

PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 27 November 2024 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

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

Apologies for absence were submitted for Councillor J Barron, J Bryan, A Hayes, N Hoy, G Musson, P Niblock, J Siddle, A Stevenson and B Woods.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director of Legal and Democratic Services), Chris Henning (Executive Director - Place), Lisa Holford (Director of Transformation - Adult Social Care and Health), Ellie Houlston (Director of Public Health), Mark Kenyon (Director of Finance), Alison Noble (Temporary Executive Director - Children's Services), Joe O'Sullivan (Executive Director - Corporate Services and Transformation) and Alec Dubberley (Head of Democratic and Registration Services).

80/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barron, Bryan, Hayes, Hoy, Musson, Niblock, Siddle, Stevenson and Woods.

81/24 DECLARATIONS OF INTEREST

None received.

82/24 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported the sad news of the sudden death of Tim Freeman who was Deputy Managing Director of Toyota UK and a highly respected Board Member of the D2N2 LEP.

Sincere thanks were expressed to Pat Bloore for her contribution to the Council as its stenographer for over 40 years.

2024 marked 50 years of Derbyshire County Council in its current form with Councillors Robert Parkinson and Dave Allen being recognised for their contribution since its establishment. The Civic Chairman presented both Councillors with certificates of honour to mark this tremendous achievement. This was followed by speeches from both Councillors and colleagues.

83/24 **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 9 October 2024.

84/24 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader referred to the publication of the performance monitoring report on the back of the Council's forecasting statement and the very significant issues facing the local authority. Savings delivery was on track in most areas, but there was the continuing demand and cost pressures in adults and children social care services. The situation was compounded by the employer's National Insurance situation.

The Leader commented on the Government's budget in October and the impact on local authorities, businesses and farmers. He took part in the farmers' protest recently held in London alongside 40,000 farmers and representatives of the farming community from across rural areas of Derbyshire.

The Leader was very disappointed to see the free school program being cut for the five proposed new schools, and the knock-on effect which would cost local taxpayers millions of pounds. He also referred to the recent SEND Review, which included health and education partners and which had raised real concerns. These had been acknowledged and the Council was working hard on addressing the issues.

85/24 **PUBLIC QUESTIONS**

Question from Andy Billings to Councillor A Dale, Cabinet Member for Education

“My son has not been able to attend school since April 2022 due to Autism and severe Anxiety. The following failings have been acknowledged by DCC:

- Failure to provide a full-time education since April 2022 and meet the statutory timescale to issue an EHCP;
- Refusal to provide an Occupational Therapy assessment;
- DCC SEND Officers being barred from our Tribunal Appeal.

Councillors Lewis, Dale and Patten and Carol Cammiss have received numerous emails regarding my son’s case and received no response from the Leader nor Carol Cammiss. Emails to Cllrs Dale and Patten have been ignored, and we have received no support from Cllr Patten, the person sent to Matlock to represent us. Given the severity of the failures by SEND Services, and the impact on my son, does the Council feel it’s acceptable that Cabinet Members and Directors, ignore communications from parents, requesting support with their child’s case?”

As Mr Billings did not attend the meeting a written response was provided to him as follows:

“While I appreciate you may not wish to accept it, I want to start by offering a profound apology on behalf of the Dept for the poor standard of service you have received, particularly in relation to communication, which we acknowledge has not been good enough at all and must improve.

There are a number of steps being taken to improve our communication and engagement with parents and schools and this is a huge focus for us at the moment. This includes the recent launch of the EHC Hub. While it will clearly take a bit of time to bed in, the benefits of providing much greater transparency for parents and schools around the EHC process it is hoped will significantly reduce the need to contact officers for updates and thereby help to free them up to answer the more technical enquiries they receive in a more timely manner.

In answer to your specific question, the answer is of course no, but respectfully I do not agree that that has been the case. It is not uncommon for emails to members of the Cabinet, local members and senior officers to be passed to the relevant operational officer to respond, particularly when the enquiry is technical in nature or relates to case-specific information.

This is particularly the case when many of the emails we receive we are copied in on rather than being the direct recipient, as is the case with the

significant majority of your emails. The default expectation is that the direct recipient is based placed to respond on behalf of the authority.

That said, having reviewed the correspondence file, I can see examples where myself, Cllr Lewis and Cllr Patten have sent emails to the Department to chase up responses to you, recognising that the delays you were experiencing were unacceptable.

It is also typical for emails to the Leader of the Council to be passed to the relevant Cabinet Member for response, as was the case with your email last year. I have already apologised for the significant and unacceptable amount of time it took to provide a response. As I explained at the time, as we do not hold casefiles or access to them (and nor would it be appropriate for us to do so), we are reliant on relevant information being provided by the service in order that we can respond. I have checked back over my correspondence file and have seen several examples where my office and I were chasing the Department for this information. It is no excuse for how long it took, but the only explanation I can provide is that the SEND team has and continues to be extremely stretched in seeking to deal with the significant rises in the number of requests for assessment.

Similarly, I also receive a very significant volume of correspondence on SEND from parents, carers, grandparents, elected members and MPs. I always seek to do what I can to help in each case and respond as quickly as possible, but openly admit to not always being to do so due to the sheer volume of requests.

Finally, I would add that much as we may wish to, as local members or Cabinet Members, it is not appropriate for us to intervene in specific cases and overturn decisions made by professional officers or multi-agency panels, nor do we have the power to expedite any specific cases over any others, particularly given the production of an EHCP is a legal process and the need to be fair to all those who apply. Similarly it is often not possible to intervene in the tribunal process because it is a tightly run legal process. That said, elected members will often use whatever influence we can to try to resolve issues for families and get the best outcome possible.

