

Public Document Pack



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PUBLIC

To: Members of Council

Tuesday, 16 May 2023

Dear Councillor,

You are hereby summoned to attend a meeting of **Council** to be held at **2.00 pm** on **Wednesday, 24 May 2023** 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. Appointment of the Chairman of the County Council for 2023-24
2. Apologies for absence
To receive apologies for absence (if any)
3. Declarations of interest
To receive declarations of interest (if any)
4. Chairman's announcements

5. Minutes (Pages 1 - 34)
To confirm the minutes of the meeting of the Council held on 22 March.
6. Appointment of the Civic Chairman of Derbyshire County Council for 2023-24
7. Appointment of the Vice Civic Chairman of Derbyshire County Council for 2023-24
8. Report of the Leader of the Council and Members' questions
To consider the report of the Council Leader and Members' questions on the report
9. Public questions (Pages 35 - 36)
To consider public questions (if any)
10. Petitions
To receive petitions (if any)
11. Committee Memberships, Schedule of meetings and Outside Body Appointments for 2023-24 (Pages 37 - 50)
12. Notification of Portfolio Holders and Membership of the Cabinet (Pages 51 - 60)
13. Derbyshire Pension Board - Appointment of New Board Members (Pages 61 - 76)
14. Decisions taken as a matter of Urgency and Key Decisions and Special Urgency (Pages 77 - 82)
15. Elected Member questions (Pages 83 - 84)
To consider questions submitted by Elected Members
16. Notice of Motion

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MINUTES of a meeting of **COUNCIL** held on Wednesday, 22 March 2023 in the Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors D Allen, R Ashton, K S Athwal, J Barron, B Bingham, J Bryan, S Bull, S Burfoot, C Cupit, A Dale, C Dale, J Dixon, R Flatley, M Ford, E Fordham, R George, A Gibson, K Gillott, N Gourlay, D Greenhalgh, L Grooby, C Hart, A Hayes, S Hobson, N Hoy, R Iliffe, T King, G Kinsella, B Lewis, W Major, R Mihaly, P Moss, D Muller, D Murphy, J Nelson, P Niblock, 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, J Woolley and M Yates.

Apologies for absence were submitted for Councillor N Atkin, A Clarke, D Collins, A Foster, M Foster, G Hickton, J Innes, T Kemp, G Musson and B Woods.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director of Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Chris Henning (Executive Director - Place), Ellie Houlston (Director Of Public Health), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Simon Stevens (Interim Director of Adult Social Care and Health) and Paul Stone (Interim Director of Finance and ICT).

18/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Atkin, Clarke, Collins, Hickton, Innes, Kemp, Musson, A Foster, M Foster, Moss and Woods.

19/23 DECLARATIONS OF INTEREST

In respect of minute reference 25/22, Annual Report of the Independent Remuneration Panel, the Chairman reminded members of a blanket dispensation given to all councillors when discussing the Members Allowances' Scheme at Council and Committee meetings. This was done under section 33 of the Localism Act 2011 and would be in force until the day of the Local Government elections in 2025. The dispensation would allow members to debate and vote on the subject of members' allowances without fear of breaching the code of conduct regarding financial interests.

No declarations of interest were received.

20/23 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the historic event of the coronation of King Charles-the-third which was now on the horizon and the County Council had several ways to support local people to commemorate this momentous occasion.

Derbyshire residents were being urged to organise community events to celebrate the Coronation of His Majesty and to take advantage of a number of grants available from the county council and other sources, including our own Derbyshire Grants. More information on these could be found on the council's website.

Grants for Coronation events could also be applied for from County Councillors, following the recent extension to the Members Community Leadership Scheme.

This year each of the 64 County Councillors had been given an additional £1,500 which groups could apply for to hold Coronation-related events.

There were also plans to erect celebratory lamppost banners at 200 locations across the county, and commemorative mugs and wildflower seeds for members to distribute to schools and organisations in their wards would be available.

This would be an historic occasion and it is hoped that groups and organisations from across the county would apply for the available funds to get their events and commemorative activities off to a flying start.

The Chairman reported on the planned promotion event for local producers. The County Council embraced every opportunity to promote and support local farmers, producers, artisans and food and drink businesses across the County. He announced the first Producer's Market which would be held at County Hall. The event, which would be held on the same day as the Annual General Meeting on Wednesday 24 May, would provide the ideal opportunity for producers to showcase their products for free to a countywide audience, including County Councillors, staff and local residents

Finally, the Chairman congratulated all those involved in bringing the Great British Railways' Headquarters to Derbyshire.

21/23 **MINUTES**

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 15 February 2023.

22/23

REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS

The Leader of the Council began his report by echoing the Chairman's congratulations in respect of Derby being the successful bidder for the headquarters of Great British Rail. He expressed his gratitude to all of the officers that had been involved in the process.

He referred to the announcement in the recent budget around investment zones which had been allocated to Combined Authority Areas which had also included Derbyshire and this was very good news for Derbyshire and its residents.

Finally, the Leader acknowledged the £4.23m worth of pothole money allocated to the County which would be spent over the coming weeks and months.

The following questions were raised and responded to:-

Councillor Ford:

"As the Derbyshire County Council representative on the Rail Forum, which is based in Derby, I too applaud the decision by Government to bring the Rail Forum to Derby. Does the Leader of the Council agree with me that the decision should make a tremendous difference and give the SMEs who work in the rail industry in and around Derbyshire a real boost?"

Councillor Lewis responded as follows:

"Yes, I do believe it will make some pretty unique opportunities for our SMEs. We need to be doing I think both as a local authority but right across the region is sure we can maximise those opportunities for all our SMEs to be able to access opportunities in the future and I look forward to working with colleagues to do that."

Councillor Fordham:

"Can I attach myself to the congratulations on securing the railway bid for Derby and Derby specifically. As the Leader probably knows the National Railway Museum in York hold a large number of railway items relating to Chesterfield and Derby, notably a statue of George Stephenson, plaques to him submitted by other cour"

his death, stained glass of a number of railway stations, signage and more from Derbyshire. Will the Leader be willing to help establish a dialogue with the I Museum in York to get some or all of those restored back to Derbyshire and p even Chesterfield?"

Councillor Lewis responded as follows:

"It has not come across my radar as a potential proposition. I am always interested in our county's heritage, anything we can do to enhance that. If it is sensible to do that dialogue then by all means I am open to it but I am sure they are in safe places where they are for the time being until perhaps we can put together a serious proposition otherwise."

Councillor George:

"I agree with welcoming Great British Rail to Derbyshire which is excellent. You mentioned the potholes. We have been doing a huge amount of pothole filling in the last few weeks. I went to see some of them that were done in my Ward two weeks ago. They are already starting to gouge out and the stones to be dislodged causing problems blocking up the grids and causing more erosion. They haven't ever sealed around the edge of each pothole. Can we make sure that the quality of the work that is done so that it lasts longer and put the proper investment into repairs on our highways that are longer lasting?"

Councillor Lewis responded as follows:

"Just to reassure Councillor George yes, there has been a lot of pothole filling going on recently. We have had a very concerted campaign to ensure that we do. We have around 30 gangs out there at the moment. We have had three jet patches put around Derbyshire getting them filled and as fast as they are coming in we are not less filling them as well.

We did have a spell of bad weather recently which has kind of unhinged a few potholes that we are talking about but there is a hierarchy, as Councillor George knows, on how we fill in potholes. Sometimes temporary repairs are done because longer-term repair can be affected later down the line and it is a better use of resources to sometimes do that even though it seems counter-intuitive at that moment. I am sure that is what is happening in one or two of those instances.

We do endeavour to do the best quality we can and I know our Highway Team are proud of the work they do across the county but sometimes circumstances such as weather and the underlying road base etc can sometimes impact on that."

23/23 PUBLIC QUESTIONS

Question from Maureen Potts to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“Last year, Killamarsh library was transferred into Killamarsh Active Leisure Centre and the original, purpose-built library was subsequently demolished. Can Cllr Lewis please provide the following information on the new facility and indicate how the figures compare to the equivalent time period in the previous year:

- Number of library visits
- Items borrowed
- Computer reservations
- Active members
- Number of public computers
- Number of books on site for loan
- Indicative running cost of the building.”

Councillor Lewis responded as follows:

“I am quite proud of this piece of work that we did with Killamarsh Library and North East Derbyshire District Council to relocate the library to Killamarsh Active Leisure Centre and on the 26 October last year we opened that. It is right there in the heart of the community.

It will take time to understand the full positive impact of the move however I am really pleased with the performance of the library over these 5 short months and look forward to continued success. It is a nice open fresh modern space and the area lends itself to a more relaxed sociable experience. The new location is a real benefit to the local community where customers can enjoy multiple services in one place and this approach to relocation and co-location is one that we will look to capitalise as we work with our district and borough colleagues on a refreshed Library Strategy.

The available data and comparison with the equivalent time period last year is as follows:

Number of library visits

	November	December	January	February	Total
2021-22	332	376	315	217	1,240
2022-23	405	314	382	419	1,520

Number of issues and renewals

	November	December	January	February	Total
2021-22	674	730	798	647	2,849
2022-23	692	601	740	825	2,858

Computer reservations

	November	December	January	February	Total
2021-22	24	18	22	21	85
2022-23	26	40	29	17	112

Active users

	November	December	January	February	Averaged Total
2021-22	366	360	366	372	366
2022-23	352	366	387	396	375

Number of public computers

2021-22 – 4

2022-23 – 2

Unfortunately, we are unable to provide data regarding number of books on site for loan as our Library Management System cannot provide retrospective snapshots, so information about the state of the shelves in the past is not possible.

It is not anticipated that there will be any increased costs associated with the transfer of the library. Given that the library has only been in its new location for 5 months, the full year effect of costs is not yet available. ”

Question from Wendy Bullar to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“A Guardian article (07 March) revealed that more than 1,000 “super-emitter” sites gushed the greenhouse gas methane (trapping 80 times more heat than carbon, causing 25% of global heating) into the atmosphere in 2022, mostly (emanating) from oil and gas facilities. Researchers say that this acceleration may be the biggest threat to keeping below 1.5C global heating and seriously risks triggering catastrophic climate tipping points.

I understand that the Derbyshire Pension Fund has a duty to base decisions on financial grounds and also on ethical considerations. Given the highly dangerous impact of these methane releases, does the Authority believe it is acting ethically to continue its investment in fossil fuel corporations, whose actions threaten the very future our existence? Is it ethical to support an industry is destroying our environment and life itself?”

Councillor Lewis responded as follows:

“We have stood in this Chamber on a number of occasions talking about this very issue of pension funds and the question of divestment etc.

On this particular topic we know that global energy transition to a low carbon economy requires the capital and expertise of the major oil and gas producers to support the development of clean energy solutions, the delivery of new renewable assets, energy assets and the delivery and installation of energy storage solutions. The whole market is tipping towards being greener and it is taking hydrocarbon producers with them. The policy landscape there has changed very significantly in recent years I think it is fair to say.

Producers of fossil fuel products are already major developers of renewable energy solutions with the growing share of the capital expenditure being directed to low carbon solutions. Investment in the producers of fossil fuels gives the Pension Fund a seat at the table enabling the fund to influence producers in collaboration with other investors to relocate their capital and adapt their business models to support the transition to a low carbon economy and that is why it is important that we are also at that table.

The Pension Fund has recently become a member of the institutional Investor Group for Climate Change to build on its collaborative engagement activities. This group of investors representing around €60 trillion of assets is committed to supporting and enabling the investment community to drive significant progress by 2030 towards a net zero and resilient future. As a responsible long-term investor the Derbyshire Pension Fund is well placed to provide support to companies right across the economy during the energy transition influencing corporate behaviour through engagement to achieve real world reductions in greenhouse gas emissions.”

Ms Bullar asked the following supplementary question:

“The future of our people and our planet is at risk. The United Nations’ Intergovernmental Panel on Climate Change just issued a final warning on climate. They said “Our world needs climate action on all fronts, everything, everywhere at once.” The new report found that if governments stay within current policies for climate action we will miss that window to secure a liveable planet.

Could Derbyshire County Council be part of the solution here? Could this Authority lead the way for Local Government Pension Schemes by

making a most sound and ethical decision which advocates investments leaving behind green investments, leaving behind fossil fuels and the risk of stranded assets?"

Councillor Lewis responded to the supplementary question as follows:

"I believe we are part of that solution and by remaining at the seat of that table in the conversation with hydrocarbon producers that we are invested in I think helps drive us towards a greener, brighter future. That is the only way I believe we can do that. I don't believe that the hydrocarbon companies will end up being stranded assets simply because it makes a lot of sense for these organisations, they are smart organisations in the sense that they have very clever talented people working in there who understand that the world is changing around them and that they need to move with that change. We will help drive that from the seat at the Board."

