

# Public Document Pack



**Simon Hobbs**  
Director of Legal and  
Democratic Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Extension 38327  
Direct Dial 01629 538327  
Ask for Roy Ackrill

PUBLIC

To: Members of Council

Tuesday, 24 November 2020

Dear Councillor,

Please attend a meeting of the **Council** to be held at **2.00 pm** on **Wednesday, 2 December 2020**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

**Simon Hobbs**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. Chairman of the County Council's announcements
4. To confirm the minutes of the meeting of Council held on 16 September 2020 (Pages 1 - 26)

5. To consider the report of the Leader of the Council
6. To consider public questions (if any)
7. To receive petitions (if any)
8. To receive questions from Elected Members

To consider reports as follows:

- 9 (a) Review of the Council's Senior Officer Leadership Model (Pages 27 - 32)
- 9 (b) The Scrutiny Review (Pages 33 - 66)
10. To consider the report from the Cabinet and Members' questions on the report (questions to be submitted to the Director of Legal & Democratic Services by 12noon on Friday 27 November 2020) (Pages 67 - 90)
11. To consider the attached Notices of Motion (Pages 91 - 92)

PUBLIC

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL**  
held on 16 September 2020 at County Hall, Matlock

**PRESENT**

Councillor T Ainsworth (In the Chair)

Councillors D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, Mrs E Atkins, S A Bambrick, N Barker, B Bingham, Ms S L Blank, J Boulton, S Brittain, S Bull, Mrs S Burfoot, Mrs D W E Charles, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, J E Dixon, R Flatley, M Ford, Mrs A Foster, J A Frudd, R George, K Gillott, A Griffiths, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, Mrs J M Innes, T A Kemp, T King, B Lewis, W Major, P Makin, S Marshall-Clarke, R Mihaly, C R Moesby, P Murray, G Musson, R A Parkinson, Mrs J E Patten, J Perkins, Mrs I Ratcliffe, B Ridgway, C Short, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, M Wall, Ms A Western, G Wharmby, Mrs J Wharmby, B Woods and B Wright.

**61/20      APOLOGIES FOR ABSENCE** Apologies for absence were received on behalf of Councillors K Buttery, D McGregor and P J Smith.

**62/20      DECLARATIONS OF INTEREST** In respect of agenda Item 9(a), the Devolution, Vision Derbyshire and Local Government Reform report, email declarations of interest had been received from Councillors T Ainsworth, K S Athwal, J Atkin, N Atkin, E Atkins, S Bambrick, N Barker, B Bingham, S Blank, S Brittain, S Bull, S Burfoot, A Dale, M Ford, A Foster, J Frudd, L Grooby, G Hickton, R Iliffe, J Innes, T Kemp, B Lewis, W Major, C Moesby, R Parkinson, J Patten, J Perkins, C Short, D Taylor, J Wharmby, G Wharmby and B Wright.

**63/20      MINUTES OF THE COUNCIL MEETING** On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** that the minutes of the meeting of the Council held on 15 July 2020 be confirmed as a correct record.

**64/20      CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:

Derbyshire County Council's County Hall headquarters had been lit up in green in recognition of Mitochondrial Disease Week. This was an inherited disease which affected 1:4000 people. The disease was in every cell in the human body. It was sometimes called the "power

house” of the cell. It was like the battery. When it was deficient in the cells it caused the cells to die and there was no cure. This was a week where we were supporting this disease.

Derbyshire County Council had some Elected Members who had hospitalised over the summer. The Chairman was pleased to report that they were now home and were on the mend.

The new Interim Director of Economy, Transport and Environment, Mr Tim Gregory was introduced and welcomed to his first Council meeting.

**65/20      REPORT OF THE LEADER** Councillor Lewis welcomed everyone back after the summer break and hoped that it had been enjoyable despite the on-going situation due to Covid-19.

Covid-19 had affected the economy enormously over the past few months, however there had been some very encouraging signs in relation to its recovery, specifically in the hospitality and tourism sectors. It was still fragile though and the improvement would rely on the sensible behaviour by people in the coming months as the number of Covid-19 cases increased in our communities. The unemployment rate had increased by just over 4 per cent and a particular impact on young people had been highlighted.

Work had been on-going via the Derbyshire Economic Recovery Board with colleagues from the private sector, Districts and Boroughs and Derby City in relation to the creation of a recovery strategy which would be submitted to the next Board meeting. £15m had been committed to economic recovery in Derbyshire with the aim of accelerating that work and driving clean growth.

In an effort to assist with the containment of the virus, Councillor Lewis wished to make a plea to all here and to all in Derbyshire to heed the hygiene advice on washing hands and sanitising; wearing a mask where advised; heed the social distancing; heed the rule of six and heed the advice around getting tested when displaying those key symptoms or when professionally advised. He also referred to the testing system and associated pressures.

A Local Outbreak Board had been recently established chaired by Councillor Lewis with Councillor Hart as Vice-Chairman. Cabinet Members would be asked to participate as and when required. The Leader of the Opposition had an observer role on that Board and would be invited to contribute when and where relevant. This was a new responsibility placed on local authorities in May and would help with the

development of the public health response to the Covid-19 pandemic locally.

