

PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 12 July 2023 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

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

Apologies for absence were submitted for Councillor J Bryan, D Collins, M Foster, L Grooby, N Hoy, T Kemp, G Musson, J Nelson, P Smith and A Stevenson.

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) and Alec Dubberley (Head of Democratic and Registration Services).

55/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bryan, Collins, M Foster, Hoy, Kemp, Grooby, Musson, Nelson, Smith and Stevenson.

56/23 DECLARATIONS OF INTEREST

Councillor E Fordham declared a non-pecuniary interest in agenda item number 12, Notices of Motion, Motion 1, Assisted Dying, Minute number 66/23 refers.

57/23 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred with sadness to the death of Councillor Roger Redfern who had died on 21 June and was the Member for Swadlincote South.

Members spoke to give their own tributes and afterwards members stood in silent reflection.

The Chairman referred to the recognition Derbyshire County Council had given to the 75th Anniversary of the NHS by lighting County Hall up and recorded his vote of thanks to all NHS workers, past and present, who had done an amazing job, sometimes under exceedingly difficult circumstances.

Finally, he wished the Lionesses Football Team good luck in the forthcoming World Cup and acknowledged Millie Bright's key position in the team who was born in Chesterfield and started her career at Killamarsh Dynamos.

58/23 **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 24 May 2023.

59/23 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader of the Council began his update by referring to the recent flash flooding down in Matlock Town Centre and reported that Derbyshire County Council had reopened its Flood Grant Scheme which assisted businesses and residents to clear up after the event. He encouraged everyone who knew of any businesses or resident impacted by the flooding to let them know that the grant scheme was open and there to support them. He then referred to the further work the County Council and partner agencies were undertaking to assist with the devastation caused and to implement measures to try and prevent or minimise future impact. He also mentioned that they were lobbying the Government for additional funding and explained the complex criteria for accessing this grant funding through Defra. To conclude on this issue he reported that the works on the riverbank would be completed by the autumn which would mean that the town would return to normal service.

Finally, to conclude his update, he referred to the book titled 'Walking Together' which had been edited by one of the County Council's employees, Peter Storey. The book refers to the art memorial installed at the Markham Vale Development called 'Walking Together' that reflects upon, recognises and honours the deaths of the 106 men who died over three events from 1937 through to 1973. He recommended the book and encouraged people to read a copy which could be obtained by

contacting him directly in the first instance.

In response to a question from Councillor Burfoot in relation to the impact and damage the floods had caused on the road infrastructure in the town centre and surrounding areas, and the comments the Environment Agency had made about recent housing developments on greenfield sites contributing to the alarming increase in flooding over recent years, Councillor Lewis confirmed he was aware of the situation and referred to the complex and technical process involved when considering planning applications. He agreed with the point Councillor Burfoot had made about the future implications that climate change would have on flooding events.

In response to a question from Councillor George about the increase in school meal fees and the impact on families struggling with the cost-of-living crisis, Councillor Lewis confirmed that the decision was still pending. He informed the meeting that as a local authority, it too was impacted by the rising costs of food and those entitled to free school meals would continue to get them. He added that Derbyshire County Council could not continue to bear the cost of that as this was no longer tenable.

60/23 PUBLIC QUESTIONS

Question from John Geddes to Councillor C Cupit, Cabinet Member for Highways, Assets and Transport

“How much of Derbyshire's £47m Bus Service Improvement Plan money has been committed on extensions and improvements to timetabled bus services already announced, how much has been committed to other initiatives already announced, and when will the council be announcing how it plans to spend the rest of the funds during what is now only 20 months before the scheme ends in March 2025?”

Councillor Cupit responded as follows:

“£12m has been allocated towards improvements to bus services with £7m of this committed so far. You may have seen the 17 big service improvements already made on better timetables, extensions and route enhancement across the county. I am working now on going through network reviews and continued close working with the bus operators on additional services to further improve timetables and routes wherever possible.

I am also pleased to highlight that we have successfully received permission to extend the funding for these improvements for an extra

year until March 2026 which will hopefully provide additional time for those services to bed in, to grow and become self-sustainable, so hopefully that is good news.

Then, as I know you will appreciate, the Bus Service Improvement Plan cannot and should not just be about extending services. As I think we would all agree in this Chamber we need to take this quite big £47m opportunity to better integrate and improve the infrastructure around public transport wherever we can to make it more attractive, reliable and easier to travel by bus.

So £6m has been allocated to improving and simplifying fares as well as launching some additional offers to support the Government's £2 fare cap with things such as the Wayfarer and the free Sunday/summer morning travel for six weeks. Other key initiatives include directing around half of the BSIP money towards bus infrastructure measures to address network pinch points, improve traffic signals and roadworks where we can with the first schemes on those going live over the next couple of months as well as developing the information and connectivity around buses again with things such as the orange RTI signage, transport hubs and app improvements.