Once again I am profoundly sorry on behalf of the authority that your experience has been so poor and unacceptable. I would be very happy to meet with you alongside senior officers to try to ensure that the partnership learns from the mistakes that have clearly been made in relation to George's case, should you be willing."

Question from Julia Iermachenko to Councillor C Hart, Cabinet Member for Health and Communities

“Our community is deeply concerned about the ongoing situation in Ukraine, and we believe that, with the council’s leadership and support, we can play a vital role in providing much-needed assistance. Would it be possible for the opportunity to meet with you or other council members to discuss how we can work together on this important cause?”

Councillor Hart informed Council that she had worked with Ms Iermachenko on a number of projects and would contact her direct to arrange future activities as she was not present at the meeting.

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

“I’ve specifically quoted staffing numbers remunerated over £50,000 at Improvement and Scrutiny - Resources Committees on 28-09-23 and 22-01-24 with figures lifted from the approved 2022/2023 financial accounts. After spotting 2022/2023 figures had been upwardly changed within the 2023/2024 accounts without any explanation, I’ve been informed that previous figures were incorrectly calculated due to £1.24m of sacrificed salaries associated with Shared Cost AVC’s not being included.

I appreciate given the recent approval of the Additional Duties/Accelerated Pay Progression Policy that Council may not have wanted to put lights around the reason for this particular mistake but as similar to absence statistics I remain concerned when mistakes are not highlighted, especially within key, important public documents. Given this untransparent change was made within of all things the corner stone 2023/24 financial accounts, how and when was the Cabinet Member made aware of this particular £1.24m error, if at all?”

Councillor Spencer responded as follows:

“The 2022-23 accounts for the County Council were corrected in the 2023-2024 accounts. The discrepancy was discovered by the Council on the production of the 2023-24 accounts and relates to a disclosure note in the accounts and does not impact on the final financial statement.”

Mr Ingham asked the following supplementary question:

"I'll return back to the issue around my reference to the additional duties and accelerated pay progression. I am surprised by the amount of salary sacrificing to increase pension provision in addition to contributions into conventional AVCs and freestanding AVCs.

Officers appeared to be retirement planning, whilst in parallel, payments for additional duties and accelerated pay to retain staff to plug retiree gaps could occur. curiously, there's nothing to prevent additional duty payments being made to those that have sacrificed salaries.

For accelerated pay, the policy states that this may not be applied if in the last year of service, but given there is no default retirement age, I'm unsure how the council can know who that applies to. Given the quarter two overspend increase is £28 million, I understand why I feel it's important that all application documentation, without exception, is recorded collectively and in a way which will enable elected members and the public to understand upon inquiry precisely the budgetary expenditure incurred in respect of these new payment provisions."

Councillor Spencer responded as follows:

"The implication that you are tabling at the meeting today and understanding the financial status of the council is of course up to the Cabinet. My role is a strategic role and the question you have asked is a technical issue, which I'm happy to present to the Head of Finance, who will respond to your question in writing, in due course."

Question from Robert Barnes to Councillor N Hoy, Cabinet Member for Adult Care

"Given that Bennerley Fields has reportedly been operating at only 50% capacity due to restricting it's limit rather than a lack of demand, and that paying clients currently use its services, what basis and evidence, including public consultation, did the Council use to determine that the current model is financially unsustainable?"

As Councillor Hoy did not attend the meeting, Councillor Lewis responded as follows:

"Thank you for your question. Bennerley Fields has been identified by system partners and the Council as being ideally situated geographically to support well integrated assessment and reablement and is essential to the model operating well, given its proximity to existing healthcare settings. The Council considers that this site is most appropriately used to support its CSB offer under a single operating model. As well as being ideally placed geographically for this purpose, the environment within the

building affords the opportunity to provide support in dedicated rehabilitation and therapy rooms.

A focus on delivering a well-integrated and effective short-term assessment and reablement service alongside system partners is an important strategic priority for the Council. We know that in 2022/23, across Derby and Derbyshire's combined footprint, 75% of people stayed in hospital longer than was ideal. This illustrates, the importance of investing in and focusing on flow through hospitals, supporting people outside the acute setting, through an intensive period of reablement to regain as much independence as possible following a hospital admission. The same principle applies to the avoidance of hospital admission where it is not required medically.

During the consultation, the Council received responses from Derby and Derbyshire's Integrated Care Board and Derbyshire Community Health Services (DCHS). Both partners welcomed the Council's intention to include a focus on reablement through the continued delivery of community support beds as this helps deliver the joint strategic aim to support people in their homes for as long as possible. Both partners provided feedback that a single operating model, across fewer sites, with greater integration between health and social care, to deliver effective assessment and reablement care would serve people better as a result of more people being able to access the service due to the efficiencies created by operating more beds from fewer sites.

We know that reducing the number of sites from which the community support beds operate will achieve economies of scale and this is an important factor when considering the best use of public resources as well as the benefits cited above for people using the service and colleagues. During the consultation DCHS highlighted that reducing the number of care homes from which community support beds are operated means that healthcare colleagues are better able to utilise therapy and community nursing staff at a time when there is higher demand on these services than ever before, stretching scarce resources further. By operating a single model, partners will achieve efficiencies of scale and enable colleagues, ideally under one management structure, to support more people to regain as much independence as possible."

Mr Barnes asked the following supplementary question:

"Two care homes were closed to get Bennerley Fields up and running - Scavengers Lane, Hazelwood and one in Weston Hallam, Beechcroft. I thought the Council's intentions was to close and have a bigger care home for Bennerley. Did the Council change its mind?"

Councillor Lewis responded as follows:

“You are correct and since the Covid pandemic in 2020, care priorities have changed significantly with the need now around creating, making and enabling care in the long term and allowing that flow through from hospitals to return back to our communities. Bennerley Fields will play a part in that as well. A more further technical written answer will be sent to you in due course.”