The Board had recently approved its Local Outbreak Plan which it was hoped would evolve and be responsive to need. Councillor Lewis detailed other areas of work and functions the new Board would be involved in over the coming months which included various publicity campaigns and receiving regular updates from the Local Track and Trace team, based at the county council.

Councillor Lewis expressed his thanks on behalf of the Council to Dean Wallace and his team for all the extraordinary work they had done over recent months, along with Liz Partington and her team in the Emergency Response Unit in supporting all that work in the LRF effort.

He also expressed thanks to care workers out in our homes and in our communities and the Transport and Highways Team. They had done extraordinary work out there and their efforts were very much appreciated.

He concluded by thanking Councillor A Dale and Ms Parfremment for all the hard work they had done working with their staff in Children's Services. He also mentioned the transport providers out in Derbyshire and thanked them for stepping up to assist.

**66/20        PUBLIC QUESTIONS**    No public questions had been received.

**67/20        PETITIONS**    There were none received.

**68/20        COUNCILLOR QUESTIONS**

**(a)        Question from Councillor Paul Smith to Councillor Barry Lewis, Leader of the Council**

Will the Leader of the Council join with the Labour Group, Derbyshire Wildlife Trust and many Derbyshire residents in condemning the government's decision to allow the culling of badgers in Derbyshire? Over the last 6 years Derbyshire Wildlife Trust has been running the UK's largest badger vaccination programme that is more effective, more humane and cheaper than culling.

Will the Leader agree to uphold Derbyshire County Council's Cabinet decision of 30 July 2013 which does not permit badger culling on land owned by the County Council. Will he continue to allow vaccination to occur on County Council land and will he contact the

Environment Secretary, George Eustice, as a matter of urgency to remove Derbyshire from the culling area?

Councillor Lewis responded:

As I have said before I am a great supporter and lover of wildlife and nature conservation and I did indeed used to be a member of the Derbyshire Wildlife Trust. However, I cancelled my membership with them because of their stance in encouraging young children to damage their education by striking from schools, which I disagree with wholeheartedly. Of course a better approach would be to enlighten and encourage children to maximise their educational opportunities to become scientists, thinkers and leaders to effect real change not make them political pawns and in this they stand apart from other regional colleagues in a political way which I think damages their independence and reputation on some matters.

Anyway, to the question in hand. The issue of bovine TB is a significant one that farmers face in Derbyshire and I appreciate that this is an emotive subject for many people. It is also an emotive subject for many farmers whose livelihoods have been impacted by TB leading to losses so significant that some have given up keeping cattle, even given up farming and in some instances have led distressingly to suicide. Four in the last year have been linked to this issue in Derbyshire. I think we all agree we want to see an evidence based approach to this issue. No one wants to see wildlife needlessly killed so here is some context.

One of the Government's top priorities is the accelerating work to develop a deployable cattle bovine TB vaccination within five years. Evidence from trials in New Zealand suggest efficacy levels of over 80%. This, if deployed with other disease control measures, could see the prevalence and incidence of the disease significantly reduced. A badger cull elsewhere has led to a significant reduction in the disease but no one wants to continue the cull of this protected species indefinitely.

The Government asked Sir Charles Godfrey to conduct a review which concluded in October 2018 and the Government set out its intended next steps earlier this year. The UK's Bovine TB Eradication Strategy is founded on sound science and is evidence based. It incorporates evidence gained from previous attempts to control the disease as well as evidence from around the world. It includes a policy of regular testing and removal of infected cattle from herds as well as tougher restrictions on cattle movements from herds at risk of infection and measures to encourage risk management in areas where the disease is prevalent.

The current BCG vaccine will never provide full protection, but funding will be made available to accelerate the research and trials with the aim of having a vaccine that can be widely deployed in the next five years. Cattle vaccination only works well if the bacterial load in cows and badgers is dealt with and that is the primary focus of the strategy. This will enable there to be a welcome exit from the current culling strategy which at this time is one of the tools available to control this disease and protect livelihoods. Soon a Government funded pilot of badger vaccination will be introduced in at least one area where the four year cull cycle has concluded with simultaneous surveillance of disease with the aim to only allow culling in future where the evidence points to a significant reservoir of bovine TB in badgers.

The Government will invest in the deployment of better, more frequent and more diverse cattle testing so that we are able to detect the presence of the disease earlier and remove it from cattle herds faster. There will be a world leading Bovine TB Cattle Vaccination trial getting underway in England and Wales as a result of a major breakthrough by Government scientists. There is expected to be a deployment of a cattle vaccine by 2025. This will be key to eradicating this highly damaging disease. Ministers hope that any remaining areas who join the current cull programme in the next few years will then wind down by the mid to late 2020s.

Whilst the actual vaccine being deployed by Derbyshire Wildlife Trust is effective and as such is very welcome, it has only vaccinated 221 badgers out of an estimated population of 5,500 in 2019. It will not cure animals already infected and is limited in its efficacy due to these factors, but it is, however, one of the tools we must continue to use to control the disease. Therefore we are happy to continue with these programmes on DCC land for now and have not had any requests from tenants to reconsider it. We recognise, however, that it is just one tool to be deployed in the fight against this terrible disease that can afflict wildlife and cattle and impact on livelihoods.

