

PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 13 September 2023 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

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

Apologies for absence were submitted for Councillor R Ashton, D Allen, D Greenhalgh, T Kemp, R Mihaly, P Moss, J Nelson, P Smith and B Woods.

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

67/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allen, Ashton, Greenhalgh, Kemp, Mihaly, Moss, Nelson, Smith and Woods.

68/23 DECLARATIONS OF INTEREST

The following Councillors declared a disclosable and pecuniary interest with regard to item 15 on the agenda (minute 81/23 refers) by virtue of their membership of Derbyshire Fire and Rescue Authority:

T Ainsworth, S Bull, S Burfoot, M Foster, N Gourlay, R Iliffe, J Innes, L Ramsey, S Swann D Taylor and J Woolley.

Councillor A Foster declared a disclosable and pecuniary interest with regard to item 15 on the agenda (minute 81/23 refers) by virtue of her position as Police and Crime Commissioner. Councillor R Flatley also declared the same interest by virtue of his position as Deputy Police and Crime Commissioner.

Councillor K Gillott declared a disclosable and pecuniary interest with regard to items 14 and 15 on the agenda (minutes 80/23 and 81/23 refer) by virtue of his membership of the Derbyshire Fire and Rescue Authority.

69/23 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Alan Haynes to his first meeting having been elected on the 31 August to the Swadlincote South Division.

70/23 **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 12 July 2023.

71/23 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

Nothing was raised under this item.

72/23 **PUBLIC QUESTIONS**

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

“The Department of Levelling Up, Housing and Communities is proposing that all Local Government Pension funds should be transferred into less than 8 pools by 2025, with 5% of funds allocated to levelling up. While we support investment in local sustainable projects and housing, we see this proposed change as a severe curtailment of local democracy. It will mean that local councils have virtually no control over their pension funds to which the people they represent have contributed their earnings.

I also asked a question previously about the Economic Activities of Public Bodies (Overseas Matters) Bill. Both these proposed changes represent a profound attack on local democracy.

Will Derbyshire County Council defend local democracy and oppose these proposed changes to pension funds, and what has or will be your response to both the consultations?”

Councillor Spencer responded as follows:

“I would have to disagree that the proposals will bring about a “curtailment of local democracy” in your original statement, but that aside I would also tell you that we have responded on a technical basis to the procurement consultation that has been taking place recently and of course a report was taken to the Pensions and Investment Committee last week on which they had a discussion about that very same item.

As I would also point out to you, it is our priority to look after the interests of the Local Government Pension Scheme on behalf of its membership and that is what this Authority will continue to do in the future.”

Mrs Owen asked the following supplementary question:

“I still don’t feel that I understand what your response was to either of these proposed changes and as you are responding to the consultation on behalf of the people of Derbyshire I would appreciate it if you can give me a clear understanding of how Derbyshire County Council has responded to both of those consultations, and also would you agree that Levelling Up is a good concept and that the Pension Fund could invest more in local membership of sustainable enterprises such as green energy, insulation or social housing instead of investing in dangerous fossil fuels?”

Councillor Spencer responded as follows:

“I am more than happy to furnish you with a written response with regard to the detail of the consultation which was very technical in its approach.

I would also say with regard to Levelling Up, as I said earlier in our discussion it is the priority of the Pension Fund to invest the pensions of the staff of this organisation in an appropriate fashion to give the return that is required. All I can say to you is I will furnish you with the detail of the consultation response but like I say it was a very technical response and I am more than happy to keep you informed with regard to the ongoing discussions because that consultation will come back to us hopefully at the beginning of March next year.”

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

“After raising a Performance and Monitoring report query, HR Services advised on 21-03-23 that previously reported 2022/23 absence rates were incorrect due to calculation errors. Quarter 1 was reported as 5.4% instead of 5.3 %, Quarter 2 as 5.7% instead of 5.4% and Quarter 3 was

reported as 5.5% but subject to change.

I was informed adjustments would be made clear in future Cabinet and Full Council reports. An FOI request was also subsequently submitted for background information. However, I note the Quarter 4 report to Cabinet on 27-07-23 made no reference to Quarters 1 to 3 errors, instead comparing the 2022/23 year end figure to the 2021/22 year end figure.

