.	

Appendix 3:

Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived

14 May 2022 to 28 June 2022

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Specialist ICT Forensic Analysis	Cabinet Member for Corporate Services and Budget 26 May 2022	To make a direct award of a contract for forensic analysis of the Council's ICT infrastructure and systems.	An unknown cyber intruder exploited an ICT vulnerability on 13 May 2022. The ICT Team responded quickly (working through the weekend of 14th and 15th May) to mitigate the immediate threat. However further specialised ICT forensic investigative work was required to resolve the issue.	Urgent specialist forensic analysis is not available in-house. Therefore, an external resource was required as a matter of urgency to minimise the risk to the Council and to fully resolve this issue
Childrens Home Refurbishment Programme	Cabinet Member for Children's Services and Safeguarding	To purchase two replacement property assets and investigate the	Cabinet previously approved the refurbishment of four	A request to waive call-in was made so that an offer could be made on

	<p>9 June 2022</p>	<p>building of a new property asset.</p>	<p>children’s homes in Derbyshire (21/01/2021 and 24/01/2022). Subsequently it was identified that health and safety policy would require all new homes or homes undergoing significant refurbishment to be fitted with sprinkler systems. Potentially this could have put the programme at risk of an additional overspend of £1M with a current budget of £4.686M</p> <p>Investigations identified two properties that could be purchased and a new build opportunity on a Derbyshire asset that would deliver high quality future proofed children’s home services, that meet all required standards and</p>	<p>the identified properties in a timely manner. A delay would have run the risk of others taking up the properties and potentially led to the identified financial risks and increased levels of disruption to children in care</p>
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			policy without the disruption to children and staff and within current budget.	
“Winter Wonderland at Elvaston Castle” Public Event	Cabinet Member - Strategic Leadership, Culture, Tourism and Climate Change and the Cabinet Member – Infrastructure and Environment 27 June 2022	To note receipt of the Event Proposal. To authorise the Executive Director Place to work with event proposer to develop a detailed Event Management Plan during June to September 2022. To note that a further report will be submitted to the Cabinet Members in September 2022 seeking their approval that the event should proceed, and the entry into an appropriate contract, if the Executive Director Place has agreed a suitable Event Management Plan.	To enable the development of an Event Management Plan which, if subsequently approved by Cabinet, will provide a tourist attraction and generate income for the Council.	It is in the Council’s interest to expedite this decision as it will mitigate the risk of the event not progressing
East Midlands Freeport (EMF) Company	Cabinet 7 July	To approve Derbyshire County Council becoming a member of the East Midlands Freeport (EMF) Company and to appoint a	The timescales for developing the Freeport proposals are tight and are set by Government and the sign off/	Given the 7 July Cabinet is the only available meeting in advance of the EMF Board meeting at 4pm on 7 July (and

		Director to the Company and a representative of the Council to act in its role as a member of the company.	approval of documents for submission to Government are facilitated by the monthly EMF Board meetings.	post 22 June when two the key documents (Articles of Association and Members' Agreement) are circulated, there is no time to accommodate a call-in period following Cabinet decision if a submission is to be made to Government in a timely manner
D2N2 Mayoral Combined Authority	Cabinet Member - Strategic Leadership, Culture, Tourism 27 June 2022	To approve under Protocol 2B of the Council's Financial Regulations, to award a call-off Contract for the provision of the PLACE114 D2N2 Mayoral Combined Authority: Consultancy Requirement following a successful mini competition exercise from the CCS RM6187 (Management Consultancy Framework Three MCF3).	The Government has indicated that it will be taking forward a number of devolution deals as part of a first phase of pathfinder areas by Autumn 2022. The opportunity to be included in the first phase of areas to secure a devolution deal presents a significant opportunity to secure powers and funding for the delivery of	Negotiations with Government are on a very demanding timetable. Consultancy support needs to be procured and contracted as soon as possible. Any delays to the project could result in reputational damage for DCC as the Council is working on behalf of all 4 upper tier local authorities in the D2N2 area.

			enhanced outcomes for the people of Derbyshire and Derby, Nottinghamshire and Nottingham. To facilitate comprehensive planning to build a strong business case to Central Government consultancy support is required.	
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ELECTED MEMBER QUESTIONS TO COUNCIL – 13 JULY 2022

1. Question from Councillor G Kinsella to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“Will the Council explore implementing concessionary travel for refugees, including all refugees on means tested benefit and all asylum seekers?”