So the issue is far from straightforward. The Government is taking a science led and science driven evidence based approach to this and in that I, and we, support them. I am therefore happy to write to the Minister to support the approach being taken.

**(b) Question from Councillor Sue Burfoot to Councillor Simon Spencer, Cabinet Member for Highways, Infrastructure and Transport**

I understand that Councillor Spencer has apparently produced plans for an Ashbourne by-pass and bearing this in mind, why have

these proposals not yet been put on the County Council's website, to enable all residents to consider the alternatives?

That could enable them to discover that most routes would have little or no impact on the District Council's already approved but currently mothballed Gypsy and Traveller site, which was earmarked in the District Council's 2017 Local Plan.

I understand that the only by-pass route which would pass through the previously proposed traveller site was not considered viable because it would have too steep a gradient and would bisect a community allotment site, covenanted for that purpose to the local community and therefore unlikely to be adopted by the Council as a viable route.

Why therefore, is this Council unwilling to negotiate with Derbyshire Dales District Council, to enable a vulnerable Gypsy and Traveller family to reside in their preferred location, close to Ashbourne, whether on a temporary or permanent basis?

In conclusion, could Councillor Spencer confirm that the proposed routes will be published as soon as possible on the DCC website?

Could he also confirm that should a route for the Ashbourne by-pass be chosen that does not pass through the traveller site and the allotments, then he will be able to enter into negotiations with DDDC to once again release the land for a traveller site?

Councillor Spencer responded:

Before I go into answering the question, I think I need to correct the litany of incorrect, factually incorrect statements within the question, so I am going to try and work through the question paragraph by paragraph because there are an awful lot of statements here that are factually incorrect.

Let me start with the first statement that was made about "apparently produced plans for an Ashbourne bypass". I would have thought that Councillor Burfoot with her experience on the Council would know what the procedures of the Council were but as she doesn't I will do my best to explain what will happen and what is in the process of happening at this moment in time.

Derbyshire County Council under the leadership of the Conservative Group, this is one of their key priorities delivering a bypass for the residents of Ashbourne and removing the HGVs from the town centre. The process that will be adopted, and has been adopted



to-date, is that before any work begins on progression a paper is brought to Cabinet. Now of course progression has already been approved to draw up an options appraisal, which we are in the process of doing, which will then be brought to Cabinet for discussion and that will start a full public consultation process with all residents who may or may not be affected or have a particular interest in this particular proposal. We will then publish the proposals or the options for discussion. That process will hopefully start - and we are in the process of trying to work out how we can do a consultation under the Covid-19 regulations - but that process will hopefully be started in the autumn of this year. I can't give an exact date, but the officers are preparing the paperwork. I have not seen the detailed proposals as yet but when we do they will be presented to Cabinet in the normal way.

Councillor Burfoot is obviously far more versed with the geography of Ashbourne than I am because she seems to believe that the routes (that nobody has seen yet) will not have an impact on the site that was selected for the provision of a traveller site back in 2017. I can tell you with regard to that particular issue that the site in question in my opinion if a western route is selected, which of course I cannot predict, will undoubtedly run close to, if not touch the site in question.

Just for information, Councillor Burfoot, not only do we have an allotment down there but the town cemetery is also adjacent and I can assure you that won't be touched in the proposals because that is not something that the residents of Ashbourne would wish and consequently will push it over to the left, so that is a bit of local knowledge that you are not aware of, of course.

When she goes on to state: "I understand that the only bypass route which would pass through the previously proposed traveller site was not considered viable because it would have too steep a gradient..." where on earth you get this information from I do not know. I am not a civil engineer. That information is total hearsay. It is fiction. It is totally incorrect. I am not even going to do it the courtesy of an answer.

Then we move on to "Why therefore is this Council unwilling to negotiate with Derbyshire Dales District Council, to enable a vulnerable gypsy and traveller family to reside in their preferred location..." Well it is interesting, Councillor Burfoot, you have suddenly taken an interest in the Ashbourne bypass. I suspect it has something to do with Derbyshire Dales' decision to provide a traveller location in your Division, in Tansley. I may assume that. You will probably correct me if I am wrong.

Just so that you are aware, when the District Council's Local Plan was in its hearing process Derbyshire County Council, following the County Council election, wrote a solicitor's letter to the officer who was

dealing with that hearing to make them aware that consideration would be given to the provision of a bypass for Ashbourne which may affect Derbyshire Dales' proposed plans for the provision in their Local Plan.

You may also be aware, Councillor Burfoot, this campaign has been going on for 40 years, but just so that everybody is aware it was removed from the Derbyshire Dales' Structure Plan in 1985 by a Liberal administration at Derbyshire Dales' District Council. I don't know if you recollect that. So we know how committed *you* and your colleagues are at providing it for the residents of Ashbourne.

Moving on. Could I "...confirm that the proposed routes will be published as soon as possible..." Well I have explained to you what the process is. We will follow the laid down prescribed processes we always do. We will be carrying out a full public consultation at which time you will be able to express your views, and if it is anything like they were in the past you will be opposing it no doubt.

Also could I confirm that should the route not touch the site we will go into negotiations for the provision of a traveller site. Well I cannot predict what the preferred choice will be, I am not even going to predict what the options will be, so until that has been concluded I cannot answer that question because obviously that is out of my hands. The officers will come forward with proposals. Knowing the geography of the area very well, having lived there all my life and knowing the details and the valleys involved I suspect it is a western design route - there is an eastern choice as well, of course - I suspect it will pass by or at least touch the site in question but that is just my personal opinion on the subject.