The Corporate Performance Management Framework states (under Principles - honesty and transparency) reports should accurately reflect the true picture. What error margins are acceptable to Cabinet and before any published Performance data also has to be publicly corrected?"

Councillor Spencer responded as follows:

"The statistics within this document are forever being adjusted day-by-day, as I am sure you will appreciate, and as far as I am aware and see from the information provided to you, those figures were updated in subsequent papers following the original paper that was produced.

What I would be interested to hear from yourself is we are talking about 0.2% of a statistic here. I understand and agree that total transparency and clarity is required but I would have to question whether a 0.2% variation and challenging those statistics was in the public interest. I would accept a variance because like I say this is a living document. That is the position."

Mr Ingham asked the following supplementary question:

"In terms of the supplementary, which will touch on some of the things that Councillor Spencer has identified, I think the situation for me has illustrated things like Cabinet expectancies and the challenges for the Executive. I have been informed Cabinet members weren't informed about these reporting mistakes, mistakes reported to numerous Committees. Councillor Spencer wasn't even made aware of the mistakes prior to attending full Council on the 22 March and taking my related question.

Despite errors being identified nearly a year ago, Quarter reports 1 and 2 remained uncorrected within the performance section on the Council's website, albeit Quarter 3 absence has been changed upwards to 5.6% by somebody, that said outside of any Committee approval process. The public should have confidence in metric published information regardless of how small and not just absence.

Given that mistakes aren't drawn to the attention of members or the public would Councillor Spencer consider referring the matter of performance metrics' publication process to the relevant Scrutiny Committee to thoroughly review from start to finish and provide the required confidence in future reporting to protect the Council?"

Councillor Spencer responded as follows:

"Given the financial pressures the Authority is under, good use of personnel time and member time is essential in managing those pressures. If I felt in any way that 0.2 of a percent was going to impact on the performance data of the Authority, I would undoubtedly be asking the questions that you are asking of me now. I do believe there will be variances on a day-to-day basis and I also believe there will be variances in the statistics that are provided on Day One and the difference between that and the publication date which may be several weeks later.

I am more than happy for the financial team to check those statistics moving forward and we will endeavour to make sure they are all 100 percent correct, if they are not already, but I also would say to you it is also important that they have the ability to adjust those figures at later meetings, in other words they are living documents to all intents and purposes, so with regard to that living document status I would suggest to you if there is a difference between the documents provided to the meeting at a particular time and the information on the website that may well just purely be a clerical error but I will ask Democratic Services to look into that today."

73/23 **PETITIONS**

None received.

74/23 **HONORARY FREEWOMAN OF THE COUNTY**

The Managing Director introduced a report, which had been circulated in advance of the meeting that sought agreement, in principle, to conferring the title of Freewoman of the County on Millie Bright following the England Team's recent success at the World Cup.

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

RESOLVED:

- 1) To support in principle the proposal to confer the title of Honorary Freewoman of the County of Derbyshire upon Millie Bright; and

- 2) Agree to convene a special meeting of the Council on a future date to be confirmed to consider the nomination.

75/23 **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 for the updated seats to committees and appointments to outside bodies to ensure that the political balance was correct following the Swadlincote South by election.

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

RESOLVED:

To approve the following changes to representation on committees:

- 1) Remove Councillor R Flatley from the Appointments and Conditions of Service Committee;
- 2) Add Councillor D Allen as a Member of the Appointments and Conditions of Service Committee;
- 3) Add Councillor A Haynes as a Member of the Improvement and Scrutiny Committee – Places;
- 4) Add Councillor A Gibson as a member of the Improvement and Scrutiny Committee - Climate Change, Biodiversity and Carbon Reduction;
- 5) Appoint Councillor G Hickton as the Vice-Chair of the Improvement and Scrutiny Committee - Climate Change, Biodiversity and Carbon Reduction; and
- 6) Appoint Councillor S Swann as the Council's representative on the National Coal Mining Museum for England Liaison Committee.

76/23 **CODE OF CONDUCT FOR EMPLOYEES**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that sought agreement to various updates and amendments to the Code of Conduct for Employees and a related amendment to the Constitution.