Question from Kris Stone to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

"Considering the disquiet over traffic restrictions in places such as Oxford and Sheffield and that the Derbyshire County Council is part of the UK:100 Membership Pledge, what changes will Chesterfield and Derbyshire drivers face over the next two years?"

Councillor Athwal responded as follows:

"The Council is aware that the concept of 15-minute cities and the UK100 has been a target of a misinformation campaign with claims made that Councils signing up to UK100 have signed up to implement 15-minute cities. The UK100 does not mandate its members to introduce this and it is not a condition of UK100 membership.

The Council does not have any formal plans or policy around the 15-minute city/town neighbourhood concept. However, in developing sustainable planning policy the Council aims to deliver places where people can work, play and live in close proximity. This will help to decarbonise transport, for more active travel and reduce air pollution in neighbourhoods across the county.

The Council is commencing work on a new Local Transport Plan. The East Midlands Devolution Deal passes the duty of preparing a plan to the new Combined County Authority and therefore the assumption at present is that the new LTP will be a D2N2 area wide Plan. The LTP is at its earliest stage of plan preparation and other than being aware that decarbonisation will be a key theme for the Plan there has not been any

appraisal of future strategy options at this stage. Therefore, we envisage that there will be no change for Chesterfield and Derbyshire drivers over the next two years.”

Mr Stone asked the following supplementary question:

“When my father was on Staveley Council, Staveley Town Council implemented the closure of a main road in Staveley and it caused a lot of trade problems. What has happened around the country will cause more damage to the trade of Derbyshire people, Chesterfield people. I would like you to bear in mind what you have said today and also I would like to point out I asked a question about the UK100 pledge, I had not mentioned the 15-minute city. Would you really take this on board?”

Councillor Athwal responded to the supplementary question as follows:

“I have been quite clear in what I have said at this moment in time. Whilst I can’t promise anything as a responsible Highways Authority we will investigate all opportunities available to us to reduce air pollution, promote active travel in Derbyshire, and as regards your concerns there are no plans whatsoever to bring the 15-minute cities into Derbyshire County Council, Derbyshire County itself.”

Question from Laura Stevens to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“The Pension Committee continues to invest in fossil fuel companies and we know from research and experience that engagement does not work. I am in the Derbyshire Pension Scheme, as is my husband, and I am increasingly concerned about Stranded Assets. This is really a much more serious issue than is realised. To quote Mark Carney, admired for his work as the Governor of the Bank of England, *“All financial institutions must justify their continued investment in fossil fuels. Assets in the sector could end up stranded and worthless”*.

The London School of Economics advises people anxious about Stranded Assets to talk to their pension funds managers about reducing climate risk exposure. How will the Pension Committee avoid the danger of Stranded Assets?”

Councillor Lewis responded as follows:

“As you know we have a fiduciary responsibility to you as a Derbyshire Pension Scheme holder. That is right at the top of our list of priorities. I think I have mentioned already around the issue of stranded assets how

it is unlikely that many of these assets will become that, some of the companies like Shell etc investing vast quantities of money and are becoming world leaders in green technologies as well so I think that just indicates the direction of travel.

Our Pension Fund's climate strategy sets out its approach to managing climate related risks and opportunities and it is supported by the annual publication of a task force for climate related financial disclosure's report which covers the fund's progress against that particular strategy. The fund aims to achieve a portfolio of assets with net zero carbon emissions by 2050 and it expects its investment managers to include an assessment of environmental factors including risks associated with climate change into their investment processes.

The Pension Fund's Climate Strategy includes two initial decarbonisation targets both of which to be achieved by 2025. That is to reduce the carbon intensity of the fund's listed equity portfolio by at least 30% relative to the weighted 2020 benchmark and investing at least 30% of the fund's portfolio in low carbon and sustainable investments. The first target has already been achieved and the second target is expected to be achieved during 2023-24. These targets will be reviewed towards the end of this year and at least every three years thereafter and are expected to increase in line with a goal of achieving a portfolio of assets with net zero carbon emissions by 2050.

The weight of oil and gas stocks in the fund's investment portfolio has been reduced by approximately 65% over the last ten years from just over 7% in January 2013 to around 2.5% in January 2023. Over that same period the fund has increased the level of investment into low carbon and sustainable investments whilst maintaining reduced exposure to the oil and gas companies which are expected to play a major role in the energy transition.

The Pension Fund has committed around £275m of capital into renewable energy funds over the last ten years, almost double the current value of the fund's oil and gas investments. The assets in these renewable energy funds include investments in onshore and offshore wind; solar; hydro and battery storage and the fund expects to continue increasing its allocations to low carbon and sustainable investments subject to the usual performance, diversification and risk management considerations and will continue to engage collaboratively with fellow investors to influence corporate behaviour during the global energy transition. I hope that helps."

Ms Stevens asked the following supplementary question:

“While our pensions bet on risky fossil fuels our futures are insecure. Our pensions must invest in things that secure our future, as you have said, renewable energy, homes, infrastructure, but pension funds going for short-term returns from fossil fuels are not treating all pensioners equally with bias towards older pension fund holders. I wondered how you felt about this inter-generational injustice, if you understand where I am coming from, so that longer term our young employees it is getting more risky?”

Councillor Lewis responded to the supplementary questions as follows:

“As an investment scheme pensions by their very nature are very long-term schemes. I think it is quite extraordinary from the outline I have just given to you of the actions taken in line with the pension strategy for greening those investments how extraordinarily quickly actually that transition has occurred ahead of target and over time I think they will be bang on target to ensure they are entirely divested by 2050.”

Question from Sylvia Jones to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“Develop Renew, the joint venture set up to exploit DCC assets has interesting connections through its partner - PSP - the London-based management consultancy DCC got into bed with in 2020. Companies House reveals that the PSP CEO and a handful of other directors control a clutch of companies offering services for complete commercial development of potentially lucrative sites like Cavendish Road car park and field. Notably finance, site acquisition, clearance, house construction, building supplies, real estate sales, letting agency, residential property management is potentially available.

Will any of these “hinterland companies” be allowed to tender for work associated with the proposed sell off and development of the Cavendish Road land - or other developments in Derbyshire? If so, what oversight measures are in place to ensure there is no possibility of a conflict of interest or any leak of confidential inside information?”

Councillor Spencer responded as follows:

“Before I get into the response to the question itself I am afraid I would have to challenge the term “exploit” and “get into bed” in the original question as unacceptable.

Develop Renew is a limited liability partnership set up between PSP and Derbyshire County Council with a legally constituted partnership agreement, a joint board, a transparency governance, a decision-making

process in place. We are still completing an options' appraisal for the site which is what Develop Renew are here to do. Until the options' appraisal is complete no decisions have been made as to the future use of the site. If we were to dispose of the site we are obliged to get the best opportunity for it, to act within our powers in accordance with our constitution and abide by our financial regulations."

Ms Jones asked the following supplementary question:

"I understand that certainly with a £60m black hole because of the loan to Thurrock Council to fill in and the reduction of Central Government funding the Council must obviously try to get as much money as possible into its coffers but sometimes selling off assets to the highest bidder instead of for the benefit and improved quality of life of Council Tax payers in Derbyshire may not be the best option. I have been an investigative journalist all my life and I have spent over 50 years reporting on local government affairs, the good, the bad and sometimes the ugly. One thing I have learnt is that good governance actually requires transparency and open democracy in line with the DCC mission statement, the Nolan principles and the Gunning principles.

I would like to find out whether you propose to talk to local residents in the area of the Cavendish Road site about what they would like to see in development of this land?"

Councillor Spencer responded to the supplementary question as follows:

"Well, Mrs Jones, you were talking about many things which were not relevant to this particular question in your preamble that you have just made, many of which I refute also.

Let me also state to you as well that the asset management process that this Authority is going through is in the main as a consequence of the way in which this organisation has reshaped the way it will work in the future. As a consequence of Covid we had to change many of our working practices, review the way in which we deliver our services and look very closely at our expectation on our staff, aware of how they should work moving forward. Those discussions are ongoing and they continue to be developed but it would be inappropriate for this Authority to retain assets that are no longer required at the expense of the taxpayer.

We as an Authority need to take a rational, measured approach to dealing with how we manage our assets and that is exactly what I believe is happening in this particular instance. We will follow the laid down guidelines, as I have already said, with regard to our financial regulations

and our code of transparency and we will continue with the project that we have set out on.

Cavendish Road is one asset of over 4,500 that this Authority is responsible for and it is my job to make sure that the taxpayers of Derbyshire benefit from that as a whole not a small section of the community here in Matlock and I intend doing so. As far as discussing with local residents the future of this proposal when the proposal is made, as yet it has not been decided upon, there is a laid down process within planning law of consultation, discussion and decision-making process which will be followed in detail, I am sure, by the Local Planning Authority if and when that situation arises.

So, Mrs Jones, I would suggest to you that we have answered over the last few months several questions from many residents within the area and I have more questions to answer, which I am sure you will listen to in detail which will cover off many of the issues you and your residents are concerned about.”

Question from Markham May to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“I was pleased to see in the response to a recent Freedom of Information request that the Council agreed with me that the Cavendish Road car park is of undoubted value to the local community, and the playing field has the potential to provide much needed amenity land such as allotments which are lacking in quantity in Matlock. How does this acknowledgment affect the way in which these assets will be disposed of?”

Councillor Spencer responded as follows:

“We agree that the site has the potential to be used in a variety of uses, many of which are valid and these will be deemed more or less preferable dependent on a number of factors. There have been many suggestions for the uses of this land but the land can only be used for one use, which is yet to be decided.

With regard to the specific question how will it affect it?, I do not believe it will.”

Mr May asked the following supplementary question:

“We are setting up a Community Land Trust. We think it can be used for three different purposes. It can be used for allotments. It can be maintained as a car park for local residents who can get their cars off the

streets around Cavendish Road, and it can provide much needed community housing, so there are three possibilities there. I think it would be quite useful for the Matlock Community Land Trust to be able to talk to the Council about our ideas and to see how we could find areas of agreement.”

Councillor Spencer responded to the supplementary question as follows:

“Let me explain to you this is a strategic approach in managing our assets across the county as a whole. It is not purely focused around one particular issue here in Matlock. I would suggest to you I am sure your community has a view of how that piece of land can be used in the future, but it is my job, as I have already said, to get best value for the taxpayers of Derbyshire.

We will give due consideration to any proposal put forward but that decision has yet to be made. We will also give due consideration to many other proposals that may be put forward by other people. It isn’t an issue purely for the residents of Matlock to decide, it is an issue for the taxpayers of Derbyshire and I as the Cabinet Member for Corporate Services and Budget have the responsibility to do this in an open and transparent fashion which is exactly what I will do.”

Question from Lisa Hopkinson to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“There is increasing evidence that big oil firms like Shell and BP, despite their claims, are continuing to invest in fossil fuel exploration and extraction rather than transitioning to renewables. Last year they made record profits, but invested much more in new oil and gas projects than renewables – which accounted for less than 5% of their profits.

A report by Oil Change International also exposed how Shell’s fossil fuel expansion plans are not aligned with the goals of the Paris Agreement on climate change. The Derbyshire Pension Fund has previously justified it’s continued investment in companies like Shell and BP on the basis that engagement is the best way to drive change.

Isn’t it time to admit that these companies are continuing to fuel climate change and move investments out of these polluting companies to more sustainable investments or fossil free investment indices, which have a track record of equalling/outperforming their fossil fuel equivalents?”

Councillor Lewis responded as follows:

“I think just to cover off the technical side of this and at the risk of repeating myself, because obviously we have had three quite related questions, fossil fuels are expected to remain an important part of the energy mix for many years to come and the producers of fossil fuel products are expected to play a growing role in the transition to a low carbon economy as provided as a renewable energy source. I have already talked about Shell and their investments but it can’t escape our attention or notice that there is obviously a war in Ukraine at the moment and the situation with regard to energy, gas in particular, Russia and so on is (at the risk of using the wrong term) fuelling that issue quite considerably, as is the current cost of living crisis in part driven by increased cost in energy as well.

I agree we have seen record profits but then we have seen record energy prices as well. I think it is entirely inevitable that we still have to at least be looking at a potential energy mix for a good few years between now and 2050, which is a point I may come back to a little bit later on, so divestment is a one-off action which has no impact on real world emissions.

Constructive investor engagement with major oil and gas companies will continue to form a major part of investor collaborative engagement activities with the aim of influencing corporate behaviour to achieve real world reductions in greenhouse gas emissions. Investor engagement has encouraged investee companies to improve the quality of their climate related disclosures and to commit to targets for reducing emissions.

The major oil and gas companies in the UK, the Netherlands, France, Italy, Spain and Norway have now all committed to achieving net zero greenhouse gas emissions by 2050. Ongoing engagement is encouraging companies to clearly explain their climate aligned strategy with transparent plans for how their assets and business strategies will adapt to achieve net zero emissions and with a credible transition timetable.