86/24 **PETITIONS**

None received.

87/24 **SUBMISSION OF THE DERBYSHIRE AND DERBY JOINT MINERALS LOCAL PLAN TO THE SECRETARY OF STATE**

The Executive Director of Place introduced a report, which had been circulated in advance of the meeting, seeking approval to submit the Derbyshire and Derby Joint Minerals Local Plan to the Secretary of State for Housing, Communities and Local Government.

On the motion of Councillor C Renwick, duly seconded it was

RESOLVED:

To approve the submission of the Derbyshire and Derby Joint Minerals Local Plan to the Secretary of State for Housing, Communities and Local Government and to accelerate preparation for the resulting examination in public.

88/24 **HONORARY FREEMAN OF THE COUNTY**

The Managing Director introduced a report, which had been circulated in advance of the meeting, that asked for in principle agreement, to confer the title of Freeman of the County on Albert Keir in recognition of his achievements during his life and career.

On the motion of Councillor A Sutton, duly seconded it was

RESOLVED:

- 1) To support in principle the proposal to confer the title of Honorary Freeman of the County of Derbyshire upon Albert Keir; and
- 2) To agree to convene a special meeting of the Council on a future date to be confirmed to consider the nomination.

89/24 **APPOINTMENT OF TWO CO-OPTED AUDIT COMMITTEE MEMBERS**

The Director of Finance introduced a report, which had been circulated in advance of the meeting, seeking approval to appoint two co-opted independent members to the Council's Audit Committee.

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

RESOLVED:

To approve the appointment of David King and Ruth Marchington as the Council's two co-opted independent members of the Audit Committee for a term of four years to December 2028, subject to satisfactory references and right to work checks.

90/24 **EXTENSION OF THE TERM OF OFFICE OF THE INDEPENDENT PERSON APPOINTED UNDER THE LOCALISM ACT 2011**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, seeking approval for an extension to the current term of office of the Independent Person, Ian Orford.

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

RESOLVED:

To approve the extension of the term of office for Mr Ian Orford as Independent Person under the Localism Act 2011 for a further four years from 3 February 2025.

91/24 **MINOR CHANGES TO THE CONSTITUTION: TERMS OF REFERENCE FOR THE HEALTH AND WELLBEING BOARD AND CHANGES TO THE RESPONSIBILITIES FOR THE COUNCIL'S SIRO AND IT STRATEGY**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, notifying members of updates to the Constitution.

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

RESOLVED:

- 1) To note the inclusion in the Constitution of the revised terms of reference for the Health and Wellbeing Board approved by Cabinet on 25 July 2024;
- 2) To note that the Director Digital now holds the role SIRO;
- 3) To note the update to Appendix 1 – Responsibility for Functions within the Constitution to confirm the responsibility of the Director Digital in relation to the Information Technology Strategy;
- 4) To note that the required updates to the Constitution had been authorised and completed by the Monitoring Officer who had the delegated power to undertake those amendments; and
- 5) That the changes to the Constitution were reported to the Governance, Ethics and Standards Committee on 10 October 2024.

92/24 TEMPORARY APPOINTMENT OF EXECUTIVE DIRECTOR AND DIRECTOR OF CHILDREN’S SERVICES (DCS)

The Managing Director introduced a report, which was circulated in advance of the meeting, asking Members to note the temporary appointment to the role of Executive Director of Children’s Services who would have the statutory responsibility of the Director of Children’s Services under Section 18 of the Children Act.

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

RESOLVED:

To note the appointment of Alison Noble on a temporary basis to Executive Director of Children’s Services and the officer having statutory responsibility for the Director of Children’s Services under Section 18 of the Children Act 2004.

93/24 DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, reporting on executive decisions taken as a matter of urgency 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 of the report.

94/24 **ELECTED MEMBER QUESTIONS**

Question from Councillor E Fordham to Councillor B Lewis, Leader of the Council

“Over the last 3½ years or 7½ years the Leader has been an active champion for more funding for Derbyshire County Council. How successful has that advocacy and lobbying been?”

Councillor Lewis responded as follows:

“County Councils Network raises the profile of local government finance and challenges faced by local authorities. This has led to a national debate on money for the County Council for example, additional money for social care in 2024 and 2025. The government is committed to the review of how local authorities are financed and we will continue to lobby government for extra money for the county council.”

Councillor Fordham asked the following supplementary question:

“I am surprised by the lack of content in the answer. I think what he is saying is that he’s agreed with the cuts made to local government. Does he agree with me that it’s a pretty lame report?”

Councillor Lewis responded as follows:

“I have nowhere to go with the question I was asked”

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

“The county has a tree planting scheme across Derbyshire - would the portfolio holder consider making the scheme more devolved and asking councillors to help identify locations and opportunities for tree planting in each individual division? And to ask what proportion of the trees planted this far are fruit or nut trees?”

Councillor Lewis responded as follows:

“As part of this Council’s hugely successful million trees projects, we have been successful in planting well over half a million trees at this point. We expect that we will get to our target well before 2030 and we are ambitious to continue with that as a programme and maybe try to extend to 2 million trees if we can.

England's community forests are in and around large towns and cities, providing urban, economic and social regeneration, infrastructure etc and creating high quality environments for millions of people. The Heartwood scheme covers the eastern side of the county and includes the north east of Chesterfield, Amber Valley, the Derby City area and Erewash and links up with the National Forest in the south. Just over the border in Nottinghamshire there is another community forest so that covers a considerable swathe of the East Midlands Combined Authority area.

It's called Heartwood because of its location, it will occupy central positions and will provide a missing link to join up those woodland areas to pockets of available land over geographic areas of approximately 289 square miles in communities along the eastern border and areas to the south of the county.