Councillor Burfoot asked the following supplementary question:

Obviously I don't think it is appropriate for me to challenge your challenges to me. I was particularly upset about the fact you were challenging or saying rather I did not know what the procedures were.

One thing I would say about your reply is why have I seen maps with five routes clearly marked in different colours, only one of which goes anywhere near the traveller and gypsy site, it just goes into the corner? Why have I seen that, and you are saying that I don't know the area?

If I could go to my supplementary question that I had thought of before. Later in the agenda we are going to be talking about collaboration and collective approaches between Councils. What I would want to say to Councillor Spencer is does he accept that Derbyshire Dales District Council have been put in an impossible

position of trying to find a suitable gypsy and traveller site because of these decisions made by the County Council to withdraw or mothball that gypsy and traveller site which had already got permission, the one on Watery Lane, not Clifton, Watery Lane, Ashbourne? Is he aware that all Conservative councillors on Derbyshire Dales District Council voted at full Council for a totally. I am asking Councillor Spencer does he accept that Derbyshire Dales were put in an impossible position and is he aware that all the Tory councillors on Derbyshire Dales voted for this totally unsuitable site in Tansley, which if given planning permission is likely to cost many thousands of pounds given it is not the travellers' preferred location? I would like an answer to those two questions. Is he aware of those things, those two things?

Councillor Spencer responded:

Yes Chairman, I am aware of all those things. I have seen numerous maps and numerous drawings myself of possible proposed lines and approaches that could be taken for the provision of a bypass round the town but the issue we are talking about now, if Councillor Burfoot wants to discuss the process the Authority will take as a Highway Authority (and I suspect that the drawings I will receive in due course will reflect similar to the drawings that Councillor Burfoot has seen) all sorts of different people have drawn all sorts of drawings, newspapers have drawn lines on maps but there has been no scientific input and no assessment carried out in the detail that the Authority will go about it. I am going to wait for that proposal to come forward and it will be dealt with in the proper pragmatic fashion. I do expect Councillor Burfoot to know what that process is, I don't think it is too much to ask, but that is not my decision to make that is Councillor Burfoot's assumption to make. I do expect her to know what the processes are, and it will come to Cabinet in the normal way.

With regard to Derbyshire Dales' decision I went to the Planning meeting when they made the decision to allow planning consent on Watery Lane and I made the case at the time as the local County Councillor for the area it is in - it is not in the Ashbourne Division it is in the Dovedale Division - I made the case at the time and stated that the route for any possible bypass it was inevitable, if it was on a western trajectory, it would go through that site. I made that clear to the Planning Committee and they chose to ignore it. I made it clear to colleagues, my colleagues as well, but they chose to ignore it, so it went through.

Having said all of that, Chairman, Councillor Burfoot is making statements about Ashbourne being the preferred site. Well let me tell you I have information in from officers of Derbyshire Dales and they are more than happy to move to Tansley and now Tansley is the preferred site, Councillor Burfoot, all it requires now is planning permission and

that is in the hands of the Local Planning Authority. I hope that they will be delivered as soon as possible. As you have stated these families are vulnerable and I am sure you will be offering your support as and when that provision is brought on-stream.

**(c) Question from Councillor Ruth George to Councillor Angelique Foster, Cabinet Member for Corporate Services**

Now that over 900 council staff have been transferred to Joint Venture Companies, how is the Council monitoring the continued wellbeing of those staff, including to ensure their pay will be correct in September, that it will accurately include their back pay from the delayed pay rise, and holiday entitlement has been transferred correctly?

Where payroll information transferred to Vertas and Concertas about employees, their working hours and pay grade has been inaccurate, what is being done to correct these errors and ensure staff are paid accurately this month and in future?

The new systems which must be used by staff who have transferred to Vertas are much more ICT based than they have used previously and are proving problematic for some staff. The systems do not always work, and for some a lack of access to ICT and appropriate support remains a barrier, creating added anxiety. Can the Council ensure that Vertas address these issues and provide adequate training and support for staff experiencing change?

Will the Council undertake to review the transfers, including the impact on staff and their wellbeing, and report their findings to Members for consideration and scrutiny before any other transfers of staff are considered?

Councillor Foster responded:

I can confirm that Council officers are working with Vertas and Concertas to help the transition of services to the new Joint Venture companies which went live on the 1 September. This includes talking to employees seeking feedback on how they are settling into the new organisation. The Executive Director of Commissioning, Communities and Policy is also, with the Directors of Vertas Derbyshire Ltd, reviewing the arrangements during transition.

The Council obviously have calculated the back pay entitlements arising from the pay award for the staff who have transferred. This is planned to be paid over to Vertas and Concertas who will then make the payment to the said employees. The Council has provided information

to the Joint Ventures about annual leave; salary; working hours; pay grades etc and continues to liaise with Joint Ventures to make sure that any potential errors are corrected. We want to ensure obviously that all staff have the correct pay rates and all the entitlements.

It is worth noting, however, that employees have yet to be paid by VDL under the pay cycle which is the 25th of the month. Therefore, as it stands there has been no error reported.