2. Question from Councillor G Kinsella to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“Following approval of the Single Use Plastic Policy in October 2021 how many of the actions, set out in the associated Action Plan have been completed?”

3. Question from Councillor S Burfoot to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“When will we as Members be informed as to the location of the two trial 20mph zones promised by this administration?”

4. Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

“Will the Cabinet Member provide an update on the progress of the transfer of residents from closed care homes to their new home?”

5. Question from Councillor E Fordham to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“Would the Cabinet Member note the high quality of the works resurfacing the road from Owler Bar to Millthorpe, how much has it cost, how long these works are expected and how long is it predicted/expected to last as the primary road surface?”

6. Question from Councillor E Fordham to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“Would the Leader lay out a timetable for the engagement of DCC with the Glover Report and how can Councillors contribute to that debate?”

7. Question from Councillor E Fordham to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“Given the debacle of the consultation and engagement with Chesterfield Borough Council and local residents over the East-West cycle route, will the Portfolio Holder share ideas and proposals ahead of funding bids of ways in

which cycling in and around the town can be enhanced and encouraged?”

8. Question from Councillor E Fordham to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“What plans are there for ensuring that Derbyshire reduces its carbon footprint and its role in achieving climate change through a more responsible approach to minerals extraction and lower levels of concrete production?”

9. Question from Councillor M Yates to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“The Fair Tax Mark offers a means for business to demonstrate good tax conduct and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.

As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.

Will Cllr Lewis approve the Councils for Fair Tax Declaration?”

10. Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“What is the County Council doing to assist communities in High Peak and other areas affected by cuts to bus services?”

11. Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“What steps the Council are taking to deal with the backlog of Definitive Map Modification Orders?”

12. Question from Councillor R George to Councillor C Hart, Cabinet Member for Health and Communities

“What assistance are the County Council offering to communities who are supporting families who have fled Ukraine?”

13. Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“What ongoing assessment of places in residential and nursing care homes is being made?”

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NOTICE OF MOTION	
Title:	A motion to protect the Council taxpayer, DCC staff and council services against the current cost of living crisis.
Proposer of motion:	Councillor Joan Dixon
Background/supporting information:	
<p>This council notes:</p> <p>Derbyshire County Council, as well as other local authorities, has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government.</p> <p>Over the last two years, Derbyshire County Council staff have led the way in efforts against the Covid-19 pandemic, providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is in being able to respond with speed and agility in the face of an unprecedented modern-day pandemic, using local knowledge and expertise to target services and resources to those in most need.</p> <p>Council staff and school workers kept our communities safe through the pandemic, often putting themselves at considerable risk as they worked to protect public health, ensured our children continue to be educated, and looked after older and vulnerable people.</p> <p>At the same time the same frontline council workers, like many other workers in both the public and private sectors, have endured years of pay restraint with the majority of pay points losing 27.5 per cent of their value since 2009/10.</p> <p>Staff are now facing the worst cost of living crisis in a generation, with RPI forecast by the Office for Budgetary Responsibility (OBR) to average at 9.8% across 2022 and currently running at 11.1%.</p> <p>Council staff are having to make impossible choices between food, heating and paying for other essentials.</p> <p>At the same time, they have experienced ever-increasing workloads and persistent job insecurity. Some DCC staff have been TUPE'd out to Teckal</p>	

companies. Others have faced uncertainty due to the closure of services such as care homes and day care centres.

Local government workers deserve a fair pay increase to help with the cost of living crisis. The Government must take responsibility and fully fund any increase; it should not put the burden on either the council taxpayer or local authorities.

Motion to be proposed:

That Council recognises the cost of living crisis in Derbyshire and that the council has both a responsibility to council tax payers and its staff. This council calls for a fair pay rise for council workers, especially those on the lowest pay, to help them cope with rising costs. The financial burden for a pay rise should not fall upon the taxpayer or be at the expense of cuts to council services. Rather central government should fully fund the pay rise. Therefore, this motion calls upon the Leader to write to government to ask for additional financial support to fully fund a fair pay rise.

Date and time received:
(for completion by Democratic Services)

29 June 2022 – 10.50am