The Heartwood Community Forest is fully funded by revenue and capital grants from the government's Trees for Climate Programme. The initial grant period is until 2026 and included in the government's Comprehensive Spending Review that is currently underway. Work in 2024 and 2025 is concentrated on setting up the Heartwood Community Forest Team and developing woodland creation schemes on Council owned land and with private landowners. The Team expects to plant in excess of 50 hectares of new woodland and hedgerows by the 31 March 2025. Significant projects are planned at Markham Vale North Tip, Ripley Pit Top and in Greenway, as well.

The Heartwood SAF Urban Team will welcome the help and support of councillors right across Derbyshire in identifying landowners, parish councils and community groups and other land ownership interests that might be interested in planting trees on their own land right across their divisions and wards. The Heartwood Team can be contacted at this email address Heartwood@derbyshire.gov.uk.

Tree species planted are predominantly native broadleaf trees and shrub species such as oak, hornbeam, silver birch, hazel, blackthorn and holly and a number of community orchards have been planted as

part of the Million Trees Project. There's a lot of other activity taking place across the county as well. Myself and Councillor Cupit did a little bit of tree planting on my village green with some donated fruit trees, commonly known as the orchard on the village green. In the appropriate location, the Heartwood community forest can also support the development of new community orchards, which can incorporate a wide variety of fruit and nut tree species.”

Councillor Fordham asked the following supplementary question:

“When it comes to the community understanding why it's so important to plant trees and what difference it can make, there should be programme of devolving amongst councillors here in this chamber and giving communities open access to want to plant trees where they see fit. I think that would enable a greater understanding of the importance of woodland and I think we've not grasped that fully which opens for councils and communities to do more.”

Councillor Lewis responded as follows:

“Let's have a conversation with officers about how we can facilitate trees, perhaps granted to councillors or individual projects on that basis. My obsession with orchards and apples is absolute so I'm very keen to support any projects like that.”

Question from Councillor E Fordham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“Last year, partly in response to fiscal constraints and political concerns, the budget was taken to just one of the scrutiny committees. How useful was this process and can consideration be given to all scrutiny committees being part of the budget process this year?”

This question was withdrawn at the meeting.

Question from Councillor G Kinsella to Councillor A Dale, Cabinet Member for Education

“The Local Government and Social Care Ombudsman's Annual Review makes damning reading, with an increase in complaints/complaints upheld, particularly within Children's Services. However, this is only the tip of the iceberg - most parents/carers seek redress through the appeal process. Typically councils, including DCC, lose 98% of appeals. Taking over a year from appeal to decision, not only is the financial and emotional burden on families intolerable, but it also wastes vast amounts of taxpayers' money.

Many parents/carers I speak with believe that the extended, bureaucratic tribunal process is a way of rationing access to special needs education. Do you agree with this view of or is it just the case that the SEN team have a catastrophic misunderstanding of SEN law?"

Councillor A Dale responded as follows:

"We have continued to apologise to families for issues in our SEN system and an increasing number have felt the need to formally complain, including to the Ombudsman. We recognise the SEND system in Derbyshire has not been working well. We have been taking a number of actions to seek to improve our performance across the partnership, including particularly our communication and engagement with families - this work will take time for the impact to be felt.

We also regret that some families feel the need to appeal decisions made by the partnership, but it is the appropriate legal mechanism for them to seek redress and change. The reason for disagreements between the partnership and parents are much more complex. I find that your patronising and antagonistic choice of language is pretty unhelpful too. We have committed members of our SEND service who work extremely hard in very challenging circumstances and do not deserve to be spoken about in such a way. I have never met a single person who works within our service who isn't passionate about trying to improve the lives of some of our most vulnerable children and I hope that you will reconsider your choice of words.

The decisions which are made, which are the subject of tribunal appeals are not made by the SEND team. They are made by multi-agency panels made up of professional officers, health colleagues, educational psychologists, school headteachers and SENCo's, amongst others. Your accusation extends well beyond our own officers. The panel makes these decisions on the basis of relevant legislation and the SEND Code of Practice, and the professional advice and evidence before them provided by those who know the child best or spent the most time with them, such as educational psychologists. They will always seek to make a decision which, in their professional opinion, is in the best interests of the child.

With regards to tribunals, as I've said, these are the proper legal process open to parents where they disagree with the panel and we must afford them that right. We are not responsible for waiting times for tribunals and that's an H.M. Courts and Tribunals Service matter. However, we will always seek to work with parents to find a resolution

before their case gets to tribunal or to reduce those waiting times where possible.

Around two thirds of the tribunals in Derbyshire are around provision and placement, and this is something we are trying to address in terms of the £11 million investment to create 300 additional special school places. In some cases there is simply a profound disagreement between the parents and the Panel about what type of placement is sufficient to meet needs which cannot easily be overcome. For example, the Panel may believe, based on the evidence before them, that a child's needs can be met in a mainstream setting with additional support whereas parents may believe that a special school place is required.

Panels are legally bound to take decisions in the best interests of the child, and they are not taken lightly. A decision to place a child in a specialist setting when it is not felt it is required with a peer group whose need is sufficiently greater than their own can have a profound impact on the rest of that child's life, affecting their educational outcomes, affecting their preparation for independent adulthood and even affecting their future employment prospects.

These are not, as your question implies, solely debates about finances but about what is in the best interests of the child in the panel's professional opinion, based on all the evidence before them. What's more is the code of practice for that asks that we make decisions that are compatible with the efficient use of resources. It's not our fault as local authorities, nor the law itself, that H.M. Courts and Tribunals Service seems to disregard this aspect in their interpretation of the law, and the government does need to step up to provide much greater clarity on this issue for all involved as part of the wider reforms that are needed which I'm pleased the new government is talking about. It's not local authorities, but the laws and the parameters set by national government that we have to operate in that requires there to be some financial context for the decisions that are made.