In addition, in preparation for the transition and as a safeguard for employees, in July and August Vertas undertook a shadow of payments to mirror what they were actually being paid by the Council and both of those shadow payment arrangements worked very well. Any errors obviously in pay that might occur for transferring staff will be rectified in next month's pay roll, although we will make sure that any member of staff who experiences financial difficulty because of an error will be dealt with on a case by case basis as it is expected and a special payment will be considered in those cases.

As you said Vertas have introduced a new time and recording system for staff. However, all staff have been offered training in groups or individually. Staff can also get support from their line manager or their new operations manager where necessary. Vertas will continue to offer support to staff to help them use the system correctly and also to minimise any staff anxiety.

The Council's Property Team will also be keen to hear of any specific issues either from individuals or customers to see how Corporate Property or the wider Council teams can support the transition.

As you are probably aware the Council's governance arrangements provide for continuous and ongoing review and monitoring of the Joint Ventures and I can confirm, therefore, that we are actively reviewing the transfer, including both positive and negative feedback from staff, to ensure that future transfers are as smooth as possible for the transfer of staff. The outcome of the review will be reported to Cabinet so that these matters can be considered as part of any decision to undertake further transfers.

Councillor George asked the following supplementary question:

Thank you for the response. It is good to know that Derbyshire are taking up any issues that are raised at the moment but unfortunately, in spite of the many months and the additional months that both the Council, Vertas and Concertas have had to prepare it seems there are still some issues over pay, over holiday and the Vertas

HR systems in particular often seem to be down and not working which is creating problems for staff. The team leaders at Vertas aren't able to access that system and it has to go up to director level to seek to get anything sorted out. That is obviously extremely stressful for members of staff to try to access. The training seems to leave a lot to be desired. I know of one staff member who has left already when she turned up to a new school and there was no one there to either induct her or to give her any basic training.

I was given some information by Councillor Foster. She seems not to have the full picture so I am correcting her on that just by giving some examples which are pertinent, especially as Labour members and the Unions were assured before the transfer that full training and support would be given. Given that this has not happened, certainly in some cases, I welcome the fact that monitoring is taking place and that a report will be done but will Councillor Foster commit to that report going to full Council, not just to Cabinet, before any further transfers are considered please?

Councillor Foster responded:

As I said, I think I have answered the questions about some of the issues that were experienced by members of staff with regard to further training being needed. I believe both Joint Ventures are keen to resolve any issues on a case by case basis as well but further training will be provided, we have been assured of that. Furthermore, we have two directors on the Board of the Joint Ventures who will be continuously providing support and monitoring, will also be reporting to the Cabinet when it comes to any issues that are coming forth. We are keen to make sure that any potential further transfer of staff will be informed by the review ongoing and we will make sure that any issues that are apparent during the last two weeks we will be looking at how they came about, how they were resolved and that will be put forward to the Council in the form of Cabinet papers in terms of any potential further decision to transfer staff.

I will say any review will be included to any information passed on to the Cabinet and as such will be available to all members.

**(d) Question from Councillor Stuart Brittain to Councillor Simon Spencer, Cabinet Member for Highways, Infrastructure and Transport**

Regarding Crow Lane Brimington Closure to through traffic, the majority of residents of my Division, including some NHS workers, oppose the closure of Crow Lane to through traffic. Can the member announce that this closure will be removed at the earliest opportunity?

Councillor Spencer responded:

I think to be fair we went over this at length at the last full Council meeting. I explained to you, Councillor Brittain, this is part of the Government's Active Travel tranche 1 measures that were put in place and particularly given the scenario we are heading towards at this moment in time with rising numbers I think it would be let's say detrimental to take any knee-jerk reactions in changing any measures that were put in place. The Council has a duty to carry these through and as I said I have no date or timeframe that I can put into it so the answer to the question fundamentally, Councillor Brittain, is the answer is no, we won't.

Councillor Brittain asked the following supplementary question:

Is he aware that at the present time only two members of the hospital staff, which this was launched on, are regularly using Crow Lane to cycle to work?

Secondly, is he also aware that a better route and one which is far less car friendly than Crow Lane, which is currently open, is to use Pettyclose Lane and Dark Lane, which leads directly to the back of the hospital? More cyclists are currently using this route than the road up Crow Lane and there is only one house on this road so that could be accommodated very easily by just closing off one lane and then it would give back the residents of Brimington the opportunity to use Crow Lane. Has he considered Pettyclose Lane and Dark Lane rather than the sledgehammer of the ambush of closing Crow Lane?

Councillor Spencer responded:

Let me give you my perception on this. I, as the Cabinet Member, receive recommendations from my Highways safety officers, as you would expect, and recommendations to do certain things. We either accept them or we do not accept them but those recommendations are usually given in an informed fashion because certain measures have been considered and discussions have taken place outside my earshot, as I am sure you can appreciate. As I have said this is a sub-group of the LRF and those discussions are ongoing.

What I will say to you, Councillor Brittain, I do know that the Highways' team have submitted some bids for tranche 2 of the Active Travel process, the Government's next programme, to develop a safe cycleway from east to west. As I said to you in the last meeting when we reach a point at which we have firm proposals that may be considered as something of a permanent arrangement the input you just

made as the local member and the input of residents adjacent to the site, the same as input of people who have a different view to the one you have expressed, will all be given due consideration and taken into account.