The Pension Fund has significantly increased its level of investment in low carbon and sustainable investments in recent years and will continue to assess similar opportunities balancing potential risks and returns and the geographical mix of assets in the context of a diversified investment portfolio.”

Ms Hopkinson asked the following supplementary question:

“It is good that the Pension Fund has increased its investments in renewables but you still have hundreds of millions invested in oil

companies. Aviva, the UK insurance company, has now divested almost all of its £2.5bn exposure to fossil fuel companies on the basis of their weak ambitions to reduce their climate impact. I refer to the report by Oil Change International earlier rather than the greenwash from the companies themselves. The chief responsible investment officer for Aviva said:

“The Pension Fund’s age-old business model of dutifully investing their members’ money in a manner that maximises return and minimises risk is becoming unstuck in a world grappling with the chaos and uncertainty created by the climate crisis.”

Councillor Lewis referred to these companies as “clever companies”. The history is littered with examples of “clever companies” that either made obsolete products or made bad mistakes. Just think of Kodak and Blockbuster, Lehman Brothers or Enron. Why does the Derbyshire Pension Fund think it is fine to continue to invest in oil companies when some of the biggest investors are saying “Enough is enough?”

Councillor Lewis responded to the supplementary question as follows:

“It is a good point I suppose but I would make this counterpoint: I think it is important as well because it relates to this and it is that headlong push for new investment classes that relate to green technology, particularly where pension schemes like now and in the future will be investing, it is important to note the UK at the moment produces around 2% of the global CO₂ emissions.

I have stood in this Chamber before and highlighted that to meet our own national ambitions (and they are now legislated for and written into future policy) would require a tripling of the global mining activity in a short period of time to meet our demands for things like lithium, for cobalt, silver and other rarer minerals. We have other global economies who are mirroring the UK’s ambition and as we shall see unless battery technologies - and I hope they do take a quantum leap - which will create a surge in mining over the next 30 years that will equate or exceed the extraction of metals and rare earth minerals that humankind has done since the Copper Age and that is a few millennia ago.

The consequent impacts on biodiversity in the natural world are as yet not properly quantifiable. The environmental toll of lithium, brine lakes, methods that require 20,000 kilos of extraction to get a kilo of rare earth metals, on site refinement of things like lithium that creates oil and water toxicity that we can even barely comprehend at this moment in time and I can’t even begin to quantify the sheer quantity of CO₂ that extraction will burn because the heavy machinery isn’t yet running on batteries or

hydrogen and they won't do for at least a decade, at least not widely anyway, so we have swapped out hydrocarbons, the metals and minerals in the rush to be green and it is our planet ultimately that will pay that higher cost.

Whilst I am sure that we will make this land a greener and more pleasant one I am not sure that offshoring those impacts is the best way forward. I don't think it will be noted as humanity's finest hour so I am quite keen actually that we do keep a track of all these sorts of metrics as much as you might be keen to keep track on pension schemes. They are not inconsequential they are considerably massive issues and whilst you may think you can sleep easier thinking you have done your bit around pension schemes I will lose sleep thinking about this pushing us over an environmental precipice. It is "clever companies" out there who are doing this right now. We all want to be cleaner. We all want to make sure that our investments are as green as possible but there is a price to pay on the other side of that as well."

Question from Gillian Higham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

"Re: the decision to dispose of the Cavendish Road site in Matlock. Has the detrimental effect of the loss of parking been properly evaluated, and have you fully considered the loss of the social value of this site?"

Councillor Spencer responded as follows:

"The private car park belongs to the Council. It was solely for the use of officers based at Chatsworth Hall. Since we have reviewed our working practices, adopted a more flexible and agile working pattern and consolidated our workforce into County Hall the parking is no longer required for that purpose.

The remit of Develop Renew includes the requirement to consider social value so this will be taken into account in completing its appraisal. We have the responsibility to ensure social value for all Derbyshire residents out of any decision that we make."

There was no supplementary question.

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

"I note from the Performance/Budget Monitoring Report (Quarter 2 up to September 2022) that employee sickness levels continue to rise. That said I do acknowledge the direct steps the Council is trying to take to

address the situation along with indirect measures such as the proposed reintroduction of a probationary process and amendment to existing Certificate of Good Conduct arrangements for those who have lived outside of the UK.

However, aside from the millions being spent on combined sick pay and associated overtime and agency cover the current situation regarding the overall health of Council employees and the impact of such really concerns me personally and professionally. For context, sickness levels are close to 3 times higher than when I was one of the Council's Attendance Managers.

If the situation doesn't quickly improve, what measures can still be taken to turn this concerning situation around?"

Councillor Spencer responded as follows:

"You are spending as much time in this Council Chamber as I am these days. Firstly, I would like to outline that my response will focus on the executive functions within my Cabinet portfolio and not reference measures related to employment policy as implied within the question submitted.

Performance remains a key focus of the Council and is kept under constant review. A slight increase in cumulative sickness absence performance in Quarter 2 to Quarter 3 reflects there is significant increase in infections as a percentage of overall sickness which is not uncommon during the winter months as seasonal infections rise.

Whilst the Council has seen a steady increase in sickness absence over the last twelve months it appears to be following a national trend. The Office of National Statistics' official data shows that sickness absence rates rose to their highest in more than ten years with the Corona virus pandemic impacting on sickness absence data in many many ways. The Council's Wellbeing Strategy has been refreshed and relaunched and the focus on this strategy will continue to support improved performance when considering the wellbeing of the Council workforce.

I will say, Mr Ingham, following the changes we have made to the way in which we present performance data in line with our financial management data, which I consider a major step forward in transparency and openness that took place some two years ago following the inspection that was carried out here at the Council, it has highlighted many areas in which we need to focus. Sickness levels is one of those areas and I can give you assurances today that is exactly what is taking place as we speak."

Mr Ingham asked the following supplementary question:

“I am sorry if it was considered that it was not an executive question. I thought that bit had been clarified and determined and that is why the question had been able to be submitted, so in terms of my supplementary I would say I consider this to be an executive role supplementary question linked to the original question but sorry if it is a bit of misunderstanding on my part.

In relation to the supplementary question and having regard as well to the performance monitoring situation you have just made reference to no doubt you will be aware by now, as I am, that the new sickness metric data reported to Cabinet and full Council within performance monitoring reports hasn't been correct. Sickness targets for 2023-24 in interrelated service plans, which is considered by the Executive, are to be confirmed and I understand now whilst that is the case if those metrics have not been correct. I am not even sure if 2021-22 and 2022-23 metric stated within service plans are now correct or not and within previous plans. One of the departmental service plans doesn't even include sickness metrics and targets. Covid is described as “uncontrollable” and “concerningly unmanageable”. This position has been agreed by Cabinet as part of the executive function.

In light of these matters can I ask that when any further update reports are submitted for Cabinet to consider as an executive function and approve, for example Quarter 4, what can be done to ensure the increased transparency of information within documentation, which the executive then go on to approve, includes reference to mistakes?”

Councillor Spencer responded to the supplementary questions as follows:

“I am not aware that there are any mistakes that you refer to in that documentation. Let me also state to you there has been a new method of calculation since you were in post as an officer carrying out that role and how that data is collected.

Let me give you a quick snapshot of the data that has been collected. My understanding is if you look at the data say for 2019 the average sickness days as a percentage were 4.74%. If you look at the data for the last quarter, I think that last quarter was 5.5, the quarter before was 5.4 and the quarter before that was 5.3. If you look at that data you will see a 0.74% increase over a three-year period following a pandemic. I do not consider that to be a major issue. Having said that I am very focused on making sure that we look at the management data and the

data that refers to sickness in a very positive and proactive way.

I will give you just a few examples of the measures that have been put in place to focus very much on those issues moving forward. Our HR Team across the organisation and our management team across the organisation will be doing as I am going to tell you very shortly.

- We want to develop and promote a strong attendance culture.
- Prevention and early intervention as a cost-effective way of reducing long-term sickness.
- Focus on reducing and managing long-term sickness and absence.
- Measure, analyse and understand the impact of long-term sickness for the future.
- Executive Directors and Departmental Management Teams reviewing their performance around sickness absence against targets have regular one-to-one discussions and future objective settings for that purpose.
- Ensure that the case conference approach is in place for all directorates across the building upon the support provided by the Occupational Health Unit and advice by our support teams.
- Ensure completion of mandatory training for all managers.
- Continue to collate our wellbeing offer in line while being pillars ready to update the wellbeing processes across Our Derbyshire.
- Issue the guidelines for managers on managing sickness absence along with progressing and menopausal policy.
- Provide access to timely data for managers to ensure that they understand the long-term sickness absences within their team and take timely action to overcome it.
- Managers to hold one-to-one with their teams through a PDR process and include wellbeing conversations throughout the Union.
- Re-publicise the long-term Covid support available through joined up care, collaboration with our partners and agencies who work alongside us.
- Promote the health improvement advisers to alert colleagues to what support is being offered.

I think you will agree, Mr Ingham, that is a comprehensive approach to addressing the issue you have raised today and that I am also concerned about. I am sure the Council is taking the issues you have raised very seriously and will continue to do so in the future.”

None received.

25/23 **ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that requested Council's consideration of the Council's Independent Remuneration Panel (IRP) following its consideration by the Governance, Ethics and Standards Committee.

The Director of Legal and Democratic Services highlighted the purpose of the report and then introduced Mr Peter Clay, Chairman of the Independent Remuneration Panel (IRP) who presented the report and answered questions in relation to it.

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

RESOLVED to:

- 1) Accept the recommendations contained in the report;
- 2) Agree to the application of the pay award in relation to Members' Allowances for 2022/23 as detailed in the report, and approves the amended schedule of Members' Allowances for 2022/23 as attached to Annex A to the Independent Remuneration Panel's report;
- 3) Agree the schedule of Members Allowances for 2023/24 as attached at Annex B to the Independent Remuneration Panel's report; and
- 4) Authorise the Monitoring Officer to make appropriate amendments to the Constitution to reflect any changes to the Members' Allowances Scheme agreed.

26/23 **DEVOLUTION DEAL - CONSIDERATION OF CONSULTATION RESPONSES AND SUBMISSION OF THE EAST MIDLANDS COMBINED COUNTY AUTHORITY PROPOSAL TO GOVERNMENT**

The Managing Director introduced a report, which had been circulated in advance of the meeting, that sought approval of the proposal to create the East Midlands Combined County Authority for the areas of Derbyshire County, Nottinghamshire County, Derby City and Nottingham City, together with relevant delegations to the Managing Director.

The Managing Director pointed out a typographical area in paragraph

2.27 of the report in relation to the number of workers living in the area which should read 91% rather than 92%. The same error was made in Appendix 2 and Appendix 3 to the report.

Cllr Moss joined the meeting at 3:10 pm

Cllr Major left the meeting at 3:57 pm

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

RESOLVED to:

- 1) Approve the final Proposal attached at Appendix 2 to the report, having due regard to the consultation responses and the public sector equality duty, to create the East Midlands Combined County Authority (EMCCA) for the areas of Derbyshire County, Derby City, Nottinghamshire County and Nottingham City;
- 2) Note how the Proposal has been amended to take account of the results of the Consultation, other engagement activity, and recent developments as set out in the report and in more detail within Appendix 3 (the Summary of the Consultation and the Constituent Councils' Response), Appendix 4 (the Consultation Report), and Appendix 4 (the Engagement Report);
- 3) Delegate authority to the Managing Director to submit the Proposal to the Secretary of State in consultation with the Chief Executives of the other Constituent Councils once the Levelling-up and Regeneration Bill has received Royal Assent and the relevant provisions come into force;
- 4) Delegate authority to the Managing Director to approve any typographical or technical amendments to the final Proposal which the Chief Executives of the other three Councils also agree on, on behalf of Derbyshire County Council, prior to submission; and
- 5) Note that a further report will be brought back to Council in due course to consent to the relevant Statutory Instrument that will formally establish the East Midlands Combined County Authority EMCCA.

27/23 COUNCIL PLAN AND SERVICE PLAN REFRESH 2023-24

The Managing Director introduced a report, which had been circulated in advance of the meeting, that sought approval of the authority's Council Plan Refresh 2023-25 and Departmental Service Plans Refresh 2023-

25.

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

RESOLVED to:

- 1) Approve the authority's refreshed Council Plan 2023-25 as recommended by Cabinet at the 16 March 2023 meeting;
- 2) Approve the authority's refreshed Council Plan Delivery Plan 2023-24 as recommended by Cabinet at the 16 March 2023 meeting; and
- 3) Approve the authority's refreshed Departmental Service Plans 2023-25 as recommended by Cabinet at the 16 March 2023 meeting.

28/23 DERBYSHIRE PENSION BOARD - APPOINTMENT OF INDEPENDENT CHAIR

The Interim Director of Finance and ICT introduced a report, which had been circulated in advance of the meeting that sought approval for the appointment of an Independent Chair for Derbyshire Pension Board.