On the motion of Councillor Spencer, duly seconded it was

RESOLVED to:

- 1) Approve the amendments to the Employee Code of Conduct as outlined at paragraph 2.8 of the report and as recommended by the Appointments and Conditions of Service Committee and the Governance, Ethics and Standards Committee;
- 2) Determine that the revised Code of Conduct for Employees at Appendix 4 to the report be adopted by the Council;
- 3) Agree that the Employee Code of Conduct and Ethics Statement, currently included within the Constitution at Appendices 12 and 10, be removed from the Constitution and that the Monitoring Officer be authorised to make any consequential amendments resulting from the removal of these two appendices to the Constitution; and
- 4) Agree that the responsibility for the consideration and approval of the Code of Conduct for Employees be delegated to the Appointments and Conditions of Service Committee as a corporate employment policy and that the Monitoring Officer be authorised to amend Article 13 of the Constitution as set out in paragraph 2.5 of the report.

**77/23 GOVERNANCE, ETHICS AND STANDARDS COMMITTEE
CHAIRMAN'S REPORT**

The Director of Legal and Democratic Services and Monitoring Officer introduced a report, which had been circulated in advance of the meeting, that presented the annual report of the Chairman of the Governance, Ethics and Standards Committee.

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

RESOLVED:

To receive and note the Annual Report of the Chairman of the Governance, Ethics and Standards Committee attached to the report at Appendix 2.

**78/23 APPOINTMENT OF THE EXECUTIVE DIRECTOR OF ADULT SOCIAL
CARE AND HEALTH**

The Managing Director introduced a report, which had been circulated in advance of the meeting that requested Council to note the appointment

of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the director of adult social services under section 6(A1) of the Local Authority Social Services Act 1970.

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

RESOLVED:

To note the appointment of Simon Stevens to the role of Executive Director of Adult Social Care and Health and the officer having statutory responsibility for the director of adult social services under section 6(A1) of the Local Authority Social Services Act 1970.

79/23

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 in accordance with the provisions of the Constitution, informed Council of the executive decisions that had been taken as a matter of urgency where 28 days' notice of the decision could not be given and therefore 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 to the report; and
- 2) The urgent decisions taken where the call-in-procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3 to the report.

80/23

ELECTED MEMBER QUESTIONS

Question from Councillor J Barron to Councillor A Dale, Cabinet Member for Education

“Could the Cabinet Member please provide an update on the campaign for a sixth form in Bolsover?”

Councillor Dale responded as follows:

“I am delighted to inform members of the Chamber that on the 22 August

the Secretary of State for Education announced that the Bolsover bid for a Sixth Form had been successful in the latest round of the Free Schools Programme. That means that the DfE will lead on the project, they will fund it and they will work with the Redhill Academy Trust and obviously hopefully the Sixth Form will be open within the next few years.

I think we would all agree in this Chamber that education is the great enabler and this will have an absolutely transformational impact on the life chances of children and young people growing up in the Bolsover area. They will no longer be forced to travel far and wide to access post-16 education, which is absolutely their right, and it will significantly increase the rates of school leavers going on to Sixth Form from that area, which are historically very low, much lower than the national figure and need to be improved. It is also a great and very visible statement and reminder to kids in the Bolsover area that if you work hard you can get on in life no matter how humble your background. I have no doubt that this is a real game changer in terms of raising aspirations in the area.

It was a manifesto commitment for this administration to support the campaign and that is exactly what we have done. I have had several meetings with the Trust, with the local MP. We have provided statistics and data from our fantastic Development Team to support the bid and I also wrote a letter of support directly to the Secretary of State outlining our Council's support for rectifying this real issue for the Bolsover area.

I particularly want to say thank you to a few people. Councillor Barron, Councillor Siddle, Councillor Woolley and Councillor Hoy, as local members you have been absolutely chomping at the bit on this issue, regularly lobbying me and joining that campaign and supporting the campaign so I want to thank you for all your efforts in helping to deliver it. I want to thank the Redhill Academy Trust for their ambition and determination to get this over the line. It was a big bold undertaking for them to agree to put the bid forward and really go for this, clearly not without risks but fantastic it has paid off and they have got that in the end, and in particular the headteacher who has been fantastic in really championing this project.

Finally, and particularly to Mark Fletcher the MP who has absolutely spearheaded this campaign since his election in 2019. I have lost track of the number of times he has raised it in Parliament, local petitions, gathering hundreds of signatures in support of this. He has met with me several times. I know he has met with other educational partners around the county and Ministers as well, really chomping at the bit to get this over the line. I am so pleased that by working together we have been able to achieve it."