I don't confess to have the detailed local knowledge that you will have as the local member. I don't confess to have that, unlike some members of this Council, but I do make very clear I am not prepared to step backwards at this moment in time for obvious reasons, and I am sure you understood those. I am not going to argue with you about the fact of cyclists using them for the hospital but the hospital were involved in those discussions, we have documented evidence to support that, and as far as I am concerned as we move forward we will wait for this tranche 2 bid to come back. It has not been announced yet. We will have a bit more information at that point and we will have a better understanding of the Covid-19 pandemic situation, but you and I share one thing in common: that is looking after the interests of the residents of Derbyshire and trying to make them as safe as possible. What I will say to you, Councillor Brittain, is what you have just said will be given due consideration in due course.

**(e) Question from Councillor Mick Wall to Councillor Simon Spencer, Cabinet Member for Highways, Infrastructure and Transport**

With Cross Country trains still planning to reduce the number of their services that will stop at Chesterfield Train Station, will the Cabinet Member for Transport join me in condemning that plan and lobby Cross Country Trains to overturn the reduction?

Councillor Spencer responded:

You will know, as your colleagues and many others will know, that prior to the Covid-19 pandemic Chesterfield Station had hourly stops approximately travelling north and travelling south, which is something I would wish to see continued into the future.

During June Cross-country Trains came forward with proposals to remove those services in their entirety. The County Council, along with Chesterfield Borough, East Midlands Council, Sheffield City Regions and many others have made strenuous representations to Cross-country Trains to continue delivering a service to Chesterfield Station.

I want to pay tribute to Chris Hegarty in particular who made an incredible amount of effort, put a lot of time and effort in and his team, to negotiate what we have at this moment in time. It is a reduced service



admittedly, but he put a lot of effort into getting back to where we are at this moment in time.

My personal wish and the Council's wish is to support the arrangements that were in place prior to Covid-19, i.e. hourly services north and south as the travelling public of Chesterfield should rightly have and see.

I welcome Councillor Wall's involvement in this. He can join me in my continual battle to make sure that we get that full service back in place. I am not joining him, he can join me, I am a Cabinet Member. I welcome his support obviously on this particular issue. I welcome everybody's support on this particular issue because I do think that we should have a full service back in place and I will commit to continuing to lobby whoever I need to lobby to make sure that continues. Condemning people doesn't make any difference. Negotiating with them, discussing with them and making representations of a coherent nature does make a difference and I promise that we will continue to do that.

**69/20      DEVOLUTION, VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM** The Executive Director – Commissioning, Communities and Policy reported that the Government had announced its intention to publish a White Paper on Devolution and Local Recovery, as a means to 'level up' all parts of the country and reduce regional inequalities, with a clear ambition to remove the barriers to Covid19 recovery and complexity to devolution. Whilst the exact details of the White Paper were not yet known, it was widely expected that the Government would set out its proposals for local government structural reform in England along with setting out the role which greater devolution would play in national recovery. Exact timeframes were also not yet known but the White Paper was expected by early October.

Reduced public sector funding and increasing demand for services driven by demographics and long standing social, health and economic pressures meant that the Council, like many other authorities across the country, continued to face significant challenges in providing the services that local people needed and wanted with available resources.

The impact of Covid19 had placed further pressure on the Council's revenue and capital budgets, the long-term implications of which were not yet fully known. The resulting impact of the pandemic on the national economy was likely to be significant and the anticipated financial shock on public finances would place local government under increasing pressures to deliver more efficient or even fewer services in the future.

Given the impact of the Covid19 pandemic and the anticipated publication of the forthcoming Devolution and Recovery White Paper, many councils were actively considering their routes to securing devolution deals and their stance on local government reorganisation in this context. It was the Council's understanding that local government restructuring was likely to be viewed as a prerequisite to future devolution deals. For example, recent devolution discussions in North Yorkshire would potentially result in £2.4bn of investment in the region, on the condition that the current two-tier local government system was replaced.

Based on existing deals, a devolution deal for the East Midlands could incorporate investment in infrastructure, skills, transport and housing. In the light of the current and continuing impact of Covid19, such investment would be of vital importance in enabling the local and regional economy to recover from the pandemic for the benefit of local people.

It was also anticipated that the Government would invite a small number of councils to take part in the 'first tranche' of local government reform. Whilst this was an emergent process, the Council understood that those authorities who were able to submit their case for local government reform by the Government's agreed date would be considered for inclusion in the first or early tranche of areas pursuing devolution deals.

Under current legislation, it was open to the Secretary of State, subject to consultation and Parliamentary approval, to implement if he thinks fit, any unitary proposal submitted by a council in response to an invitation which any council may request. The process for being considered in the first tranche and receiving an invitation from Government, would first involve writing to the Secretary of State for Housing, Communities and Local Government, outlining the Council's intentions.

Significant consideration therefore now needed to be given to the routes that were available for Derbyshire, to enable the Council to move at pace and to secure a devolution deal for the East Midlands in collaboration with regional partners. It was vital that Derbyshire and the wider East Midlands region did not miss the opportunity to address historic funding inequalities and was at the front of the queue for much need investment in the region. It was therefore proposed that Council agrees the pursuit of a devolution deal and the establishment of a mayoral combined authority for the East Midlands. This would be of vital importance in supporting future recovery, resilience and prosperity in the region.