With this, just to answer the final part of your question, I know that communication is really key here so we do have a new dedicated BSIP Communications Officer who has recently started and is working on getting all the work and announcements out to as many residents and members as possible.

In terms of scrutinising the BSIP progress in detail there are regular stakeholder meetings, various groups, and reports added online to I think it is derbyshire.bus.info.

Sorry, that is quite a lot of information for one question but hopefully that provides a helpful summary of the current position and just to assure you and all the Chamber that we do have plans for the full £47m as well as pushing for further investment be it by devolution and the Government in what is I think a really key service for the county in future."

Mr Geddes asked the following supplementary question:

"One of the key planks of the original Bus Service Improvement Plan submission was some additional trials of Demand Responsive Transport or DRT. Now Councils across the UK have tried DRT and none have achieved an affordable cost per ride. Lincolnshire, which is often quoted as the model, turns out to cover most of the cost out of their Adult Care transport funding. Elsewhere again and again trials burn through their

project funding and then they close. In the last month schemes in North Yorkshire and in East Leeds have been announced as failures so I am asking will the councillor undertake that before instigating any further DRT trials in Derbyshire you will talk to those behind these failed schemes, see if you can get let in on these valuable lessons that are invariably quoted as the great justification for all the money they have burnt through, and will you undertake only to go ahead with trials in Derbyshire if they are designed to find out something genuinely new?"

Councillor Cupit responded to the supplementary question as follows:

"As you know I think you are due to meet with officers next week to discuss this in detail and it will be really useful to hear your views and thoughts because I agree with you, Demand Responsive Transport I think is a key thing. I have heard representations so far - I have only been in post for a short while - both for and against so we have to take that into account but I completely agree with you that it is an expensive means of travel sometimes but that doesn't mean it doesn't have benefits. Absolutely commit to analysing and thinking carefully before we progress. I understand that officers have been doing some soft market testing on what is available and potential schemes that could be of benefit in Derbyshire so we are just analysing that before we proceed any further and obviously we will speak to you and meet with you.

I am happy to speak to you as well and analyse it really carefully because we are eager to make the best use of the whole £47m that we can."

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

"The Refreshed Council Plan/Delivery Plan and inter-related Departmental Plans, approved at Full Council on 22-03-23 include success measurements allied to the new CRM complaints and feedback system such as 100% statutory compliance and 20% reduction in complaints by 2025.

I note the system benefits of seeking and capturing compliments but regarding complaints I'm unclear what will ultimately be considered as complaints, captured and measured.

I have previously raised at Full Council known senior officer complaints that have not been captured in any reporting systems. Currently, there are also numerous complaints excluded from the corporate complaints procedure e.g. road/light repairs, finding care homes, SARs, FOI's.

There is also currently now the proposal to remove from the constitution the Ethics Statement and the channel of reporting officer complaints to Legal Services.

Precisely which complaints will ultimately be facilitated through the CRM system, recorded, reported, measured and which won't?"

Councillor Lewis responded as follows:

"Due to the quite technical nature of your particular question, I will ensure that you are given a detailed written answer on that one."

The written response was as follows:

"Currently, and in line with our Council wide roll out of Granicus, our Customer Relationship Management system, we are undertaking a review of compliments, comments and complaints. We have an agreed timetable in place for a number of our key service areas to migrate from the existing processes for capturing complaints, over to the new system, and that is planned to happen between the end of this year and March 2024. The initial services that will move to the new system are:

Children's Services, Adult Care, Place, General Feedback (this is under the Contact Us on the DCC webpage) and Representations (MPs etc).

In addition to the above, the review that we are undertaking will look at all areas of the Council where we receive complaints, compliments, and feedback from our residents. Our aim is to implement a standardised process for all areas, where feasible and not withstanding any statutory requirements that we have. This will not only make the process easier and more accessible for our residents but will also enable us to review the detail for each service area and support our process of continually looking to improve the services that we offer.

The only process that is not due to migrate and will remain as is now, are the complaints from the Ombudsman as they are submitted directly onto the LGO's website (Home - Local Government and Social Care Ombudsman). This will remain as is now."

Mr Ingham asked the following supplementary question in writing:

"I note from the response it appears FOI's/SAR's may not eventually go into the CRM system. Ombudsman complaints also. As I previously mentioned I note there is a move towards 100% statutory compliance in such areas being used/measured for allied success determination.

Given this, would Councillor Lewis agree to make a request in accordance with the allowed Scrutiny Procedure to suggest that FOI/SAR/Ombudsman complaint performance metrics be referred to the Improvement and Scrutiny Committee - Resources for consideration this year and if not agreeable to do so please provide an explanation why he doesn't feel it is necessary/appropriate?