I hope you'll agree, though, based on what I've said and what you hopefully heard yesterday at the members briefing, is that the situation for local authorities is pretty unenviable and that we are in classic rock and a hard place situation, torn between meeting the wishes of parents, trying to decide objectively what is in the best interests of the child, and being held to account by government over the mess the financial system is in which, frankly, has never been of our making.

Councillor Kinsella asked the following supplementary question:

“I don't think anyone could fail to be impressed with the humility and the commitment of the officers to try and resolve some of these difficult issues, however, I have residents contacting me and I have evidence of tribunal rulings where Derbyshire have not complied with the Code of Practice. How will you work more effectively with carers and carers forums, not just informing them but actually co-producing some of the solutions and, linked to that how will members be involved in assessing the performance of the service around this particular area? What engagement will we have as members and what performance information will we be presented with?”

Councillor A Dale responded as follows:

“Derbyshire Parent Carer Voice has recently been re-established and meeting regularly with senior officers. They will be present on the SEND Improvement Board, which is being set up and will be independently chaired as a result of the inspection so they're very much involved. I am very keen that we work with them to hold some focus groups with parents to work in a much more, two way communication and engagement with parents so that they feel they are being listened to. That is very clear in our inspection.

Sometimes the system can feel far too adversarial and we're very keen to break that down. We are committed to working much closer with parents, we're not going to be able to solve every single case or meet every single parent's wishes but, we do need to better engage. I am happy to give that assurance.

In terms of members engagement, I am very happy to do another session in a few month's time and see where we go. We will have the Improvement Board first meeting next week and there will be opposition representation from the Labour group. We all need to have some oversight, and that's really what is required moving forward. If we're going to be serious about improving the services, we need to work constructively together and try and deliver that.”

Question from Councillor G Kinsella to Councillor N Hoy, Cabinet Member for Adult Care

“Following the proposed redesign of residential care and care homes, I am shocked to see Ada Belfield in Belper is one of the threatened homes. Ada Belfield, built at a cost of £11.5 million only four years ago, offers both high quality dementia care and community support beds. The type of support offered is exactly the type of care justifying the redesign.

What on average will be the additional weekly care costs to service users and how many old and vulnerable people will be denied high quality, affordable care as a result of these cuts?"

As Councillor Hoy did not attend the meeting, Councillor Lewis responded as follows:

"I have had a few exchanges about this of late so it's important that I reiterate that until after the public consultation and analysis of all of the feedback and recommendations made to Cabinet, which will occur next year. I would encourage people to get involved in the various consultation methods - questionnaires, virtual sessions, stakeholder engagement.

About Bennerley, how we work with DCHS who are often guided by them and where community support beds go. That's why we're relooking at this particular care home. Regarding care homes that cabinet approved for sale - this will not to any financial detriment to any existing resident in that home and their contributions will remain the same under the same arrangements as well. That's very clearly set out in the report that we had recently. As per our pledges, we will work with the residents and their families and carers to support them through the process with a dedicated review team of practitioners, but many residential care businesses within the private and voluntary and independent sector in all areas of the county, a full list of these were included in the Cabinet report which we can send you."

Councillor Kinsella asked the following supplementary question:

I think the concern is a lack of transparency. A lot of people engaged this week over a Facebook post - you'll see the depth of feeling. A lot of questions remain outstanding from a lot of people - questions around Ada Belfield not being sustainable, not affordable, not being a home of demand. I think people are just asking for the evidence for that. It would be good to see a breakdown for these particular care homes and I think that would help the consultation process if people could see the validity of the arguments. I think without that financial information, around particular care homes that are subject to closure or privatisation, I think it's a bit difficult for people to make a decision and there's a degree of distrust, so I would really welcome that information."

Councillor Lewis responded as follows:

"I wholeheartedly agree with you. The new finance group meeting regularly to interrogate the Council's finances is certainly an important element of that because we need to understand what a council homes

budget is, how much a council home is overspending by and why that would be. We need to dig under the skin of that as well. We know all about the issues with regard to recruitment and retention of staff. Not many people want to work in this area and that is a driver behind some of the issues because we can't properly staff care homes which leaves us lacking in capacity in some. Understanding of what particular needs care homes have, whether it's in residential care or nursing care. We find that in some places it's more of a requirement for nursing care, less of a residential care, but looking after people in their own homes or other private sector placements are already available.

There are lots of factors that drive the cost pressures behind a lot of our care homes and our care home placements. I'll be brutally honest I ask for information about care homes and I get the results on the tables that that mean nothing to me. I want to be able to read and understand and look at the table that tells me exactly what I need to know from a care home. I will make sure we drag those number out into the public domain as best we can"

Question from Councillor P Rose to Councillor A Dale, Cabinet Member for Education

"I note that parents and guardians were asked to sort out school places for September 2025 by the end of October 2024. How does that work for those children with specific requirements and are subject to an 'Education, Health and Care plan?"

Councillor A Dale responded as follows:

"I believe you're referring to the secondary school admissions deadline. Admissions for children and young people's education, health and care plans will be arranged by the SEND service under completely different legislation and therefore not through the general process. The service will contact parents and carers when their child is due to move from nursery to primary, primary and junior to secondary and secondary to post 16.

If parents and carers would like their child to move to a different school in year or outside the normal admission times, they should ask for an emergency review of their EHCP. Parents and carers have a legal right to request a school or college, whether that's mainstream, special or resource provision. Once a preference has been expressed, the local authority must consult with the school or college and must name it in the EHCP unless it is unsuitable for the age or ability of the child or the attendance of the child would be incompatible with the efficient education of others or the efficient use of resources. For children with

an EHCP when transitioning, the SEND service must issue a final EHCP naming the school or college the child will be transferred to by the following national deadline of 15 February for younger ages groups and 31 March for older ages groups. We will look into the specific case you emailed about and come back to you soon.”