Councillor Barron asked the following supplementary question:

“I would also like to commend the work of you and the local MP Mark Fletcher as well as the Redhill Academy Trust and Matthew Hall who is the headteacher at Bolsover School.

I have the statistics in front of me, so currently 23% of school leavers from Bolsover School go into a sixth form. It is 22% from Heritage School in Clowne and 7% in Shirebrook. The national average is 52%.

Do you agree that this decision to open this Sixth Form in Bolsover shows that Conservative administrations locally and nationally are on the side of raising aspirations for young people?”

Councillor Dale responded as follows:

“I think those statistics are absolutely stark and they demonstrate in a very short sentence why this project was so important and how transformational it will be in terms of raising those aspirations.

I absolutely agree with Councillor Barron that this is exactly what happens when you get local Conservative councillors working with a local Conservative Council with a local Conservative MP and with a Conservative Government to deliver for the people of Bolsover. I think we can contrast that with the abject mute silence from the Labour Group. I am not aware of any support for the campaign from Labour. They have been completely silent on the whole thing. They weren't with us out campaigning for it. They have not been raising any questions about it, they have not been petitioning residents (and that includes the two local members who represent the town of Bolsover where this new Sixth Form, this new fantastic facility is going to be based) so I would absolutely agree with you this is down to the efforts of the Conservatives working together to achieve for the people of Bolsover.”

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

“In October 2021, Cabinet approved the Single Use Plastic (SUP) Policy – the aim of which is to remove as much SUP as possible from DCC's operations. Nearly two years on there is still no 2021 baseline quantifying the use of SUP nor any idea of how much SUP is currently being used. How therefore does the Council know if the policy is having any impact on reducing the use of SUP?”

Councillor Lewis responded as follows:

“This kind of goes way back to 2021 when in this Chamber we had a debate. I can’t remember what that specific topic was but my colleague, Councillor Ford, raised the issue of what about single use plastics in this building? At that time there were a plethora of various coffee machines in virtually every corner of this building stuffed to the rafters with disposable single use plastic cups, plastic beakers for your water, large sort of water cooler type things, there was just stacks and stacks of this stuff everywhere. There were plastic stirrers, they were using little milk cartons, everything you could imagine that was wrong with the way a local authority should be behaving if it wants to be a green organisation. It was managing to get it all wrong. We commend Councillor Ford for bringing this to our attention at that time. We pivoted pretty much immediately to reducing single use plastics within this building and right across all of our activities here.

Now I have a technical answer in front of me which I will go through because I think it is worth just getting to grips with the scale of the issue. So, following the approval back in 2021 of the Single Use Plastics’ Policy by Cabinet an action plan to achieve the goals and objectives set out in that policy was developed and approved by the Corporate Management Team in July of 2022. Within that action plan the Council is committed to producing a qualitative baseline of identified single use plastic items in use across the Council. This qualitative baseline was produced as part of the policy’s initial development and is reviewed and updated annually with the last review undertaken in April 2023. It provides a comprehensive list of single use plastic items used across all Council services and enables the identification of areas where alternatives to single use plastics can be explored and introduced most effectively.

Whilst the Single Use policy and action plan do not include a commitment to develop a quantified baseline of single use plastics or to develop quantified updates on single use plastics on a regular basis, the Council does recognise that being able to assess and monitor that impact is an important part of ensuring that the policy has those desired outcomes.

As such steps have been taken to embed the SUP reduction into Council processes and decision making and that included the development of the Council’s Sustainable Procurement Policy which was approved for adoption by the Cabinet on the 16 June as well in 2022. Single use plastics is an integral part of the Sustainable Procurement Policy. Opportunities to include appropriate wording and measures to reduce the use of single use plastics are assessed and implemented within procurement activities on a contract by contract basis. Embedding these

requirements in contracts will enable an improvement in the data available on single use plastics bought by the Council over time and for the effective identification of single use plastic reduction opportunities.

There are good examples of Services taking steps to replace the use of plastics for sustainable alternatives such as in Children's Services sourcing and procuring staff lanyards that are made of bamboo rather than nylon, and other Services are taking steps to support the circular economy and the reuse of waste plastics such as through the procurement of pavement kerbstones made from recycled plastics.