On the motion of Councillor D Wilson, duly seconded, it was

RESOLVED:

To approve the appointment of Ronald Graham as Independent Chair of Derbyshire Pension Board for a term of four years from 1 April 2023.

29/23 CHANGES TO OUTSIDE BODY APPOINTMENTS

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that sought approval to change two outside body appointments following the Long-Eaton by-election and a request from the organisation.

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

RESOLVED:

To approve with immediate effect that:

- 1) Councillor Flatley is appointed as the Council's representative on Scargill's Educational Foundation; and

- 2) Councillor Hickton is appointed as the Council's representative on the Long Eaton Town Forum.

30/23 **CHANGES TO POLITICAL BALANCE AND COMMITTEE MEMBERSHIPS**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting that sought approval to the proposed changes to Political Balance and Committee Memberships following the creation of a fourth political group called the Reform UK Group in accordance with Regulations 8(1) of the Local Government (Committees and Political Groups) Regulations 1990.

On the motion of the Chairman, duly seconded, it was

RESOLVED: to approve the following changes to representation on committees:

- 1) Replace Councillor Gourlay with Councillor Rose as a member of the Audit Committee; and
- 2) Replace Councillor Ashton with Councillor Stevenson as a member of the Pension and Investment Committee.

31/23 **PAY POLICY STATEMENT**

The Executive Director of Corporate Services and Transformation introduced a report, which had been circulated in advance of the meeting, that sought approval of the Pay Policy Statement for publication on the Council's website on 1 April 2023.

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

RESOLVED to:

- 1) Approve the Pay Policy statement for the financial year commencing 1 April 2023, at Appendix 2 to the report and agree that the statement should be published on the Council's website; and
- 2) Agree that the Pay Policy Statement be updated accordingly, and the revised Pay Policy Statement published on the website to reflect the change in job title for the Director of Organisation Development and Policy to the Director of Organisation Resilience, People and Communications at the point the new

Transformation and Strategy Division and Organisational Resilience, People and Communications Division are implemented.

32/23 **MINOR CHANGE TO THE CONSTITUTION: ICP JOINT COMMITTEE AND THE HEALTH AND WELLBEING BOARD**

The Director of Legal and Democratic Services and Monitoring Officer introduced a report which had been circulated prior to the meeting, that requested Council to note that references to the new Integrated Care Partnership (ICP) joint committee and their Terms of Reference had been included within the Council's Constitution, as well as an amended terms of reference for the Health and Wellbeing Board (HWB) which had been revised in light of the creation of the Integrated Care Partnership (ICP) and approval of the terms of reference by Cabinet.

On the motion of Councillor Swann, duly seconded, it was

RESOLVED to note:

- 1) The inclusion in the Constitution of reference to the new Integrated Partnership joint committee as established by Cabinet and their terms of reference as approved by Cabinet;
- 2) The inclusion in the Constitution of the revised terms of reference for the Health and Wellbeing Board at Article 14 as approved by Cabinet; and
- 3) That the amendments were reported to the Governance, Ethics and Standards Committee on 19th January 2023.

33/23 **MINOR CHANGE TO THE CONSTITUTION: TRADING STANDARDS - LEGISLATION**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that notified Council of minor amendments made to the Constitution to update the list of legislation under which the Council's Trading Standards Service can take enforcement action.

On the motion of Councillor Swann, duly seconded

RESOLVED to note:

- 1) The decision made by the Director of Legal Services to amend the Constitution to include the updated list of legislation to enable the

Trading Standards Service to undertake necessary enforcement action; and

- 2) That the amendments were reported to the Governance, Ethics and Standards Committee on 19 January 2023.

34/23 **REVISIONS TO COUNCIL CONSTITUTION: DELEGATIONS RELATING TO SPECIAL SEVERANCE PAYMENTS**

The Director of Legal and Democratic Services and Monitoring Officer introduced a report, which had been circulated in advance of the meeting, that sought approval for delegations in the Constitution to approve special severance payments.

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

RESOLVED to approve:

The amendments of section A4 Staffing Conditions of Appendix 1 – Responsibility for Functions to the Constitution to include:

- 1) A delegation to the Managing Director (as Head of Paid Service) with the approval of the Leader (as Chair of the Appointments and Conditions of Service Committee) to approve any Special Severance Payment on termination of employment between £20,000 and £100,000 in consultation with the S151 officer and Monitoring Officer;
- 2) Authority for the Monitoring Officer with the agreement of the S151 officer to approve any Special Severance Payment on termination of employment between £20,000 and £1000,000 where the Head of Paid Service is unable to act; and
- 3) Authority for the Vice-Chair of the Appointments and Conditions of Service Committee to approve any Special Severance Payment on termination of employment between £20,000 and £1000,000 where the Leader is unable to act.

35/23 **REVISIONS TO COUNCIL CONSTITUTION: LOCAL CHOICE FUNCTIONS**

The Director of Legal and Democratic Services and Monitoring Officer introduced a report, which had been circulated in advance of the meeting, that sought approval for amendments to the Local Choice functions in the Constitution and a number of consequential changes.

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

RESOLVED to approve:

- 1) The amended Section G Local Choice Functions set out in Appendix 2 to the report for inclusion in Appendix 1 – Responsibility for Functions of the Constitution; and
- 2) The following amendments to the list of functions of the Full Council set out in Appendix 1 – Responsibility for Functions to the Constitution:-
 - a) Add ‘making decisions relating to election functions; and
 - b) Amend (h) to ‘changing the name and status of areas and individuals’.

36/23 DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY

The Director of Legal and Democratic Services and Monitoring Officer introduced a report, which had been circulated in advance of the meeting, that provided details of executive decisions that had been taken as a matter of urgency where 28 days’ notice of the decision could not be given and where call-in had been 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 as detailed in Appendix 2 of the report; and
- 2) The urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3 to the report.

37/23 ELECTED MEMBER QUESTIONS

Question from Councillor D Murphy to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“Will the Cabinet Member for Highways Assets and Transport please explain what improvements have been made to the Highways of Derbyshire during the first two years of the 3-year £120 million Highways Capital Programme?”

Councillor Athwal responded as follows:

“Thank you, Councillor Murphy, for your question. Before I move to the answer, I would like to pay tribute to my predecessor, Councillor Spencer, for having the vision to organise a deep dive of the Highways’ Service and to the previous Cabinet for having the courage of conviction to authorise the £120m Highways’ Capital Programme over three years. This is the highest investment ever authorised by any administration to improve Derbyshire’s highways for all. With the substantial investment the Highways Department was tasked with not only improving our highways and byways for all but also reducing the mountain of outstanding enquiries in the system.

Back in May 21 the outstanding enquiry level for highways was over 14,000 enquiries and the outstanding MP enquiries was over 300. Currently our outstanding enquiry level has reduced by nearly 50% and we only have a handful of outstanding MP enquiries in the system. A massive reduction from the previous level and when you consider that the Highways Department receives circa 90,000 enquiries per annum then it is expected that circa 7,500 enquiries will always be in the system as they are deemed “current”.

I am aware that Member enquiries are also very important and, in that respect, I tasked Councillor Cupit as my Cabinet Support to provide support to members. I am aware that she has dealt with numerous Member enquiries bringing many to a satisfactory conclusion and I thank her for her efforts. But what have we achieved to improve Derbyshire highways? Since May 21 the Highways Service have delivered nearly £80m of highway maintenance and improvements. The massive programme is double the size of any programme that was historically delivered and has been undertaken using a mixed economy model of in-house resources and external contractors along with consultants across a wide breadth of different areas.

Under Carriageways:

- We have improved 550 roads to make them safer.
- Reduced the number of defects on the network by up to 200,000 over the past 2 years, recently using up to 30 gangs to repair over 3,000 potholes per week. Over 26,000 potholes have already been filled this year.
- We have also improved 72 footways making them safer and easier for all to use.

In Structures:

- We have repaired 12 bridges including Queens in New Mills,

Swallowhouse in Hayfield, Shire Lane, Wharf Lane Footbridge, Nottingham Road in Ripley and a new bridge on the High Peak Trail at Longcliffe after it was damaged beyond repair by a lorry a few years ago, and hundreds of retaining walls have been repaired.

- We have repaired 7 major landslips at Abney Clough, Lea Road, Shallcross Woods, Bowers Hall, Gold Lane, Long Hill and Denacre Lane enabling communities to be reconnected.
- We safely reopened Snake Pass (A57) under traffic lights within a few weeks after 3 major landslips caused the road to be closed.
- We are delivering the £5m DfT Challenge Fund to prevent retaining walls along the A6 between Whatstandwell and Matlock from failing.

Some of our Major Projects:

- We have completed the Woodville to Swadlincote Relief Road.
- Also the major A6 Hogshaw roundabout project.
- New infrastructure supporting the Ashbourne Airfield development site are also nearing completion.

In Traffic Management and Road Safety:

- The Safer Roads Programme has delivered the A619 to Baslow improvements and consultation on the A5004 Long Hill improvements has been completed with consultation on the A5012 Via Gellia currently being undertaken.
- 25 traffic and road safety schemes have been delivered improving safety for road users.
- 70 traffic signal installations have been upgraded with modern equipment.
- Implementation of our Traffic Control Centre here in County Hall.
- We have successfully started the trial use of SIDs cameras with Parish and District Councils.

Consultations with our residents:

- We have consulted on speed limit reductions on the A61 between Chesterfield and Clay Cross.
- We have also launched the consultation on the two green towns/20 mph zones in Buxton and Long Eaton as per our manifesto pledge.

Drainage and Flood management:

- Enhanced flood protection has been provided to 82 properties and three Flood Resilience Schemes completed to mitigate future flood risk.
- We have worked with partners to support the delivery of the Matlock Flood Mitigation Scheme, a major project to protect

Matlock, its businesses and its residents. This work is still ongoing.

Street lighting:

- Completed the upgrading of a further 9,100 street lights to LED (completing 99% of our street lights across Derbyshire) saving a total of £2.3m of energy costs in two years and over 20,000 tonnes of CO₂.

Our work to improve Cycleways, Greenways and Rights of Way:

- We have started construction of the Chesterfield East-West Walking and Cycling Route after a successful consultation exercise.
- We have constructed 4 new cycleways and over 7km of greenways have been repaired or improved.
- We have started construction of the Chesterfield East-West Walking and Cycling Route after a successful consultation exercise.
- We have constructed 4 new cycleways and over 7km of greenways have been repaired or improved. Obviously you don't want to hear the good news but that is okay.
- We have delivered 130 Rights of Way Improvement Schemes incorporating almost 31km of resurfaced paths. Additionally, new fingerpost signs have been installed at 1,200 locations and 200 paths have been waymarked.

Update from Public Transport:

- 100 new or replacement bus shelters installed and 276 bus stop accessibility upgrades completed.
- Just recently, during the severe weather event we experienced heavy snowfalls with strong winds creating snowdrifts where I know my colleague Councillor Spencer did actually get caught in that but very luckily he got through. We had low night-time temperatures creating freezing and icy conditions with several fallen trees. We rose to the challenge to help our local communities and our gritting crews were working at maximum output undertaking 350 gritting route operations and using over 2,000 tonnes of salt in five days.

I am sure you will agree that substantial improvements have been made thus far, and I will stop there.”

Councillor Murphy asked the following supplementary question:

“Thank you, Councillor Athwal. Congratulations to you and your team for

all the achievements. I would just like to ask what plans you have for the last year of the programme?”

Councillor Athwal responded to the supplementary questions as follows:

“Thank you, I would like to make clear that we are on a journey of improvements. Whilst much has been achieved there is still a lot more to do.

In 2023-24 we will complete the final year of the three year £120m Highways’ Capital Programme and we plan to deliver:

Under Carriageways:

- Resurface a further 333 roads.
- Also resurface a further 50 footways.
- Improve a further five major bridges and structure schemes.
- Delivery of the Government’s additional £4.2m pothole scheme (which my colleague Councillor Lewis alluded to earlier on) and improving the condition of our network will also take place.

Improving Structures:

- Including Hope Road South retaining wall, Harrington Bridge, Cromford High Peak Junction footpath.
- 4 landslip investigations and remedial schemes at A57 Snake Pass, B5056 Fenny Bentley, Oker and Starkholmes Road.
- Completion of the A6 retaining wall project between Matlock and Whatstandwell will also take place.

In Traffic Management and Road Safety:

- We aim to deliver 18 road safety schemes, 23 traffic management schemes.
- 26 traffic signal schemes.
- Completion of the Chesterfield Walking and Cycling Active Travel Project.

In Drainage and Flood Management we aim to deliver:

- 4 major drainage and flood management schemes.
- Implementation of gully monitoring Smart technology on the A6 between Matlock and Whatstandwell.