(Councillor Swann left the meeting at 4:25 pm.)

Councillor Rose asked the following supplementary question:

“Thank you very much for the briefing yesterday, yourself and staff. I think it was very useful and obviously my question refers to that issue. Things have overtaken what was going on and I appreciate your time and words on the issue brought to you.

Can I be certain that staff are going to reconsider or review where there has been some controversy which may have resulted from the issues with the Ofsted report?”

Councillor A Dale responded as follows:

“I am very happy to review the case that you referred to me. I think the issue there was the family didn't feel they were offered any other choice and I find that very strange but absolutely we'll look at that. And in relation to the other inquiry. There's a general commitment we are seeking to improve. It's not going to be a quick process. It's going to be difficult and there are lots of challenges within the system but we are committed to working through them as we have within the past few years.”

Question from Councillor A Clarke to Councillor N Hoy, Cabinet Member for Adult Care

“Can you tell me what assessment Derbyshire County Council has made of the impact on the health services delivered from The Jubilee Centre and Queen's Court and what steps the Council will be taking to ensure residents can still access those services which help prevent their health deteriorating.”

As Councillor Hoy did not attend the meeting, Councillor Lewis responded as follows:

“DCHS have considered all health needs and confirmed that this will need to deliver through a mixture of outpatient clinics and community care, the urgent treatment centre and the love stronger for longer programme and via primary care. The council is committed to working

closely with the NHS throughout the transition and beyond to ensure local community support.

Question from Councillor J Dixon to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“In his report to Council in September 2023, the Leader didn’t think the fact that:

- the Council was projected to overspend by £46m
- that his Cabinet was about to introduce emergency measures as part of a series of actions to mitigate that overspend avoid the issuing of a S114 notice was sufficiently important to report to Members. Members only became aware of the Council’s dire financial circumstances 20 minutes after the close of the Council Meeting.

This year’s Q2 report is not scheduled to be published until later today. Yet again, Members are being kept in the dark and cannot ask questions on the Council’s finances. In the absence of that Q2 report, could the Leader reassure Council that when that report is published at the rise of this meeting it will not contain another autumn surprise or further deterioration in the Council’s finances?”

This question was withdrawn at the meeting.

Question from Councillor K Gillott to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“At the last Full Council meeting, the Deputy Leader of the Council refuted the suggestion that this administration had mismanaged the Council’s finances. Does he stand by his comments?”

Councillor Spencer responded as follows:

“The answer is yes”

Councillor Gillott asked the following supplementary question:

“Both budget papers that were published in February and next week’s Audit papers make quite clear that the cost of running this council is substantially more than most councils - anything between £10 and £20 million and that’s been going on for many years. It’s only now that we face a financial crisis that we’re currently dealing with that urgently.

My understanding in best practice is that you don’t do major modernisation just to save money, because that often leads to mistakes

and bad policy and it can be clearly unsettling for staff as well. So, if running this council for so many years, costing a good £10 million more than we actually have to pay each and every year is not financial mismanagement, what it is?”

Councillor Spencer responded as follows:

“It is unfortunate that our scheduled meeting falls the way they do - this wasn't planned. It was the circumstances that always provided the budgetary cycle and it is unfortunate that they were published on the website just after the meeting. You're quite right, there is a there a cost differential involving this council compared to other councils in the country and as a consequence we are going to have to deal with that. And we have. Let me explain how. You will be aware that we put cost control measures in place, which have been tightened considerably since the figures were presented. You will be aware if you have read the paper that we as an authority tend to procure the services of PwC very much focused on the issues you have just articulated. We're also considering setting up a fiscal commission to go into the finer details of the issues related to more expensive provision in Derbyshire and elsewhere.

Many of the functions within the authority are costing us extra money, adult social care and children's services and those services are statutory. I think the question is our expectation of statutory and is our expectation of statutory the same as our neighbours' expectation. The reason I say that is our services here in Derbyshire cost 14% more. There are questions to be asked why. I will give you an assurance today that we will find out why, and we will take action to address it. And I can also tell you that with regard to the 14%, which is higher than our neighbouring authorities, we need to look very closely about what is our delivery model. If, after the investigations, we find we need to make changes in our delivery model, we will make them. Hopefully with your support, we will get this budget back where it needs to be.

That does not get away from the fact that it is a huge challenge. And I just want to applaud the efforts of our staff at the Council for the efforts they have made with regard to the savings target, not just the performance monitoring and budget monitoring, but there are some considerable success stories in the performance data within that report and vast swathes of the organisation have met their savings targets and the drivers of that intensive pressure upon adult social care and children's services, in one case a 15% increase is driven by demand. How do we change that demand and how do we tackle the issue that we are more expensive than our neighbours? Work has been carried out over the last few months and years to find out. I believe that the

government needs to cap the costs of children in care and we are going to lobby for action on this. I also believe that our staff are trying their best to tackle this. Our definition of “statutory” and our neighboring councils must differ and over the coming weeks, we're going to find out what that differential is, and we are going to take action”

(Councillor Clarke left the meeting at 4:47 pm.)

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

“Would the Cabinet member like to give their reflections on the recently released Ofsted report on SEND?”