In addition to the sustainable procurement approach the Council's Climate Change Team is undertaking significant work to baseline the Council's Scope 3 emissions by the end of 2023, a target agreed in the Council's Climate Change Strategy, and this includes a review of procurement data to identify the goods, the services and the contracts of the highest carbon footprint. This process will also help to identify contracts where there are both high levels of single use plastics involved and for targeted interventions and initiatives to be explored and initiated.

So further steps currently being undertaken include the development of an agreed approach to monitor waste and recycling from the Council estate (which includes all waste not just single use plastics). Corporate waste contracts and processes are being mapped across the Council to identify the data that is available and opportunities for standardising corporate approaches and the measurement.

The Council has shared the approach to managing and reducing single use plastics with all eight Derbyshire District and Borough Councils and continues to encourage the adoption of a similar approach across the county.

The development of a Single Use Plastics employee guide, which is available to all employees throughout Derbyshire, provides guidance for employees on reducing the use of single use plastics in their day-to-day duties as well as when working with suppliers, contractors and communities; introduction of recycling points and signage at County Hall which have been introduced in August 2023; inclusion of guidance on the reduction of SUP in a two hour climate change training module available to all employees, so I hope you can see, Councillor Kinsella, we have done an awful lot of work that is embedded around this and we will continue to push in this direction because obviously it makes an awful lot of sense for an organisation about size and scale to be a demonstrator, an example if you like to others throughout the country then we can get to a point where we can reduce single use plastics hopefully at some point out of existence in our procurement."

Councillor Kinsella asked the following supplementary question:

“I was kind of looking for a number to show us what impact all of those... I don't deny there are actions and I congratulate the officers and the Council on doing some of that good work, what I want to know is what difference that is making? We don't know I think is the answer to that. Clearly there is a lack of evidence as can be extrapolated to the Climate Change Action Plan around the lack of evidence and lack of metrics to hold the Council to account so I am still none the wiser about the impact all those actions have had on reducing single use plastic in this Council. Therefore while it was a lengthy answer it wasn't a particularly helpful one.

Councillor Lewis responded as follows:

“I thought it was particularly helpful because what we are trying to do is get to a point where we can eliminate single use plastics as an organisation, how that may happen sooner rather than later if we can help it and encourage that but that is the aim, Chairman. I think the actions we have outlined here and actions ultimately do speak louder than words and numbers sometimes show that we are doing that.”

Question from Councillor G Kinsella to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“According to the National Highways and Transportation Survey (2022/23) nearly 50% of residents expressed dissatisfaction with the Highways Service, an increase on the previous year. The fact that nearly one in four defects were not completed within target timescales explains some of this dissatisfaction.

A recent cabinet report shows that Highways has failed to meet its projected savings for the last two years and has an overspend of £4 million pounds (10% of the total budget). At a Full Council meeting last year we were assured there was a plan to address these issues. Where is the evidence that this plan is working?”

Councillor Cupit responded as follows:

“To start off I can't help but feel you have interpreted the statistics to fit the point you are trying to make missing off some of the other key points which don't support the narrative you might want in your question.

To turn the key points in your question on their head for the Chamber and demonstrate the progress we are making in Highways last year we

fixed 100,000 potholes. This year so far we have fixed over 67,000. We have completed nearly 97% of urgent defects on target, 100% for August 2023, improved 550 roads and continued to progress our £120m capital programme. Equally from the satisfaction survey you refer to we remain above the regional average and above the national average of 47%.

Similarly with regards to the budget overspend that you mention you failed to highlight that the two main areas of overspend were in reaction to - and I think what most members and residents would consider essential things - highways maintenance and road safety. I understand this was done to react to the winter challenges last year and the impact this has had on our roads but I can assure you the Highways' budget is something that has been alive and a forefront issue since I took over as portfolio holder, and along with the rest of Cabinet we are working to put in place a realistic and sustainable highways' budget recognising the importance of this to our communities and the wider budget balance.