In street lighting:

- We will also deliver a further 21 street lighting projects.

Cycleways, Greenways and Rights of Way:

- 28 Rights of Way Improvement Schemes.

- 16 Cycle Routes and 6 Improvement Schemes.

Public Transport:

- 29 Public Transport Improvement Schemes and 2 air quality projects.
- Real Time Information and infrastructure improvements within the Bus Service Improvement Partnership project will also take place.

All the work is already done and the future planned works can only be carried out by a dedicated workforce. For that I would like to place on record my sincere thanks to all the Highways and Transport Teams, ably led by Mr Henning, for the work they all do sometimes under very trying circumstances.

I am pleased to report that with the amount of investment this administration has approved/allocated to Derbyshire highways we are on the road to better highways for all.”

Question from Councillor P Smith to Councillor B Lewis, Leader of the Council

“2022 marked the 30th anniversary of production at Toyota Manufacturing UK in Derbyshire and 25 years of our partnership with Toyota City. Toyota have been a good friend and partner to the County, supporting many communities and charitable causes over this time. To celebrate, there was a recent Civic visit from officials of Toyota City, including Mayor Ota. They also attended the recent Toyota City Partnership Board meeting, hosted by the County Council.

Does Cllr Lewis agree that the relationship with Toyota City is a worthwhile and appropriate model for encouraging suitable relationships between DCC and one of its prime companies - not only for the good the company does in the community, but also for the upskilling and employment opportunities provided by TMUK and its locally based supply chains? Will he join with me in applauding this partnership model that brings true mutual benefit to all?”

Councillor Lewis responded as follows:

“This won't be a terribly long answer everybody will be pleased to hear. You have seen the question about TMUK and the relationship we have with Toyota Region in Japan as well. Back in 1990 the County Council, Derby City Council, South Derbyshire District Council secured a major inward investment of a deal with Toyota Motor Corporation. As a result the production plant in Burnaston was built and Toyota Manufacturing, TMUK, became a significant part of the Derby/Derbyshire/East Midlands

economy.

In 1998 Derbyshire, the County Council, City Council and the South Derbyshire District and Toyota City signed an official twinning agreement to work collaboratively on projects that benefit both regions. In 2018 a Toyota City Partnership Board was established to expand that relationship into other areas and create new opportunities for engagement. That Board is chaired by Councillor Tony King very ably and enthusiastically, I might add, and supported by staff from all three Councils with links into Toyota City Council International Division and other Member organisations.

The TCPB it is abbreviated to, their objectives are to develop the Toyota City Partnership through an agreed programme of activity focused on five key themes: economy; education; culture; environment and sport, bringing together key economic and cultural stakeholders to work alongside three Councils and to support development of exchange programmes between their region and Derbyshire to include Civic Officer project; business and education related activity; consider and develop relevant new initiatives to enhance the partnership focusing primarily on economic development, tourism and the environment and lead the development of new sporting activities; seek new methods of resourcing the partnership through commercial sponsorship, grant funding and so on and also to act as a figurehead body for Derbyshire in establishing that strong working relationship with His Majesty's Government in light of the Japan/UK Joint Vision Statement and also to act as a figurehead for representation of the region in Japan with the Japanese Embassy and the Japan Local Government Centre.

This relationship continues with the development of the freeport and the joint work TMUK is doing with all three Councils on low carbon mobility. Separately through the relationships developed with TCPB and TMUK it is becoming more and more involved with local authority strategies and key low emissions partner to both Derby City and Derbyshire County Council. Thank you very much indeed for your question."

Councillor Smith asked the following supplementary question:

"A very brief question and I really do appreciate those members of the Council who have stayed behind to listen to this question. Many multinational companies across South Derbyshire and Derbyshire, including Toyota, see the pressing need to shorten their supply chains thus saving delivery miles and bringing trusted suppliers physically closer to their business. In order to optimise the opportunity this brings I believe we need to maintain an internally led inward investment effort in tandem with a strong investor development service. Would Councillor Lewis

agree this is a “catch ’em keep ’em” ethos and strategy?”

Councillor Lewis responded to the supplementary question as follows:

“Thank you very much indeed for the supplementary. The emphatic answer to that is yes. It is absolutely critical. We need to make sure that locally we provide the right economic and supportive environment, particularly around things like skills to ensure that that is a key success. The draft deal we have approved today and will be submitting to Government will certainly help in that.”

At 4.58pm, on the motion of Councillor B Lewis, duly seconded, it was

RESOLVED

That under rule 4.1 of the Council Procedure Rules the meeting should be extended by 15 minutes to enable the remaining business on the agenda to be considered.

38/23 NOTICE OF MOTION

None received.

The meeting finished at 5.10 pm

PUBLIC QUESTIONS TO COUNCIL – 24 MAY 2023

a) Question from Sue Owen to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“The government is intending to bring in legislation that would force Local Councils and Local Authority Pension Funds to make decisions about investments and procurement that must be in line with central government foreign policies. This means that Local Authority Pension Fund Committees would no longer be able to make their own ethical and responsible investment decisions.

This seems to totally undermine local democracy and the power of local authorities to make their own decisions on behalf of their local populations. Does Derbyshire County Council support this policy and if not, what actions are you taking to defend local democracy and the democratic rights of local people?”

b) Question from Wendy Bullar to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“In response to a previous public question, the Leader talked about the impacts of lithium and cobalt extraction, stating these may be as bad as the impacts caused by fossil fuels. I assume he was referring to batteries for electric cars. While experts agree there are impacts, these are nowhere near as catastrophic for climate and biodiversity as those caused by fossil fuels. The solution is to reduce car use, through car or lift sharing, more public transport and active travel and more tele-working.

We must however reduce energy demand – full stop. We must also generate more renewable energy across the UK and Derbyshire. Does the Leader accept the need to reduce demand for fossil fuels for transportation, residential and commercial energy use and what is the council doing to support this?”

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 24 MAY 2023

Report of the Director - Legal and Democratic Services

**Committee Memberships, Schedule of meetings and Outside Body
Appointments for 2023/24**

1. Purpose

- 1.1 For Council to make appointments to the Committees of the Council, including Chairmen and Vice-Chairmen for the ensuing year.
- 1.2 To seek approval of the schedule of Council, Cabinet and Committee meetings for the 2023/24 municipal year.
- 1.3 To seek approval to appoint to Outside Bodies for the ensuing year.

2. Information and Analysis

Committee Membership

- 2.1 In determining the membership of committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 as amended made under the Local Government and Housing Act 1989. These regulations require that seats on committees and sub-committees are allocated in a way which reflects the overall political balance of the Council and that the Council gives effect to the wishes of the political groups in the appointments to those seats.
- 2.2 Allocation of seats by a Council must give effect to the following principles set out in the 1989 Act. The principles have to be applied in priority order as follows:

- (a) that not all the seats are allocated to the same political group;
- (b) that the majority of seats are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;
- (c) subject to (a) and (b) above, that the total number of all seats of the ordinary committees allocated to each particular political group reflects the group's proportion to the membership of the authority;
- (d) subject to (a) – (c) above, that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority.

2.3 Under section 9FA(3) of the Act, a Cabinet member cannot be a member of an Overview and Scrutiny Committee. This is to ensure the scrutiny committee can act independently of the executive and conflict is avoided.

2.4 Derbyshire County Council has one elected member that has not joined a political group. A political group is defined as comprising two or more members. Members who are not members of a political group are not automatically entitled to seats on committees, however as long as the principles of proportionality outlined above are respected and no member votes against the recommendation, the Act does not prevent Councils choosing to offer seats to unaligned/non-grouped members.

2.5 The political groups entitled to seats on committees and therefore allocated seats on committees for the forthcoming year are as follows:

	Members	Percentage of seats	Actual seats
Conservative Group	42	66.67	67
Labour Group	15	23.81	24
Liberal Democrat Group	4	6.35	6
Reform UK Group	2	3.17	3

There are a total of 100 committee seats to be allocated for the 2023/24 municipal year. The allocation of seats on the committees and sub-committees of the Council is, therefore, as follows:

Committee	Total Seats	Con	Lab	Lib dem	Reform
Appointments and Conditions of Service	8	6	2	0	0
Audit	6	4	1	0	1

Committee	Total Seats	Con	Lab	Lib dem	Reform
DCC Trading	5	4	1	0	0
Governance Ethics and Standards	8	6	2	0	0
I&S - Climate	10	6	3	1	0
I&S - Health	9	6	2	1	0
I&S - People	9	5	2	1	1
I&S - Places	9	6	2	1	0
I&S - Resources	9	6	3	0	0
Pensions and Investments	8	5	1	1	1
Planning Delegation Sub	4	3	1	0	0
Regulatory – Planning	10	7	2	1	0
SACRE	5	3	2	0	0
Total	100	67	24	6	3

2.6 In addition to the Committees mentioned above the below bodies are appointed to on a proportional basis. As they are not formal committees or sub-committees of Derbyshire County Council, they are included separately on this report and not counted towards the total number of seats.

Committee/Body	Total Seats	Con	Lab	Lib dem
Derby and Derbyshire Development Plans Joint Advisory Committee	6	5	1	0
Derbyshire Combined Fire Authority	12	8	3	1
Member Development Working Group	7	5	1	1
Peak District National Park Authority	4	3	1	0

2.7 The Health and Well-being Board is required to appoint the three members of Cabinet with responsibility for Health and wellbeing matters.

2.8 A full list of proposed appointment to committees, including the relevant Chairmen and Vice-Chairmen, is presented at Appendix 2 to this report.

Schedule of meetings

2.9 Council must approve, at the Annual Meeting, a programme of ordinary meetings of the Council and its Committees for the ensuing year. This is presented at Appendix 3 to this report.

Outside Bodies

- 2.10 The Council makes appointments to a variety of outside bodies each year, from national and regional bodies to local community groups. Council is asked to approve the appointments to outside bodies as detailed in Appendix 4 to this report and to note that any in-year changes to the list may be agreed by the Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change in accordance with the provisions of Appendix 1 to the Council's Constitution – responsibility for Functions. Further work to review the list of bodies the Council appoints to will be undertaken over the course of this municipal year

3. Consultation

- 3.1 There is no requirement for public consultation on this report. Political Groups have been contacted for their nominations as appropriate.

4. Alternative Options Considered

- 4.1 The Council must make the appointments to Committees and Outside Bodies, although members could choose to make different appointments to those suggested. Members may also choose to set a different schedule of meetings to the one suggested at Appendix 3.

5. Implications

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

6. Background Papers

- 6.1 None identified

7. Appendices

- 7.1 Appendix 1 – Implications
7.2 Appendix 2 – Committee Membership 2023/24 (to follow)
7.3 Appendix 3 – Meetings Schedule
7.4 Appendix 4 – Outside Body Appointments

8. Recommendation(s)

That Council:

- 1) Appoints 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 this report;
- 2) Approves the schedule of meetings, attached at Appendix 3 to the report, for the 2023/24 Municipal Year; and
- 3) Appoints representatives to outside bodies as detailed at Appendix 4 to the report.

9. Reasons for Recommendation(s)

- 9.1 To ensure that the Council has appropriate Committees and sub-committees in place to discharge its functions and duties and that a schedule of meetings for the forthcoming year is in place.
- 9.2 To ensure that the County Council has continuing representation on a variety of Outside Bodies that are of benefit to the organisation.

Report Author: Alec Dubberley **Contact details:** alec.dubberley@derbyshire.gov.uk
Tel: 01629 539035

Implications

Financial

- 1.1 There are no direct financial implications arising this report as Special Responsibility allowances payable to members have been included in the base budget.

Legal

- 2.1 Legal implications have been considered in the body of 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 3
Schedule of Meetings 2023-2024

Committee	Preferred time and day	May23	Jun23	Jul23	Aug23	Sep23	Oct23	Nov23	Dec23	Jan24	Feb24	Mar24	Apr24	May24
Audit Committee	2:00PM Tuesday		20	18		19			5	30		19		
Cabinet	2:00PM Thursday		15	6,27		21	19	16	7	11	1,22	14	11	2
Council	2:00PM Wednesday	24		12		13		29			14	27		22
Derbyshire Police and Crime Panel	10:00AM Thursday		22			28		9		25	15	21		
Governance, Ethics and Standards Committee	2:00PM Thursday			13			26			18		7		
Health and Wellbeing Board	10:00AM Thursday			6			5			25		28		
Improvement and Scrutiny Committee - Health	2:00PM Monday	15		24		25			11	22		25		13
Improvement and Scrutiny Committee - People	2:00PM Wednesday		28			6		1			7			1
Improvement and Scrutiny Committee - Places	10:30AM Wednesday			26		27		22			28			15
Improvement and Scrutiny Committee - Resources	2:00PM Thursday		29			28			14		29			9
Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction	2:00PM Monday	22		3		18			4		5		29	
Member Development Working Group	10:00AM Monday		26				23				26			
Pensions and Investments Committee	10:30AM Wednesday		7	19		6	25		6	24		6	24	
Appointments & Conditions of Service Committee	2.00PM Quarterly			17			16			29			22	
Trading Committee	TBC													

6/1/2024

Appendix 3
Schedule of Meetings 2023-2024

Regulatory - Planning Committee	10:00AM Monday		19	17		4	2	6	4	8	5	4	8	13
Standing Advisory Committee for Religious Education	1:30PM Monday			3				13				18		

Please note that these dates are subject to change.