Councillor A Dale responded as follows:

“I've spoken to 4 or 5 different media outlets over the past week or so and been quoted in several different articles and features over the past week. I think my reflection have been pretty well documented already. For the avoidance of any doubt, I want to once again offer my apologies on behalf of the partnership to any families affected by the issues raised. We fully accept the findings of the report, and we acknowledge that the SEND system in Derbyshire is not good enough and needs to improve at a much faster rate. And we recognise many of the issues OFSTED highlighted some time ago and we've taken a number of actions over the past couple of years to try and improve our services, including restructuring of the teams, giving them more clearly defined roles, investing in the empowered individual educational psychologist and admin support, improving processes which has led to improvements in timeliness. We re-established the SEND executive board with the New Education Partnership to create a new SENDCO network. We introduced inclusion panel funding, which replaced GRIP. We've done a restructure of our inclusion support service leading to a reduction in exclusions. We introduced a new hub system and committed £11 million towards special school expansion.

Our efforts are starting to show some improvements in some areas, but there is clearly a long way to go before we will get to where we need to be and we absolutely do need to redouble our efforts to improve more quickly but, we need to be honest in acknowledging that many of the issues that have already said will not be resolved overnight. It's essential that the improvement work we are absolutely committed to doing translates into an improvement in the experiences and outcome of children and young people. It's a partnership responsibility, as you know, and we're committed to working across the partnership with health, schools, the public, private and voluntary sector colleagues and

most importantly, children and families. We do have a shared commitment to continue to strive to ensure all our children have the best possible start in life, whatever their challenges and abilities.

I want to recognise clearly that all elected members have an important role to play in this work. And while I acknowledge that challenges and scrutiny are vitally important, I hope that the partnership can rely on all of us across the chamber, regardless of our different politics, to work constructively together with the partnership to deliver the improvements that we all want to see for our residents.”

Councillor George asked the following supplementary question:

“There's no denying that the SEND report is damning even in Ofsted's measured language. They set out many failures in leadership and in management. Most of the recommendations relate to Derbyshire County Council as opposed to our health partners and the majority of what is recommended is set out at the seat of the county council, where leadership has been chaotic in recent years, as the report sets out.

The one person who has been steadily at the helm for the last almost eight years is Councillor Dale, as the cabinet member and has overseen all of these management and structural failings identified by Ofsted. I wondered if the cabinet member wanted to use today to make clear, without any equivocation, his personal responsibility for creating a system that has meant, as Ofsted said, too many children and young people with SEND, their needs have not been met for too long and whether he has considered his position?”

Councillor A Dale responded as follows:

“I take issue with the question around the majority of recommendations relating to Derbyshire County Council. Most of them relate to partnerships and a lack of joint partnership working. I think most of the recommendations are about the whole partnership. Clearly the report has been extremely sobering and it's concerning that Ofsted highlighted some of the issues that we've seen. I think most of us know that there have been problems over the past few years. Demand has really shot up. We've seen a doubling of EHCPs over the past seven years, a doubling of requests in the past three years alone so it's unsurprising that the system is under a huge amount of pressure. We have been taking a number of actions to try and improve this.

I recognise that you may very well want me to resign, but my focus is on continuing to deliver those improvements and working across the partnership, hopefully with all members here present today, to try and

ensure that we do improve those services. I'm focusing on getting on with the job, Labour have got absolutely no plan for what they would do differently. The most they can do is tell us to do the things that we're already doing as part of the improvement plan, and I think the reality is the Labour Party don't actually really care about this issue. All you really care about is using our most vulnerable children as a political football to try and score points."

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

"Could the Cabinet Member inform Council how much money has been spent in renovating, refitting and improving the following council homes since 2021: Ada Belfield, Briar Close, Castle Court, The Grange, The Leys, New Bassett House, Rowthorne and Thomas College?"

As Councillor Hoy did not attend the meeting, Councillor Lewis responded as follows:

"The short answer is overall spend on the care homes is £12,076,264.18. I will send you the table with the breakdown information."

Question from Councillor C Dale, Councillor C Cupit, Cabinet Member for Highways Assets and Transport

"The County Council's Parking Enforcement team, under a Traffic Regulation Order, have recently being issuing parking tickets on the Rear Service Road to Patchwork Row, Shirebrook. The Rear Service Road is an unadopted road and the land is privately owned by all the properties on Patchwork Row and Victoria Street, as it originally formed part of their rear gardens. Have the parking enforcement team obtained consent from the owners to issue parking tickets on this privately owned land?"

Councillor Cupit responded as follows:

"We are aware of the issues and the concerns on this site. There are still some legal checks underway and some ambiguities in relation to the TRO so if it's okay we'll feedback in more detail over the coming weeks.

Councillor C Dale asked the following supplementary question:

"The rear service road shouldn't be privately owned, as you know – it's a town centre. Last year, businesses were concerned because cars

were blocking them. We've got the funeral directors that park their vehicles. We've got food shops, takeaways and of course, the lorries go up and deliver. Can you give some reassurance that if they haven't got the consent, they will obtain the consent of the owner so they can carry on supporting the businesses?"

Councillor Cupit responded as follows:

"Having been out with the parking enforcement officers quite recently on a couple of occasions, I appreciate the complexities of what they deal with and particularly town centre parking issues. We'll absolutely take that back because I do understand that the enforcement took place because of requests from both businesses and residents, we just need to get to the bottom of the TRO process and then I will feedback to you and local businesses."

With the time approaching 5:00 pm and on the motion of The Chairman,
duly seconded it was

RESOLVED:

That under rule 4.1 of the Council Procedure Rules the meeting should be extended by 1 hour to continue until 6:00 pm to enable the remaining business on the agenda to be considered.

95/24 NOTICE OF MOTION

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

During its last meeting, all Members of Derbyshire County Council, with the exception of Labour Councillors, supported local pensioners by urging the Government to reverse its decision to means-test the Winter Fuel Allowance, a measure that risks leaving many Derbyshire pensioners in danger of going cold during the coming months and in financial hardship, particularly with October's significant increase the energy price cap. Unfortunately, the Budget provided the Government with many further opportunities to wreak financial havoc on the country.