Having set that balance and correction to the question I am not sure you and I if I am really honest debating statistics, though I am happy to do that, if it means a great deal to the residents we represent. They just want to know that the pothole on their road is going to be fixed or the street light as they are out in the morning will be on, or at night. Arguing the semantics about a 1% change in a 50% satisfaction rate doesn't do that for me and doesn't show whether it has been done or not, so as part of the discussion into the report you referred to Councillor Woolley and I have been discussing how to better represent key highways' performance indicators and we are going to continue working on that.

We are also continuing to progress the transformation plan that you mention alongside other initiatives such as maximising the additional £4.2m pothole fund; investing in additional Jet patchers; doing a reactive maintenance materials' trial to support the first-time pothole fix and along with BSIP, bus programme, trialling urban traffic control and new traffic management equipment to try to reduce both congestion and roadwork issues."

Councillor Kinsella asked the following supplementary question:

"I am pleased to hear that you are looking at performance indicators. One of the things I have mentioned in this Chamber before is right-first-time. While it is important that potholes are repaired it is also important that those potholes are repaired properly and that within a period of time repair teams don't have to go back out and carry out that repair again.

So one of the questions I have asked previously, and one of the things I ask you to look at in terms of looking at the suite of performance

indicators is the right-first-time where appropriate, because I know sometimes right-first-time doesn't apply, but if that could be looked at I think that would give this Chamber some reassurance.

I think more broadly, and I do accept some of this sits outside the control of the Council, I understand the stretch with budgets, but one of the things I would urge the Council and the Cabinet Member to look at is a joined up thinking approach. So within Derbyshire Cycling Plan, for example, it talks about kind of ambitious targets around sustainable travel. I know we haven't got the benefits of large urban areas but in our urban areas we could have greater emphasis on sustainable travel. I would ask the Cabinet Member if she would look at a more joined up approach with other departments around transport and the Active Travel planning and also to look at the performance indicators and to consider the right-first-time indicator."

Councillor Cupit responded as follows:

"I completely agree on the right-first-time. I think that is something that officers, members and residents agree on. As I mentioned at the end of my question response we are doing a reactive materials maintenance trial which I am working with the Scrutiny Committees on to really maximise that and make sure we are using the best possible materials we can.

In terms of the sustainable travel, I work really closely with Councillor Renwick because it sort of fits over both portfolios and we are working really positively and closely on that.

Also just as a final point I think that was something in all performance indicators shows we are doing really well on. We have attracted a lot of Government funding in terms of sustainable travel, BSIP is one of them. We will continue to progress that not least as part of any new developments etc."

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

"I welcome the recently published Net Zero Energy Strategy and Spatial Energy Strategy. However, there is little reference in these documents to the role of community energy groups.

There are 17 community energy groups across Derbyshire. We can be proud that this number is amongst the highest of any county in the UK. These groups offer the potential to generate significant levels of

renewable energy and reduce carbon emissions in the process.

What more can the Council do to engage and support these groups in delivering shared net zero ambition, increased energy security and reduced energy costs?”

Councillor Lewis responded as follows:

“First of all I am really pleased that you enjoyed the Net Zero Energy Strategy, the Spatial Energy Strategy and I want to put on record my thanks to Councillor Renwick for very much taking the lead on this for us as an administration. She has done a tremendous amount of work in this sphere.

Now I am well aware of the community energy groups which you talk about right across the county, as is Councillor King who has indeed recently been engaging with those groups.

Obviously this document and these documents to which you refer have lots of hooks in there that those community energy groups can really get their teeth into and deliver some really interesting projects on the ground but I will say this: we have had the Green Entrepreneurs’ Grant Fund as you know running for a number of years now as an organisation and when this was initially touted this was very much the market it was aimed at for these community energy groups to come forward with projects that we could support through grants and help them deliver on the ground, as well now working with Derby University and others.

I don’t know what it is, what has happened amongst these groups but we have not as yet had anything that has come forward as a solid proposition that we can back and support and it is not through lack of trying because I know our Climate Change Team here at the County Council are in regular dialogue with those groups as well.

I can say that we are supporting a project at Cromford Mills with the Arkwright Society that will deliver some benefits through hydropower, which is great to know, great to see after 200 years going back to using hydropower, the first green industrial revolution here in Derbyshire. We can lead the second doing that kind of stuff but would be delighted to support a community energy group to work with them, have conversations with them and our teams here stand ready to have those discussions and dialogue and in the future hopefully we will be able to support them through some projects.”