The recommendations contained within the report were moved and seconded and open for debate.

Councillor S Marshall-Clarke moved the following amendment which was duly seconded:

“That this report is withdrawn and that an extraordinary meeting of the Council is convened when details of the White Paper are available”.

The amendment was opened for debate.

On being put to the vote the amendment was declared to be LOST.

A further amendment as follows, was moved by Councillor M Wall and duly seconded;

“That the Labour Group formally requests that the recommendations rather than being voted for as a block of recommendations in section 9 of the report be voted on individually, each of those seven recommendations be voted for individually not as a block”

The amendment was opened for debate.

A formal request was made for a recorded vote.

A recorded vote was taken and recorded as follows:

For the amendment (24) Councillors D Allen, B Atkins, S A Bambrick, N Barker, B Bingham, S Blank, S Brittain, Mrs S Burfoot, Mrs D Charles, J A Coyle, Mrs C Dale, J A Frudd, K Gillott, R George, Mrs J M Innes, S Marshall-Clarke, R Mihaly, C R Moesby, Mrs I Ratcliffe, B Ridgway, M Wall, Ms A Western, Ms R Woods and B Wright.

Against the amendment (27) Councillors T Ainsworth, K S Athwal, J Atkin, N Atkin, J Boulton, S Bull, Mrs L Chilton, A Dale, R Flatley, M Ford, Mrs A Foster, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, T A Kemp, T King, B Lewis, G Musson, Mrs J E Patten, C Short, S A Spencer, S Swann, D H Taylor, Mrs J A Twigg, G Wharmby and Mrs J Wharmby.

On being put to a recorded vote 24 voted for the motion, 27 voted against and 0 abstained therefore the amendment was declared to be LOST.

A vote was then taken on the recommendations contained within the report.

**RESOLVED** to (1) note the Government's intention to publish a Devolution and Recovery White Paper in Autumn 2020;

(2) approve the consideration of the White Paper (once published) to assess the most appropriate response, in light of the details contained therein;

(3) approve in principle, the Council's involvement in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region; Approve Vision Derbyshire as the preferred route for local government reform, provided the conditions for this route as set out in the report were fully met;

(4) approve proposals for the Leader of the Council to write to the Secretary of State to request an invitation to submit a proposal for a single tier of local government for the county in the event that Vision Derbyshire is not able to satisfy the Government's requirements for reform and a subsequent devolution deal;

(5) mandate officers within the Council to prepare an alternative route for devolution and the development of a case for a single unitary for Derbyshire, should the conditions for the preferred route for local government reform outlined in recommendation d) not be fully met; and

(6) oppose any proposals for a new model of local government which disaggregates the county footprint due to service fragmentation and the breaking up of historical boundaries.

**70/20      REVISED FINANCIAL REGULATIONS**      Council considered a detailed report in relation to the revised financial regulations.

A detailed revision of the Council's Financial Regulations had taken place in 2014 and 2017 with a further review during the latter part of 2018.

It was good financial management practice to review the Regulations and Standing Orders on a regular basis to ensure that they were fit for purpose and accord with the Council's Constitution.

Many of the titles and references to policies referred to in the current regulations had changed and these had been updated where appropriate.

These changes would be underpinned by revised schemes of Departmental financial delegations which would set out the requirements required to ensure compliance with the revised Financial Regulations and Standing Orders relating to Contracts.

The revised Financial Regulations had been appended to the report.

The key areas that were being recommended for change were:

- Requirement for all Council staff to furnish information to the Chief Financial Officer with information required for the financial administration of the Council's affairs;
- Addition of the role and responsibilities of the Deputy s.151 Officer in the Statutory Officers section;
- Recognition that financial management standards should be in accordance with the principles of The CIPFA Financial Management Code;
- Clarity on where and whom to submit a Declaration of Interest Running costs of surplus assets to remain the responsibility of the transferee for a period of 18 months or until the asset is either sold or brought into new usage. After such time the running costs become the responsibility of Property Services;
- Authorisation of write offs reflect the latest OJEU thresholds;
- Clarification that requests for payment in advance should be made to the Chief Financial Officer; and
- A requirement to review the Council's Tax Strategy at least annually.

The above changes had been agreed by Audit Committee and Cabinet on 27 May 2020 and 30 July 2020 respectively.

The Standing Orders Relating to Contracts was also being reviewed and any amendments would be reported to Cabinet and Council for approval. Audit Committee would receive a subsequent report with details of the changes.

**RESOLVED** to approve the proposed amendments to the Financial Regulations.

**71/20      BUDGET MONITORING 2020-21 (AS AT 31 MAY 2020)**  
Council considered a report which summarised the controllable budget

position by Cabinet Member Portfolio as at 31 May 2020. Further reports would be considered at Audit Committee and Cabinet in accordance with the Budget Monitoring Policy and Financial Regulations.

The projected outturn compared to controllable budget was summarised as below.