APPOINTMENTS TO OUTSIDE BODIES 2023/2024

Name of Outside Body	Number of Representatives	Name of Representative(s)
Acre Lane Shardlow, Sand & Gravel Site Liaison Committee	2	Cllrs N Atkin D Muller
Active Partners Trust	1	Cllr C Hart
Amber Valley Access Group	1	Cllr R Iliffe
Amber Valley Community Safety Partnership	1	Cllr P Moss
Arden (Birchvale) Waste Site Liaison Committee	1	Cllr A Clarke (Local Member)
Arkwright In Vessel Composting Facility Liaison	1	Cllr J Woolley
Ashbourne Community Transport Board of Trustees	1	Cllr D Murphy
Asbourne Reborn	1	Cllr S Spencer Substitute: Cllr S Bull
Association of Greater Manchester Councils – Joint Health Scrutiny Panel	1	Cllr L Grooby
Belper North Mill Trust	1	Cllr J Nelson
Bolsover Community Safety Partnership	1	Cllr N Hoy
Bolsover Countryside Partnership	2	Cllrs J Barron A Dale
Bolsover North East Derbyshire Leader Local Action Group (BNED LAG)	1	Cllr J Siddle
Bolsover Partnership Executive Board	1	Cllr J Barron
Bolsover Woodland Enterprise	1	Cllr J Barron
Butterley Ironworks Trust	1	Cllr R Ashton
Buxton Crescent and Thermal Spa Heritage Trading Company Limited (Director)	1	Cllr T Kemp
Buxton Crescent and Thermal Spa Heritage Trust Limited (Director & Trustee)	1	Cllr T Kemp
Chapel-en-le-Frith Education Trust (aka Bowden Head School Educational Trust)	2	Cllrs L Grooby N Gourlay
Chesterfield Royal Hospital NHS Foundation Trust	1	Cllr J Woolley
Chesterfield Canal Partnership	1	Cllr A Dale
Chesterfield Community Safety Partnership	1	Cllr J Innes
Chesterfield Muslim Association	1	Cllr R Mihaly
Coalite Development Board	1	Cllr T King
Corporate Parenting Board	5	Lead Member for Children's Services (Chair) – Cllr J Patten Lead member for Children's Education – Cllr A Dale Leader of the Council – Cllr B Lewis

Name of Outside Body	Number of Representatives	Name of Representative(s)
		Support Member for Children's Services – Cllr G Hickton Shadow Member for Children's Services – Cllr M Yates
County Council Network	4	Cllrs B Lewis S Spencer R Parkinson J Dixon
Creswell Heritage Trust – Council of Management (Director/Trustee and Member)	1	Cllr N Hoy
Cromford Canal Partnership	3	Cllrs B Lewis T Ainsworth G Hickton
Cromford Quarry Liaison Committee	1	Cllr D Murphy
D2 Joint Committee for Economic Prosperity	1	Cllr B Lewis
D2N2 Investment Board	1	Cllr B Lewis
D2N2 Local Enterprise Partnership Board	1	Cllr B Lewis
Derby and Derbyshire Local Access Forum	1	Cllr R Ashton
Derby and Derbyshire Music Partnership (3 reps from DCC and 2 from Derby CC)	3	Cllrs D Muller D Murphy P Smith
Derby and Derbyshire Waste Treatment Centre – Sinfin Community Liaison Group (CLG)	1	Cllr T Ainsworth
Derby and Sandiacre Canal Trust Board	1	Cllr G Hickton
Derby Enterprise Growth Fund	1	Cllr T King
Derby Housing Market Area Joint Advisory Board	1	Cllr T King
Derby University Court	1	Cllr A Dale
Derbyshire Archaeological Advisory Committee	1	Cllr B Lewis
Derbyshire Association of Local Councils	2	Cllrs C Hart N Atkin
Derbyshire Children's Partnership	1	Cllr J Patten
Derbyshire Community Health Services NHS Foundation Trust - Council of Governors	1	Cllr N Atkin
Derbyshire Dales Community Safety Partnership	1	Cllr A Sutton
Derbyshire Economic Partnership	2	Cllrs T King B Lewis
Derbyshire Environmental Trust (Trustee and Director)	1	Cllr T King
Derbyshire Gypsy Liaison Group	1	Cllr C Hart
Derbyshire Healthcare NHS Trust Foundation (Appointed Governor)	1	Cllr G Hickton

Name of Outside Body	Number of Representatives	Name of Representative(s)
Derbyshire Information, Advice and Support Service	2	Cllrs G Hickton R Flatley
Derbyshire Learning Disability County Partnership Board	1	Cllr W Major
Derbyshire Police and Crime Panel	1	Cllr C Hart (substitute Cllr D Muller)
Derbyshire Safer Communities Board	1	Cllr C Hart
Derbyshire Schools Forum	4	Cllrs A Dale R Flatley J Patten R George
Derwent Valley Line Community Rail Partnership	2	Cllrs T Ainsworth T Kemp
Derwent Valley Mills World Heritage Site Steering Group	1	Cllr B Lewis
Derwent Valley Mills Heritage Site Educational Trust (Trustee)	1	Cllr R Flatley
Divisional Fostering Panel	2	Cllrs R Iliffe D Muller
Dronfield Henry Fanshawe School Foundation Trust	2	B Kenyon J Kenyon
East Midlands Councils	2	Cllrs B Lewis S Spencer
East Midlands Councils Executive	1	Cllr B Lewis
East Midlands Reserve Forces and Cadet Association (EMRFCA) (Derbyshire)	1	Cllr N Atkin
Elvaston Castle and Gardens Trust – Board of Trustees	1	Cllr G Hickton
Elvaston Quarry Liaison Committee	4	Cllrs K Athwal N Atkin G Hickton D Muller
Environment Agency – Yorkshire Regional Flood & Coastal Committee	1	Cllr G Hickton (substitute – Cllr J Woolley)
Environment Agency – Trent Regional Flood and Coastal Committee	1	Cllr G Hickton (substitute – Cllr J Woolley)
Erewash Community Safety Partnership	1	Cllr C Hart
Erewash Local Strategic Partnership	1	Cllr K Athwal
Erin Waste Disposal Committee	1	Cllr A Hayes (Local Member)
Glossopdale Furniture Project	1	Cllr J Wharmby
Goseley Community Centre Management Committee	1	Cllr D Muller
Greater Nottingham Joint Planning Advisory Board	1	Cllr C Renwick
Hartington Reclamation Scheme Local Liaison Committee	1	Cllr B Bingham (Local Member)
Heage Windmill Society – Trustee Board	1	Cllr P Moss
Heritage Champion	1	Cllr B Lewis
High Peak and Hope Valley Community Rail Partnership	1	Cllr J Wharmby

Name of Outside Body	Number of Representatives	Name of Representative(s)
High Peak Community Safety Partnership	1	Cllr N Gourlay
HS2 Chesterfield and Staveley Delivery Board	1	Cllr T King
HS2 Executive Board	1	Cllr C Renwick
HS2 Mitigation Board	1	Cllr C Renwick
HS2 Strategic Board	1	Cllr C Renwick
Industrial Communities Alliance	1	Cllr T King
John Allsopp Educational Foundation	1	C Heywood
Johnsons Incinerator Bottom Ash	1	Cllr A Gibson
Local Authorities Pension Fund Forum	1	Cllr D Wilson
Local Government Association - National	4	3 conservatives Cllrs B Lewis S Spencer S Swann 1 Labour Cllr J Dixon
Long Eaton Town Centre Forum	1	Cllr G Hickton
Lowland Derbyshire and Nottinghamshire Local Nature Partnership	1	Cllr G Hickton
Markham Vale Liaison Committee	5	Cllrs N Hoy T King J Woolley
Markham Vale Partnership Members Board	3	Cllrs T King B Lewis S Spencer
MEGZ Limited (Directors)	3	Cllrs B Lewis S Spencer J Dixon
Mouselow Quarry, Glossop Local Liaison Committee	2	Cllrs D Greenhalgh J Wharmby
Museum of the Mercian Regiment (Worcestershire & Sherwood Foresters Collection)	1	Cllr N Atkin
National Coal Mining Museum for England Liaison Committee	1	Cllr R Redfern
New Mills Volunteer Centre	1	Cllr A Clarke (Local Member)
North East Derbyshire Community Safety Partnership	1	Cllr C Renwick
Nottingham East Midlands Airport Independent Consultative Committee	1	Cllr M Ford
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	1	Cllr A Sutton (substitute – Cllr C Cupit)
Peak District Local Access Forum	1	Cllr S Hobson
Peak District Partnership	1	Cllr N Gourlay
Pentrich and South Wingfield Revolution Group (Trustee Board)	1	Cllr P Moss
Programme Board Heanor Future High Street Fund Project	1	Cllr R Iliff

Name of Outside Body	Number of Representatives	Name of Representative(s)
Rail Forum Midlands	1	Cllr M Ford
SCAPE Group Ltd (Directors)	1	Cllr S Bull
Scargill's Educational Foundation	1	Cllr R Flatley
South Derbyshire Community Safety Partnership	1	Cllr M Ford
South Derbyshire Local Strategic Partnership	1	Cllr D Muller
South Normanton Joint Service Centre	1	Cllr J Siddle (Local Member)
South Yorkshire, Derbyshire and Nottinghamshire Joint Health Scrutiny Committee	1	Cllr J Wharmby
Sutton-cum-Duckmanton Education Foundation	1	Cllr J Woolley
Sutton-cum-Duckmanton Relief in Need Charity	1	Cllr J Woolley
Swarkestone Sand & Gravel Pit (Barrow-on-Trent) Liaison Committee	2	Cllrs M Ford D Muller
Tameside and Glossop Integrated Care NHS Foundation Trust	1	Cllr J Wharmby
Tameside and Glossop (CCG) Integrated Board	1	Cllr B Woods
Town Deal Board – Long Eaton	1	Cllr T King
Town Deal Board - Clay Cross	1	Cllr C Cupit
Town Deal Board - Staveley	1	Cllr C Renwick
Toyota City Partnership Board	1	Cllr T King
Trans Pennine Trail Partnership	1	Cllr J Wharmby
Transport for the North Board	1	Cllr C Renwick (sub Cllr J Wharmby)
University Hospitals of Derby and Burton NHS Foundation Trust - Council of Governors	1	Cllr D Muller
Visit Peak District and Derbyshire Destination Marketing Agency	1	Cllr T Kemp
Waingroves Community Association	1	Cllr R Ashton
Waste Management Contracts Board	2	Cllr S Spencer (Deputy Leader of Council) C Renwick (Cabinet Member with responsibility for Waste Management)
Whaley4Wards	1	Cllr R George (Local Member)
White Hall Centre	1	Cllr J Wharmby
Whitwell Quarry Liaison Committee(Tarmac)	1	Cllr N Hoy (Local Member)
Whitwell Works Liaison Committee(Lhoist)	1	Cllr N Hoy (Local Member)
World Heritage UK	1	Cllr B Lewis

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 24 MAY 2023

Report of the Leader of the Council

Notification of Portfolio Holders and Membership of the Cabinet

1. Purpose

- 1.1 To notify Council of the identities of Cabinet Members, Cabinet Support Members and their respective portfolios and approve amendments to the Constitution to incorporate Cabinet delegations.

2. Information and Analysis

- 2.1 As required by the Constitution of the Council, Members are asked to note the portfolios and identities of Cabinet Members and Cabinet Support Members for the ensuing year and approve the record of delegations to be included in the Council's scheme of delegation at Appendix 1 to the Constitution.

3. Consultation

- 3.1 Not applicable

4. Alternative Options Considered

- 4.1 As this report is for noting, there are no alternative options available.

5. Implications

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

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Composition of Cabinet 2023/24

8. Recommendation(s)

That Council:

Notes the information, provided at Appendix 2 to this report, in relation to Cabinet and Cabinet Support Members for the ensuing year and approves the record of delegations to be included in the Council's scheme of delegation at Appendix 1 to the Constitution.

9. Reasons for Recommendation(s)

9.1 To comply with the provisions of the Council's Constitution that requires the Leader of the Council to inform Council of the composition of Cabinet for each municipal year and Council to agree the relevant delegations to be incorporated in Appendix 1.