I consider these are areas that would really benefit from a review by Scrutiny and would also clearly be helpful for the Council going forwards in terms of Council Plan/Departmental Plan delivery. The next scheduled Scrutiny meetings are being held in September 2023 and December 2023."

Councillor Spencer (in Councillor Lewis's absence) responded to the supplementary question as follows:

"You are correct that the refreshed Council Plan/Delivery Plan, approved at Full Council on 22 March 2023, included an action to implement a complaints and feedback system with associated success measures.

You will note from the initial response provided to you, that there is no intention to include complaints to the Local Government and Social Care Ombudsman (LGSCO) in the CRM system as they are submitted directly onto the LGSCO's website. An annual report of complaints to the LGSCO is already provided to both Cabinet and Governance, Ethics and Standards Committee.

FOIs and SARs were not part of the original scope for the CRM as they are not treated as complaints and fall outside the Council's Corporate Complaints Policy. The process for dealing with FOIs and SARs is governed by information governance legislation and set out in separate information request procedures, with oversight from the Council's Information Governance Group. Therefore it was not the intention for such requests to fall within the scope of the Council Plan/Delivery Plan action and success measures you refer to.

In light of the above I do not consider it necessary for performance metrics to be referred to the Improvement and Scrutiny Committee - Resources for consideration."

61/23 PETITIONS

None received.

62/23 DERBYSHIRE PENSION BOARD - APPOINTMENT OF

INDEPENDENT CHAIR

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

On the motion of Councillor D Wilson, duly seconded

RESOLVED

To approve the appointment of Neil Calvert as Independent Chair of Derbyshire Pension Board for a term of four years with immediate effect.

63/23 APPOINTMENT OF THE INTERIM EXECUTIVE DIRECTOR OF ADULT SOCIAL CARE AND HEALTH (DASS)

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

RESOLVED:

To note the temporary 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.

64/23 DERBYSHIRE ELECTORAL BOUNDARY REVIEW - DIVISIONAL ARRANGEMENTS SUBMISSION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND (LGBCE)

The Managing Director introduced a report, which had been circulated in advance of the meeting that gave an update on the Derbyshire Electoral Division Boundary Review and, in line with the second stage of the process to determine the Electoral Divisional Arrangements for the Authority which would be submitted to the Local Government Boundary Commission for England (LGBCE).

Councillor Lewis proposed that an additional recommendation should be inserted between to read as follows:

“To note members’ concerns in relation to the proposed Divisional Arrangements for the High Peak in particular and acknowledges that they are sub-optimal but it accepts that given the challenging geography and the electoral numbers, as well as the need to remain within variants while pursuing some single Member Divisions, the Council has been unable to find better alternatives. In this regard approves Council to write by way of covering letter to the submission to urge the LGBCE to carefully consider whether it can find more suitable alternative arrangements that better maintain local community cohesion and do not involve such a radical redrawing of the existing High Peak boundaries, including a consideration of whether there may be an exceptional case for Glossop to remain in a two Member Division due to the challenges identified.”

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

RESOLVED to:

- 1) Approve the Council’s draft Divisional Arrangements Submission document attached at Appendix 5 to the report, which sets out revised Electoral Division proposals, for consideration by the LGBCE;
- 2) Note members’ concerns in relation to the proposed divisional arrangements for the High Peak in particular and acknowledges that they are suboptimal, but accepts that, given the challenging geography and electoral numbers, as well as the need to remain within the variance while pursuing single member divisions, the Council has been unable to find better alternatives. In this regard approves Council to write by way of covering letter to the Submission to urge the LGBCE to carefully consider whether it can find more suitable alternative arrangements, that better maintain local community cohesion and do not involve such a radical re-drawing of the existing High Peak boundaries, including a consideration of whether there may be an exceptional case for Glossop to remain in a two member division due to the challenges identified;
- 3) Note the revised indicative timescales for undertaking the key stages of the Electoral Boundary Review 2024 process, as outlined in the report; and
- 4) Make a formal request to the LGBCE recommending that the start of the Phase 2 consultation period be delayed to take into account challenges completing the consultation over the Christmas period and to align with the current Full Council meeting schedule in

February 2024.

65/23 **ELECTED MEMBER QUESTIONS**

The following questions had been submitted by Councillor R George to Councillor N Hoy as Cabinet Member for Adult Care. However, Councillor Hoy had submitted apologies and was not present at the meeting. It was therefore proposed that written responses would be provided after the meeting.

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

“Why have carers of people with learning disability who receive much-needed respite breaks been told that the homes where their loved ones have received short-term breaks will shortly be closing?”