Councillor Kinsella asked the following supplementary question:

“I think you raise a valid point in terms of access to the Entrepreneurs’ Fund because there are 17 groups up and down the country who are unable to access that fund and quite clearly haven’t done anything specific from the Council side as to why that should be, what the barriers around that criteria are, but I think it is something worth exploring further. Certainly I will be taking that back to the Derbyshire Community Energy hub raising the matter with them and hopefully we can continue the dialogue further.”

Councillor Lewis responded as follows:

“Just very briefly I would welcome that but there is not in any sense a barrier I don’t think to the Community Energy Groups coming forward I think it is investable propositions. It is not straightforward, I do know that. A land assembly has to be a key element of that, permissions etc, but teams do stand ready to help and support them through that work.”

5) Question from Councillor J Dixon to Councillor T Ainsworth, Chair of Derbyshire Fire and Rescue Authority

Does the Chair of the Fire and Rescue Authority believe that it is the interests of Derbyshire residents to see:

- a) The scrapping of the Derbyshire Fire and Rescue Authority and the handing of its powers of governance to an elected Mayor for the East Midlands, or
- b) The merging of the Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service?

Councillor Ainsworth responded as follows:

“As the question was split into two I am actually going to answer it in two sections, so for (a) I do not believe that abolishing Derbyshire Fire Authority without arrangements being put in place to provide similarly robust scrutiny of the Service will be in the interests of Derbyshire’s residents. The composition of the Authority as it stands allows for a broad interest to be represented across the communities and this system works for Derbyshire.

Another key issue to consider the context of the Service’s future governance is that of operational independence as proposed through the Fire Reform agenda. This would see more power in the hands of the Chief Fire Officer to make decisions that impact on communities such as the closure of fire stations and changing watch patterns without the current checks and balances provided by their Fire Authority.

Question (b): both Authorities are continuing to proactively work to share resources and deliver efficiencies where possible. In fact only on Monday the Chief Fire Officer and myself met with our opposite numbers in Nottingham, the sole purpose to look at what more we can do to become more efficient and serve the population better.

The work we do does not recognise or care about local government boundaries. Nottinghamshire and Derbyshire have a shared control room based at Derby and both services are party to the same arrangements for the mobilisation technology. Indeed, an Assistant Fire Chief from Nottinghamshire is leading on the procurement of the new mobilisation system. We share resources every single day with crews travelling over the border both ways when required.

Both Chief Fire Officers have agreed to commission a Joint Fire Cover Review. This is the first of its kind in the country where two different Fire Authorities are doing one Fire Review and to look at the quantitative data and provide recommendations of the most efficient and effective way to deliver fire cover and other statutory duties to Derbyshire and Nottinghamshire.

I do believe that we could create savings to the public purse with some of our office functions such as procurement and information technology. These areas are becoming very costly and difficult to replace individuals after they move on. Strategically we are building new stations on our eastern border that covers both Nottinghamshire and Derbyshire equally well.

The longstanding collaborative working and the joint arrangements as I have mentioned are nothing to do with the devolution but are everything to do with protecting the interests, or more pertinently the safety of all people of Derbyshire and those of Nottinghamshire and that for me will always be the overriding priority.”

Councillor Gillott asked the following supplementary question:

“That is quite an interesting answer. It is a very long answer without actually answering the question. I think I would share, and I think everybody in this room would share and the Fire Authority I know from listening to them, the need for cooperation is essential and nobody would doubt that, whether it is the Fire Service or indeed with any other Services, but ultimately it is quite interesting that you have chosen not to answer the question which is are the residents of Derbyshire best served by having two separate (by Derbyshire anyway) having its own Fire Authority and its own Fire Service? Would you like to just clarify that point any further?”

Councillor Ainsworth responded as follows:

“I think it depends. If you are talking to me do I think there could be an East Midlands Fire Service then yes it could as long as things are put in place to ensure that we have the same authority to actually scrutinise what is being done, as we have now. I think the fact they use an East Midlands title or a Nottinghamshire title or a Derbyshire title is irrelevant as long as there is proper scrutiny and we move forward from there.”

Question from Councillor R George to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“What is the timescale for repairing the drains on Whitehough Head Road in Chinley?”