The Labour Government's avaricious tax-and-spend Budget on 30 October 2024 was clearly a long-planned full-frontal ideological assault on working people, pensioners, farmers, house-buyers, bus passengers, housing landlords, hospices and other charities, university students, businesses including care companies, childcare and pre-school facilities, and GP and Dental practices which, as the Office for Budget

Responsibility and other more respected monetary and fiscal organisations have confirmed, has saddled Britain with £40 billion in extra taxes and plans to spend an additional £70 billion a year that will stifle economic growth for years to come.

The changes to the long-established Inheritance Tax Relief for agricultural land announced by the Labour Government in its mega-tax-raising Budget will introduce what has been widely dubbed as a 'Family Farm Tax', which will have a hugely detrimental impact on British families' food budgets and UK food security by making it extremely difficult for farmers to pass on their Family Farms to the next generation of trained and skilled farmers.

Steve Reed, who was photographed recently wearing a £420 pair of designer wellies donated by the controversial Labour figure Lord Alli and is the Member of Parliament for the inner-London constituency of Streatham as well as the Secretary of State for the Department of Environment, Food and Rural Affairs, and Sir Keir Starmer, another well-documented beneficiary of Lord Alli's seemingly endless murky financial largesse, had both been clear in ruling out the introduction of the Family Farm Tax.

Derbyshire's economy is highly dependent on farming, and numerous family farms throughout the County will face the devastating impact of Labour's terrible new tax.

The UK relies on the farming sector to ensure its food security, which now more than ever is essential to maintain with the population booming at around 70 million people.

This counterproductive and mean-spirited measure has caused levels of despair not seen in agricultural communities since the foot-and-mouth outbreak of 2001.

That Council believes:

- The Labour Government's changes to inheritance tax relief on agricultural property, the Family Farm Tax, will make British food production significantly harder, threaten many long-established family businesses, lead to job losses, and inevitably see much increased food prices for consumers across the UK.
- At a time when many farmers in Derbyshire are struggling with soaring costs and energy prices, this sudden tax rise will damage the future of their farms and negatively impact on local communities as well as our area's environmental sustainability.

- By forcing the sale of family farms, Labour's spiteful and unnecessary measure will add a further significant threat to the nation's food security on top of the impact on harvests of increasingly unpredictable seasonal weather patterns, the war in Ukraine and other conflicts, and the increased use of large swathes of quality agricultural land for solar farms, pylons, and battery storage installations.
- That Sir Keir Starmer and the Secretary of State for the Department of Environment, Food and Rural Affairs pledged on a number of occasions that they would not impose a tax like this and, therefore, the Labour Government have committed a yet another shameful betrayal and let down farmers by breaking their promises to not introduce a Family Farm Tax.
- The Family Farm Tax will damage the ability of farmers to pass on their farms to their children, a decades-old system that has ensured the efficiency of the British farming sector and its ability to meet consumer demand at affordable price levels.
- Numerous rural and farming organisations such as the National Farmers Union and Country Land and Business Association have warned that countless farms will be harmed, threatening food security, and negatively impacting on rural areas like much of the County of Derbyshire.
- The comment made by Secretary of State for the Department of Environment, Food and Rural Affairs Steve Reed that already struggling farmers, who work tirelessly to supply quality and reasonably priced produce for the people of Britain, will have to 'do more with less' is both uninformed and deeply concerning.

Therefore, Council resolves:

- 1) To request that the Leader of the Council writes to both the Chancellor of the Exchequer and Secretary of State for the Department of Environment, Food and Rural Affairs to outline the Council's dismay at this decision and call on the Government to stop its highly damaging changes to inheritance tax relief on agricultural property - the Family Farm Tax.
- 2) To call on all of Derbyshire's MPs to act to support local farmers and consumers by proactively opposing the Government's damaging imposition of the Family Farm Tax.

- 3) That the Cabinet Members for Strategic Leadership, Culture, Tourism & Climate Change and Clean Growth & Regeneration engage with Derbyshire's farmers on what campaigning assistance the Council can provide to support them.

Councillors Ashton, Clarke, Cupit, A Foster, M Foster, Renwick and Woolley left the meeting during the debate.

On the motion of Councillor Spencer duly seconded and in accordance with Council procedure rule 18.1 a recorded vote was taken as follows:

For the motion:

Councillors Ainsworth, Allen, Athwal, Atkin, Bull, A Dale, Muller, Flatley, Ford, Grooby, Gourlay, Hart, Hickton, Hobson, Iliffe, Kemp, King, Lewis, Major, Moss, Murphy, Nelson, Parkinson, Patten, Rose, Smith, Spencer, Sutton, Taylor, Wharmby and Wilson.

Against the motion:

Councillors Collins, C Dale, Dixon, George, Gillott, Greenhalgh, Haynes, Innes, Kinsella, Mihaly, Ramsey and Yates.

Abstentions:

Councillors Bingham, Burfoot and Fordham.

The vote was declared to be WON and CARRIED, it was therefore,

RESOLVED:

- 1) To request that the Leader of the Council writes to both the Chancellor of the Exchequer and Secretary of State for the Department of Environment, Food and Rural Affairs to outline the Council's dismay at this decision and call on the Government to stop its highly damaging changes to inheritance tax relief on agricultural property - the Family Farm Tax.
- 2) To call on all of Derbyshire's MPs to act to support local farmers and consumers by proactively opposing the Government's damaging imposition of the Family Farm Tax.
- 3) That the Cabinet Members for Strategic Leadership, Culture, Tourism & Climate Change and Clean Growth & Regeneration engage with Derbyshire's farmers on what campaigning assistance the Council can provide to support them.

The meeting finished at 5.51 pm