Report Author: Alec Dubberley **Contact details:** alec.dubberley@derbyshire.gov.uk
Tel: 01629 539035

Implications

Financial

1.1 None directly arising from this report.

Legal

2.1 Derbyshire County Council operates under the Strong Leader and Cabinet style of governance as set out in the Local Government Act 2000. Under the Local Government Act 2000 as amended, the Leader has the authority to appoint his Cabinet and determine how executive functions will be exercised. By virtue of section 9C(5), the number of members of the executive shall not exceed 10. The Council's Constitution provides that the Leader of the Council is responsible for the:

(a) appointment of the Cabinet which will consist of the Leader and not less than 2 nor more than 9 other Councillors, as the Leader shall determine; and

(b) allocation of areas of political responsibility to members of the Cabinet, as the Leader shall determine from time to time.

It is therefore appropriate for the Leader to make decision on the remit of Cabinet Members.

2.2 There is a requirement in the Constitution for the Leader to notify Council at the Annual Meeting of their Cabinet and the record of delegations to be included in the scheme of delegation at Appendix 1 to the Constitution.

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

CABINET AND PORTFOLIO APPOINTMENTS

CABINET MEMBERSHIP

Comprising the Council Leader and 8 Members appointed by the Leader.

Membership

Portfolio Responsibility

Councillor B Lewis (Leader)	Strategic Leadership, Culture, Tourism and Climate Change
Councillor S Spencer (Deputy Leader)	Corporate Services and Budget
Councillor C Hart	Health and Communities
Councillor T King	Clean Growth and Regeneration
Councillor N Hoy	Adult Care
Councillor C Renwick	Infrastructure and Environment
Councillor C Cupit	Highways Assets and Transport
Councillor J Patten	Children and Families (Children's Social Care and Early Help including Safeguarding)
Councillor A Dale	Education (Education, Skills and Learning including SEND)

Cabinet Support Members

Councillor S Hobson	Strategic Leadership, Culture, Tourism and Climate Change
Councillor L Grooby	Corporate Services and Budget
Councillor N Atkin	Health and Communities
Councillor P Moss	Clean Growth and Regeneration
Councillor D Muller	Adult Care
Councillor A Sutton	Infrastructure and Environment
Councillor J Woolley	Highways Assets and Transport
Councillor G Hickton	Children's Services and Safeguarding
Councillor R Flatley	Education

RESPONSIBILITY FOR FUNCTIONS

THE CABINET

1.1 CABINET

The Cabinet will be responsible for guiding the Council in the formulation of its corporate plan of objectives and key priorities. Within the policy framework, budgets and major plans are approved by the full Council and the Cabinet will have executive responsibility for the implementation of the Council's key goals and objectives.

1.2 CABINET PORTFOLIO RESPONSIBILITIES

Strategic Leadership, Culture, Tourism and Climate Change

- Council Plan and overall Council strategy, policy and co-ordination
- Council performance
- Council budget strategy
- Climate Change
- Strategic lead Enterprising Council
- Strategic lead Vision Derbyshire
- Public Relations
- Policy & Research
- External Relations (East Midlands Councils, Local Government Association, Central Government & MPs)
- Regional Partnerships including Local Enterprise Partnership and D2 Economic Prosperity Committee
- Twinning
- Visitor Economy and Tourism
- Libraries and Culture
- Conservation and Heritage
- Strategic leadership of any matter of significant local, regional or national importance that may otherwise fall within another portfolio

Corporate Services and Budget

- Finance and Budget Monitoring
- Procurement
- Human Resources – Policy and Strategy
- Organisational Health and Safety

- Legal and Democratic Services
- Elected Member Development
- Property Rationalisation and Asset Management
- Efficiency and Value for Money
- Service Re-design
- Information and Communications Technology Services

Highways Assets and Transport

- Highways Assets and Highways Strategy
- Highways Asset Management and maintenance
- Highways Capital Programme
- Future Highways Model
- Highways Structures Management
- Road Safety
- Street Lighting
- Civil Parking enforcement
- Flooding and Drainage
- Public Transport
- Home to School Transport including SEN
- Adult Social Care Transport
- Community Transport
- Fleet Management and Maintenance

Infrastructure and Environment

- Environment and Natural Capital
- Countryside Services
- Local Nature Partnerships
- Strategic Planning and Local Planning Frameworks
- Minerals and Waste Planning
- Strategic Infrastructure (HS2, Chesterfield Staveley)
- Transport Strategy and Transport Planning (road, rail, other)
- Regional Transport Partnerships (Midlands Connect, Transport for Greater Manchester, Transport for the North and Transport for East Midlands)
- Digital Infrastructure
- Waste Strategy
- Waste Management
- Recycling
- Corporate Waste

Clean Growth and Regeneration

- Economic Development
- Economic Partnerships including Derbyshire Economic Partnership, International Partnership Boards
- Local Economic Strategy and Assessment
- Sector development
- Major regeneration projects
- Employment and Skills
- External Funding
- Inward Investment and Indigenous Growth
- Apprenticeships
- Business Support and Start-ups
- Markham Vale

Adult Care

- Adult Safeguarding
- Better Lives Programme
- Information, advice and assessment for people with social care needs
- Personalisation
- Commissioning and Procurement of Services
- Provision of in house services
- Social Care and NHS integration

Health and Communities

- Health and Wellbeing Board
- Relationship with the NHS CCG and Integrated Care Partnership
- Public Health, including:
 - Health improvement
 - Healthcare related public health
 - Health protection (infectious diseases and environmental health threats and preparedness)
- Prevention
- Health Inequalities
- Integration, including Integrated Care System
- Mental Health and Wellbeing
- Developing whole person wellbeing, health and care
- Strategic lead Thriving Communities
- Engagement with Communities

- Equalities
- Community Cohesion
- Community Consultation and Community Leadership
- Voluntary and Community Sector
- Crime and Disorder and Partnerships
- Domestic Violence
- Action on Drugs and Alcohol
- Emergency Planning
- Trading Standards
- District and Parish Council Liaison
- Registration Services
- Coroner Services

Children and Families

- Designated Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004
- Child protection & safeguarding
- Looked after children and care leavers
- Child exploitation
- Family support and social care for children with specific needs (disabilities)
- Child and adolescent mental health services.
- Youth Justice service
- Children & family centres

Education

- Children and Learning Services inc. SEND and inclusion.
- Early Years Education
- Schools (organisation, sufficiency planning & governance) commercial relationships and academisation.
- Education and SEND Strategy
- Post 16 Education
- Apprenticeships & Training
- Links with further and higher education.
- Adult and community education.
- Traded Services within Children's Services.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 24 MAY 2023

Report of the Director of Finance and ICT

Derbyshire Pension Board - Appointment of New Board Members

1. Purpose

- 1.1 To seek approval for the appointment of two new members of Derbyshire Pension Board (the Pension Board/the Board).

2. Information and Analysis

- 2.1 The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015, introduced a requirement for administering authorities of local government pension funds to establish local pension boards as part of an enhanced governance structure for the Local Government Pension Scheme (LGPS).

Pension boards were introduced to assist administering authorities to secure compliance with pension legislation and to ensure the effective and efficient governance and administration of the LGPS. Derbyshire County Council is the administering authority of Derbyshire Pension Fund (Pension Fund/the Fund).

In April 2015, Council approved the establishment of Derbyshire Pension Board and its inaugural terms of reference. Council has subsequently reviewed the operation of the Board, extended Board terms of membership, approved Board appointments and approved updated terms of reference which are attached as Appendix 2.

The Board has successfully supported the Pensions and Investments Committee in discharging the Council’s statutory functions under the LGPS Regulations and associated pension legislation related to the Fund. The Board has also encouraged the administering authority in its drive to adopt best practice in relation to the governance and administration of the Pension Fund.

The Board is made up of two Member Representatives and two Employer Representatives, together with an independent Chair.

2.2 Following previous Council approvals of Board appointments, the Employer and Member Representatives of the Board are as follows:

Role	Name	Start Date of Term	Term	Expiry
Employer Rep	Oliver Fishburn	May 2019	4 years	May 2023
Employer Rep	Susan Ambler	Feb 2022	4 years	Feb 2026
Member Rep	Karen Gurney	June 2019	4 years	June 2023
Member Rep	John Sadler	Nov 2022	4 years	Nov 2026

Oliver Fishburn (Employer Representative) and Karen Gurney (Member Representative) are stepping down from the Board when their terms of office end in May 2023 and June 2023 respectively.

Ms Gurney has been a member of the Pension Board since it was first established in 2015.

Mr Fishburn joined the Board in 2019.

Both members have made very positive contributions to the governance of the Pension Fund during their tenure on the Board and fellow Board members and officers of the Fund would like to note their thanks for their contributions.

2.3 Recruitment processes has been undertaken for a new Employer Representative and a new Member Representative to fill the forthcoming vacancies on the Board.

Employer Representative Vacancy

The recruitment of a new Employer Representative involved informing all current participating employers about the vacancy. This included advertising the position as follows:

- on the Fund’s website
- writing to all current participating employers in the Pension Fund

- highlighting the vacancy in the monthly Employer Newsletter

Member Representative Vacancy

The recruitment of a new Member Representative involved informing current Fund members about the vacancy. This included advertising the position as follows:

- on the Fund's website
- through the County Council's recruitment site and
- contacting members registered on the Fund's My Pension Online system

2.4 Applications received

Employer Representative Vacancy

One application was received which is supported by the candidate's employer.

A panel of the Chair of the Pension Board, the Head of Pension Fund and an officer of the Fund, held a positive meeting with the candidate, Lisa Seeley, which included a series of questions from the panel which explored Mrs Seeley's knowledge, experience and fit for the role.

Mrs Seeley is the Head of Payroll and Pensions at Aspens-Services Ltd. which participates in the Pension Fund as an Admission Body as a result of three contracts to provide catering services in certain schools and academies related to employers in Derbyshire Pension Fund.

Aspens-Services Ltd participate in approximately 50 LGPS pension funds and a number of other pension schemes linked to the catering contracts it fulfils across the United Kingdom. This has provided Mrs Seeley with a well-informed perspective of how different pension funds operate.

It is proposed that Lisa Seeley is appointed to the Pension Board as an Employer Representative for a term of four years, subject to Aspens-Services Ltd maintaining its status as an Admission Body in the Fund.

Admission Bodies' participation in LGPS pension funds is normally restricted to terms of contracts with public services bodies which involve the transfer of employees eligible for the LGPS.

Member Representative Vacancy

Applications were received from three Fund members.

A panel of the Chair of the Pension Board, the Head of Pension Fund and an officer of the Fund, met each candidate which included a series of questions from the panel which explored their knowledge of the LGPS, experience within the local government sector and skillset to determine the most suitable candidate for the position of Member Representative.

The panel recommends that Mark Wreghitt is appointed as the new Member Representative for a term of four years to fill the vacancy following the end of Ms Gurney's tenure.

Mr Wreghitt is a pensioner member of the Fund and also has membership in other LGPS funds through his wide experience in the local government sector which has enabled him to gain valuable insights into the experience of LGPS scheme members.

3. Implications

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

4. Background Papers

- 4.1 Background papers are held by the Head of Pension Fund:
- Communications with the Fund's employers and members of the Pension Fund regarding the vacant positions on the Pension Board.
 - Applications received from all candidates.

5. Appendices

- 5.1 Appendix 1 – Implications
5.2 Appendix 2 - Derbyshire Pension Board Terms of Reference

6. Recommendation(s)

- 6.1 That Council:
- a. Approves the appointment of Lisa Seeley as an Employer Representative on Derbyshire Pension Board for a term of four years to May 2027, subject to her employer maintaining its participation in the Pension Fund.

- b. Approves the appointment of Mark Wrehitt as a Member Representative on Derbyshire Pension Board for a term of four years to June 2027.

7. Reasons for Recommendation(s)

- 7.1 To ensure that the appropriate employer and member representation is in place on Derbyshire Pension Board.

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Implications

Financial

1.1 None

Legal

2.1 Regulation 105(2) of the Local Government Pension Scheme Regulations allows an administering authority to delegate any function under those Regulations. An administering authority is also required under Regulation 109 to 'have regard' to guidance issued by the Secretary of State in relation to local pension boards. Under government guidance issued in 2015 when Pension Boards were first established, the administering authority has to consider carefully the establishment of its local pension board and the appointment of its members. The guidance indicates that this should be a function undertaken by the administering authority (i.e. full council) rather than delegated to a committee or officers.

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



Derbyshire
Pension
Fund

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Derbyshire Pension Board: Terms of Reference

March 2021

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1. Introduction

This document sets out the terms of reference for the Derbyshire Pension Board (the Board). The Board will exercise all its powers and duties in accordance with the law and (subject to that), these Terms of Reference.

Derbyshire County Council (the Council) is required to maintain a local pension board to assist the Council in its role as the administering authority of Derbyshire Pension Fund, part of the Local Government Pension Scheme (the LGPS).