Councillor Cupit responded as follows:

“I am sorry to hear of the surface water and flooding issues your residents are experiencing on that road.

I understand due to the complicated nature of the solution, the solution to this issue the timescale is now anticipated to be the completion by mid next year. However, happy to keep you updated and to offer, as always stands for any members, to discuss any concerns you may have further separately if that is helpful.”

Councillor George asked the following supplementary question:

“That is disappointing to hear but thank you for the answer, Councillor Cupit. As you are aware then this scheme has been many years in the making and many years of flooding suffered by residents in that particular area.

In our February Council meeting I was told by your predecessor that the scheme was now fully designed and has been commissioned for construction services to deliver with a provisional construction start date early this year, in early May this year, that being May just gone, so if those are all fully planned, it had been commissioned already I am struggling to understand why there would then be complications on top of that that would mean so much of a delay? That is a twelve month delay going over a winter period where we have again fears of flooding and a big new estate there with hundreds more houses and families affected by that, cut off from the local school and village services that serve that community. They will certainly want a bit more of a detailed explanation and that would be really welcome please.

Councillor Cupit responded as follows:

“I can only apologise for the change in the timescale. As I say I think it is a combination of a series of complex TPO technical and non-Council landowner issues that have led to the delay and change of scheme. I am aware the Chamber probably isn't the best place for this so happy to pick it up outside separately and we can discuss it if that would be helpful.”

81/23 NOTICE OF MOTION

On the motion of the Chairman, duly seconded Councillor J Wharmby took the Chair.

(The following Councillors having previously declared an interest in this item left the Council Chamber for its deliberation:

Councillors Ainsworth, Bull, Burfoot, Flatley, A Foster, M Foster, Gillott, Gourlay, Iliffe, Innes, Swann, Taylor, Ramsey and Woolley.)

Councillor J Dixon proposed a motion that was duly seconded, in the following terms:

Background

Council notes the comments of the Leader of the Council when launching his campaign to become the Mayor of the proposed East Midland's Region where he said:

“the Government intends to scrap police and crime commissioner roles and merge them into the new East Midlands mayor position, along with fire authorities, and that this would also include the merging of Derbyshire and Nottinghamshire police forces.”

Council believes that the merger of either the Derbyshire police or fire services with Nottinghamshire police and fire services would not be in the best interests of Derbyshire residents, that it would not improve community safety or provide financial efficiencies, and would negatively affect the performances of both Derbyshire services.

The motion proposed was:

That this Council opposes any proposal to merge:

- 1) Derbyshire Constabulary with the Nottinghamshire Police;

- 2) Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service.

An amendment to the motion was proposed by Councillor S Spencer, duly seconded, in the following terms

That this Council recognises the good work undertaken and the service provided by Derbyshire's Emergency Services and would be opposed to proposals to merge:

- 1) Derbyshire Constabulary with the Nottinghamshire Police;
- 2) Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service.

Therefore, it is requested that the Authority writes immediately to the Government to express the view of the Council.

(Break from 15:39 to 15:46)

The proposition as amended was put to a named vote and declared to be WON.

On the motion of Councillor J Dixon, duly seconded and in accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote was taken on the substantive motion as follows:

For the substantive motion:

Councillors Ashton, Athwal, Atkin, Barron, Bingham, Bryan, Clarke, Collins, Cupit, A Dale, C Dale, Dixon, Ford, Fordham, George, Gibson, Grooby, Hart, Hayes, Haynes, Hickton, Hobson, Hoy, Kinsella, King, Major, Muller, Murphy, Musson, Niblock, Parkinson, Patten, Renwick, Rose, Siddle, Spencer, Stevenson, Sutton, Wharmby, Wilson and Yates.

Against the substantive motion:

None.

Abstentions:

Councillor Lewis.

The vote was declared to be WON and the motion carried. It was therefore

RESOLVED:

That this Council recognises the good work undertaken and the service provided by Derbyshire's Emergency Services and would be opposed to proposals to merge:

- 1) Derbyshire Constabulary with the Nottinghamshire Police;
- 2) Derbyshire Fire and Rescue Service with the Nottinghamshire Fire and Rescue Service.

Therefore, it is requested that the Authority writes immediately to the Government to express the view of the Council.

The meeting finished at 4.06 pm