Written response:

“The short term breaks units referred to above are commissioned by the NHS through Derbyshire Community Health Services NHS Foundation Trust (DCHS) to provide 'short breaks' for adults with a learning disability. The Derbyshire and Derby Integrated Care Board is reviewing this provision and a report was considered by Improvement and Scrutiny – Health 15 May. Discussions across Derbyshire and Derby Integrated Care Board and Adult Social Care are currently on ongoing. A further report will be available to Improvement and Scrutiny- Health once this review has been concluded.”

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

“What measures are being considered besides home care charging to reduce the cost of Adult Social Care to the county council, including support for permanent staff such as flexible working options, to reduce reliance on agency staff, increased training opportunities both for potential recruits to care and to enable existing staff to upskill, and streamlining the lengthy recruitment processes for Adult Social Care?”

Written response:

“Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account.”

3) Question from Councillor R George to Councillor N Hoy,

Cabinet Member for Adult Care

“What resources have been planned to enable the necessary financial assessments and assessments of Disability Related Expenditure for the thousands of residents due to be impacted by all of the options proposed for home care charging?”

Written response:

“As previously stated: Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person’s charges are calculated.”

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

“What assessment has been made of the financial impact on affected residents of the 3 proposals for home care charging, and what measures considered to support residents who will not have planned for such sudden and potentially high expenditure, and who may have financial commitments that make such payments unviable?”

Written response:

“As stated earlier: Any proposed changes are only proposals, and no decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person’s charges are calculated.”

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

“What measures are being proposed as part of the home care charging proposals to ensure couples’ income does not fall below the Minimum Income Guarantee if the partner with the highest income is assessed for care charges and potentially charged all of their excess income above their half of the Minimum Income Guarantee, whilst their partner’s income falls below half of the Minimum Income Guarantee?”

Written response:

“As stated earlier, any proposed changes are only proposals, and no

decisions will be made until we have given people the opportunity to tell us their views and we have taken these fully into account. Unless a decision is made there can be no changes to how a person's charges are calculated.”

66/23 NOTICES OF MOTION

Motion One – Assisted Dying

Councillor S Spencer proposed a motion that was duly seconded, in the following terms:

Background

Ahead of the next General Election, Dame Prue Leith is to write an open letter asking party leaders to listen to the strength of support for choice at the end of life and bring forward a debate on assisted dying in the next Parliament.

It is noted in the letter on The Campaign for Dying with Dignity(CfDWD) website that for every day that passes until the law is reformed, 17 people will suffer as they die. According to the CfDWD the British public overwhelmingly supports assisted dying, yet terminally ill people are still being forced to choose between suffering, suicide and Switzerland.

The motion proposed was:

“To raise awareness of this letter this motion asks that this Council engages in a sensible debate on this matter and where its elected members, staff and the public of Derbyshire support the content, they should be encouraged to add their signatures to it to ask that the government bring forward a debate on assisted dying in the next Parliament.”

Following debate, the motion was duly voted on and declared to be WON. It was therefore:

RESOLVED

That this Council engages in a sensible debate on this matter and where its elected members, staff and the public of Derbyshire support the content, they should be encouraged to add their signature to it to ask that the government bring forward a debate on assisted dying in the next Parliament.

Motion Two – Diverse Council Declaration

Councillor L Ramsey proposed a motion that was duly seconded, in the following terms:

“That this Council commits to being a Diverse Council. That we agree to:

- 1) Provide a clear public commitment to improving diversity in democracy and benchmark our current position in line with established good practice;
- 2) Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct;
- 3) Set out a local Diverse Council Action Plan ahead of the next local elections. Including:
 - Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups;
 - Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates;
 - Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups;
 - Ensure that all members and candidates complete a candidates’ and Councillors’ survey distributed at election time;
 - Set ambitious targets for candidates from under-represented groups at the next local elections.
- 4) Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus;
- 5) Demonstrate a commitment to a duty of care for Councillors by:
 - providing access to counselling services for all Councillors having regard for the safety and wellbeing of Councillors whenever they are performing their role as Councillors;

- taking a zero-tolerance approach to bullying and harassment of members including through social networks.
- 6) Provide flexibility in council business by:
- regularly reviewing and staggering meeting times;
 - encouraging and supporting remote attendance at meetings;
 - agreeing recess periods to support Councillors with caring or work commitments.
- 7) Ensure that all members take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it;
- 8) Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances;
- 9) Ensure that Councillors from under-represented groups are represented whenever possible in high profile, high influence roles.

An amendment to the motion was proposed by Councillor C Hart, duly seconded, in the following terms:

That "the wide-ranging matters covered in this motion be dealt with by a cross-party Working Group with a detailed report to Cabinet."

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

RESOLVED

That in accordance with Standing Order 15.11, Council agrees that the wide-ranging matters covered in the motion be dealt with by a cross-party Working Group with a detailed report to Cabinet.

The meeting finished at 4.01 pm