The Board was set up in 2015, in accordance with the requirements of Section 5 of the Public Service Pensions Act 2013 and Regulation 106 of the Local Government Pension Scheme Regulations 2013 (2013 LGPS Regulations). Regulation 106 was published in January 2015 as part of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015.

The Board operates independently of the Council's Pensions and Investments Committee (the Committee) which is responsible for the management and administration of the Fund on behalf of the Council.

The role of the Board is to support the Committee in discharging the Council's statutory functions under the Local Government Pension Scheme Regulations and associated pension legislation in relation to the Fund.

The Local Government Pension Scheme (LGPS) Regulations refer to Scheme Managers of LGPS funds; Derbyshire County Council is the Scheme Manager of Derbyshire Pension Fund.

2. Functions of the Board

The function of the Board as set out in Regulation 106 of the 2013 LGPS Regulations is to assist the administering authority:

(a) to secure compliance with:

- the 2013 LGPS Regulations
- any other legislation relating to the governance and administration of the LGPS and any connected scheme
- any requirements imposed by the Pensions Regulator in relation to the LGPS and any connected scheme

(b) to ensure the effective and efficient governance and administration of the Scheme and any connected scheme

The Council considers that assisting the administering authority means providing oversight of the matters listed above; accordingly, the Board may make recommendations to the Committee to assist

in the management of the Fund. The oversight of the Fund's governance is considered to include oversight of the governance of funding and investment matters.

The Board may determine the areas of compliance, governance and administration in relation to the management of the Fund that it wishes to consider; it will also undertake work requested by the administering authority in relation to the management of the Fund.

Under the 2013 LGPS Regulations, the Board also has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

In order to carry out their role effectively, members of the Board are entitled to attend all parts of Pensions and Investments Committee meetings, including the part of the meeting when items covered by exempt/confidential information procedures under the Local Government Act 1972 are considered.

The Board will provide recommendations to the Committee with respect to governance documents and procedures it has reviewed to assist the Committee with its decision making.

3. Composition of the Board

Membership

The Board shall consist of four voting Board Members, as follows:

- two Member Representatives; and
- two Employer Representatives.

There shall be an equal number of Member and Employer Representatives.

Member Representatives

Member Representatives shall either be members of the Fund or have the capacity to represent such members.

All active, deferred and pensioner scheme members will be invited, via the Fund's website, to submit applications to join the Board. A selection process will be carried out by the administering authority in conjunction with the Chair of the Board to appoint the Member Representatives.

Member Representatives should be able to demonstrate their capacity to attend, and complete the necessary preparation for, meetings and participate in training as required.

Employer Representatives

Employer Representatives shall be officers or elected members of employers of the Fund or have the capacity to represent employers of the Fund.

No officer or elected member of the Council who is responsible for the discharge of any function under the LGPS Regulations (other than functions required of duly-appointed members of the Board) may be a member of the Board.

All of the Fund's employers will be invited to nominate one representative to represent employers on the Board. A selection process will be carried out by the administering authority in conjunction with the Chair of the Board to appoint the Employer Representatives.

Employer Representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Chair of the Board

The Council may appoint one Independent Member who, if appointed, shall be the Chair and shall not be entitled to vote. The Independent Member must be neither an Employer nor a Member Representative.

Where the Council does not appoint an Independent Chair, the office of Chair must be filled alternately from municipal year to year by an Employer Representative and a Member Representative.

The Chair of the Board shall:

- ensure that the Board carries out the functions set out in these Terms of Reference
- develop a work plan for the Board in conjunction with officers of the Council
- determine the agenda for meetings of the Board in conjunction with officers of the Council
- ensure that meetings of the Board are productive and effective, and that opportunity is provided for the views of all Board members to be expressed and considered
- prepare a draft Annual Pension Board Report in conjunction with officers of the Council, for consideration by the Board

The decision of the Chair on all points of procedure and order shall be final.

Term of Office – Chair

Any Independent Representative's term of office will be determined by separate terms agreed by the Scheme Manager and will be subject to ongoing review as defined in those terms.

Terms of Office – Employer and Member Representatives

Employer and Member Representatives are appointed for a period of four years. Former or existing members of the Board may be reappointed for further terms following a selection process.

An employer representative appointment will automatically cease if the individual is no longer in the employment of that employer or no longer an elected member of that employer.

An appointment will automatically cease if:

- a Board Member no longer meets the eligibility criteria
- a Board Member has a conflict of interest which, in the opinion of the Council, cannot be managed in accordance with the Pension Fund's Conflicts of Interest Policy
- a Board Member wishes to resign and has given one month's notice in writing to the Council (Director of Legal Services).

If a Board Member fails, without reasonable excuse, to attend meetings or otherwise comply with the requirements of being a Board Member, for example fails to attend the necessary knowledge and understanding training, then the tenure of membership will be reviewed by the other Board Members in liaison with the Council.

4. Decision making, administration and reporting

Notice of Meetings, Agendas and Minutes

The Scheme Manager shall agree the agenda of each Pension Board meeting with the Chair of the Board and shall give notice to all Board Members of every meeting of the Board, ensuring that all meeting papers are circulated to Board members at least 5 working days prior to each meeting. Additional items may be added to the agenda at a later date with the consent of the Chair. Minutes of Board meetings shall be circulated to the Chair of the Board for draft approval within 10 working days and then circulated to the remaining Board members for formal approval at the following Board meeting.

Location and Timing of meetings

The Board shall as a minimum meet twice each municipal year. The meetings shall normally be held at County Hall in Matlock but can be held virtually if appropriate.

Quorum and Appointment of Proxies

A meeting of the Board is quorate when at least one Member Representative and one Employer Representative and, if appointed, the Independent Chair are present.

If the Independent Chair is unable to attend the meeting, the meeting will be quorate when at least three other members of the Board are present. In these circumstances, the other members of the Board will appoint one of their number to chair the meeting. The member chairing the meeting in this circumstance will retain his or her right to vote.

All members of the Board are expected to attend meetings regularly and records of attendance of all members will be maintained. If for any reason a Board Member cannot attend a Board meeting, he or she is not permitted to send a proxy or substitute in his or her place to attend and vote at the meeting.

Voting and Decision-making

A decision will require the approval of a majority of Board Members present at the meeting.

An Independent Member does not have a voting right.

5. Budget

The Board will be provided with adequate resources to fulfil its role.

Fees

Payments to any Independent Member will be in accordance with the terms of their contract.

It is anticipated that the employers of representatives on the Pension Board will allow their employees time off to allow the representatives to perform the role within their normal working day.

Expenses

The expenses of Board members shall be in accordance with the Council's normal policies and the expenses of the Board shall be met from the Fund.

6. Standards of conduct & conflicts of interest

The members of the Board shall always act within the relevant legislative and regulatory requirements and, subject to these, within these Terms of Reference and in accordance with the Council's Code of Conduct for Members which is consistent with the 'Seven Principles of Public Life' (known as the Nolan Principles) and the Pension Fund's Conflict of Interest Policy.

Though members of the Board include representatives of specific categories of stakeholder (i.e. scheme members and employers) each Board member is required to have due regard to the role of the Board as outlined in these Terms of Reference. Accordingly, all members are expected to work jointly with the key purpose of oversight of the management of the Scheme, putting aside any individual views of any stakeholders. This should not prevent Board members from sharing their knowledge on how matters might impact on specific stakeholders of the Scheme.

The Board must be satisfied that it is acting in accordance with the relevant legislative and regulatory requirements and (so far as practicable) also within:

- the conflicts of interest requirements of the Public Service Pensions Act 2013 and the Local Government Pension Scheme Regulations
- in the spirit of any national guidance or Code of Practice in relation to conflicts of interest
- the Pension Fund's Conflict of Interest Policy

Each member of the Board, or a person proposed to be appointed to the Board, (as well as attendees participating in the meeting) must provide the Council with such information as is required for the purposes of demonstrating that there is no conflict of interest or that any conflict can be managed appropriately

7. Knowledge & skills

In accordance with the Public Service Pensions Act 2013 and The Pensions Regulator's Code of Practice No. 14 there is a requirement for members of the Board to have knowledge and understanding of the following areas:

- The LGPS rules e.g. eligibility for the scheme and scheme benefits
- Documented administration policies
- The law relating to pensions so far as relevant to the Fund

Pension Board members' breadth of knowledge and understanding should be sufficient to allow them to understand fully and challenge any information or advice they are given.

The Fund has developed a Training Policy to support members of the Pensions and Investments Committee and the Board, and senior officers in performing and developing personally in their individual roles, with the aim of ensuring that the Fund is managed by individuals who have the appropriate levels of knowledge and skills.

Members of the Board are required to comply with the Fund's Training Policy.

8. Communication & reporting

One of the Fund's core objectives is to deliver clear, timely and relevant communications to all stakeholders. The Board shall ensure that the following up to date information is included on the Fund's website:

- The names of Board Members
- A Board email contact address
- The role of the Board as set out in these Terms of Reference
- How scheme members and employers are represented on the Board
- These Terms of Reference
- A summary of business covered at Board meetings
- The Board's Annual Report

The Board's Annual Report, detailing the activities of the Board over the previous year, will be published as part of the Pension Fund Annual Report which is reported to the Pensions & Investments Committee ahead of publication. The Board's Annual Report will also include:

- board attendance
- membership and training details
- any declared conflicts of interest
- the cost of running the Board
- the work plan for the year ahead

The Board will be accountable to report under the relevant provisions of the Pensions Act 2004, the 2013 LGPS Regulations and other relevant LGPS Regulations.

Any recommendations or concerns should be reported, in the first instance, to the Chair of the Committee. Where the Board is concerned that any recommendations or concerns have not been properly dealt with by the Committee, the matter should be escalated to the Council's Monitoring Officer and / or the Section 151 Officer (as appropriate).

If despite having followed these internal escalation routes, the Board has remaining concerns, they should be reported to the appropriate external body (e.g. the LGPS Scheme Advisory Board or the Pensions Regulator).

In addition to developing the Board's Annual Report, the Board shall prepare a report for Committee on its activities part-way through the year. When circumstances permit, the Chair of the Board shall meet with the Chair of the Committee at least once a year to discuss Board / Committee matters.

9. Review

These Terms of Reference shall be reviewed on each material change to the legislation covering local pension boards and at least every three years.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

24 May 2023

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 March 2023 to 15 May 2023**

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Household Support Fund Grant Extension - 1 April 2023 to 31 March 2024	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change, 10 May 2023	1) To approve the outline spending plans for Derbyshire County Council's allocation of the Household Support Fund Grant Extension of £10.800m. 2) To agree the continuation of the delegation of authority to the Director of Public Health in consultation with the Director of Finance & ICT and the Executive Director of Children's Services to approve amendments and changes to plans for distributing the funding in line with the overall scheme eligibility requirements for the period of the grant, 1 April 2023 to 31 March 2024	To ensure that residents continue to receive financial help	Central government timescales for notifying how grant would be spent would not have been met if usual notice was given.

Appendix 3:

**Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived
14 March 2023 to 15 May 2023**

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Household Support Fund Grant Extension - 1 April 2023 to 31 March 2024	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change, 10 May 2023	1) To approve the outline spending plans for Derbyshire County Council's allocation of the Household Support Fund Grant Extension of £10.800m. 2) To agree the continuation of the delegation of authority to the Director of Public Health in consultation with the Director of Finance & ICT and the Executive Director of Children's Services to approve amendments and changes to plans for distributing the funding in line with the overall scheme eligibility requirements for the period of the grant, 1 April 2023 to 31 March 2024	Household Support Fund Grant Extension - 1 April 2023 to 31 March 2024	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change, 10 May 2023

ELECTED MEMBER QUESTIONS TO COUNCIL – 24 MAY 2023

1. Question from Councillor J Siddle to Councillor A Dale, Cabinet Member for Education

“Will the Cabinet Member for Education please provide Council with an update on the recent OFSTED inspection of the Derbyshire Adult Community Education Service (DACES)?”

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

“Every week we are told of the number of potholes repaired. However, this data is not helpful without a wider context. For example:

- Apart from emergency fixes and necessary temporary repairs, how many pothole repairs need to be revisited within a 12-month period?
- What is the balance between planned and reactive repairs? If we continually patch road surfaces, rather than carry out the fundamental repairs necessary, reporting that more potholes have been repaired is a negative and not a positive.

Will this additional information be provided and if not, how can residents hold the Council to account when it displays such a poor grasp of performance data?”

3. Question from Councillor G Kinsella to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

“Active Travel England (the Government body responsible for Active Travel) have rated each Local Authority on their active travel plans. Derbyshire achieved a score of 1 out of 4, defined as “some local leadership with basic plans and isolated interventions that do not yet obviously form a plan for a network.” Is the government wrong in its assessment and have the Authority taken up Active Travel England’s offer of advice and training to help poorly rated Authorities?”

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