	Budget	Use of MHCLG Covid- 19 Grant Funding	Adjusted Budget	Forecast Actuals	Projected Outturn
	£m	£m	£m	£m	£m
Adult Care	261.170	7.081	268.251	267.927	(0.324)
Clean Growth and Regeneration	0.695	0.531	1.226	1.316	0.090
Corporate Services	43.513	1.549	45.062	48.554	3.492
Health and Communities (exc. Public Health)	4.884	1.483	6.367	6.276	(0.091)
Highways, Transport and Infrastructure	74.789	6.933	81.722	80.798	(0.924)
Strategic Leadership, Culture and Tourism	11.666	0.315	11.981	12.016	0.035
Young People	116.912	2.059	118.971	119.490	0.519
<b>Total Portfolio Outturn</b>	<b>513.629</b>	<b>19.951</b>	<b>533.580</b>	<b>536.377</b>	<b>2.797</b>
Risk Management	63.823	(21.728)	42.095	87.369	45.274
Debt Charges	34.351	0.000	34.351	31.676	(2.675)
Interest and Dividend Income	(6.198)	1.378	(4.820)	(4.820)	0.000
Levies and Precepts	0.343	0.000	0.343	0.343	0.000
Corporate Adjustments	2.630	0.399	3.029	3.015	(0.014)
<b>Total</b>	<b>608.578</b>	<b>0.000</b>	<b>608.578</b>	<b>653.960</b>	<b>45.382</b>

A summary of the individual portfolio positions was detailed.

The Dedicated Schools Grant (DSG) was a ring-fenced grant comprising four individual blocks: Schools Block, High Needs Block (HNB), Early Years Block and Central Block. Allocations of the blocks are governed by the Schools and Early Years Finance Regulations. Any underspend or overspend on the grant is carried forward to future years within the accumulated balance of the DSG Earmarked Reserve.

The Department for Education (DfE) had clarified the ring-fenced status of the DSG by putting provisions into the School and Early Years Finance (England) Regulations 2020 that required that a cumulative DSG deficit must be carried forward to be dealt with from future years' DSG income, unless otherwise authorised by the Secretary of State not to do so. The updated regulations required the Council to engage formally with the DfE on recovery plans if it had a deficit balance on its DSG or if it reported a substantial reduction in its DSG surplus.

There was a surplus of £0.188m in the closing net total DSG reserves at the end of 2019-20. However, after taking account of commitments the underlying balance was a deficit of £3.140m.

In January 2020, the Schools Forum had agreed to leave £1.325m of the Pupil Growth Fund, unallocated within the Schools Block in 2020-21, as a contribution to resolving the deficit. The Council would also seek further opportunities to make reductions to DSG expenditure in 2020-21. The position would be further supported should Derbyshire receive another above inflation increase in its DSG settlement in 2021-22.

The expected DSG and sixth form grant income due to the Council in 2020-21 was £375.222m and the projected year-end expenditure was £373.864m. The expected underspend compared to income was £1.358m, of which £0.373m was ring-fenced to the Schools Block.

The variances on the other three blocks were:

- Central Schools Services Block, £1.534m underspend – mainly due to unallocated growth. Also, support for schools to meet KS1 pupil/teacher ratios is projected to be below the allocated budget.
- High Needs Block, £0.747m overspend – additional places purchased at Derbyshire special schools. This is the cost of the team to support an increased number of children and young people who have been temporarily or permanently excluded, or to provide preventative measures. Additional support paid to primary schools for pupils with high needs is above the allocated budget.
- Early Years Block, £0.020m overspend.

The Covid-19 pandemic was having a significant impact on the Council's 2020-21 forecast outturn. The portfolios' projected outturn reflects the additional costs of the Council's response up to the end of June 2020 for all portfolios except for Adult Care, which was up to the

end of May 2020, including the impact of slippage to the planned programme of savings which could not yet be implemented as a result.

A Council portfolio overspend of £2.797m was forecast, after the use of £19.951m of MHCLG Covid-19 grant funding for immediate Covid-19 related costs.

The Risk Management Budget was forecast to overspend by £45.274m. Any continuation of excess costs beyond December 2020 would see this shortfall rise still further. To mitigate this, overspend, any balance from the £4.000m set aside in the Revenue Budget 2020-21 from the Business Rates Pilot would be utilised to reduce the overspend.

The Debt Charges budget was projected to underspend by £2.675m. This was based on forecast interest payments, anticipated Capital Financing Requirement (CFR), a Minimum Revenue Provision (MRP) of 2.5% in keeping with the policy reported to Cabinet on 22 November 2016 and a £3.500m one-off reduction in the Council's Capital Adjustment Account Reserve. This reduction had been made on the basis that the amounts set aside to repay debt over the last ten years were well in excess of what would be required to ensure the Council could repay its debts.

The Council utilised a range of investments, including pooled funds, to maximise its interest and dividend income. Interest and Dividends received on balances was estimated to breakeven after the allocation of £1.378m of MHCLG Covid-19 grant funding, to address a forecast decrease in income from investments in pooled funds of £0.995m and other lost income due to Covid-19. The interest base rate had fallen to 0.10% on 10 March 2020, a historically low rate. Interest also accrued to the loan advances to the Buxton Crescent Hotel and Thermal Spa Company.

Corporate Adjustments were forecast to underspend by £0.014m after the allocation of £0.399m of MHCLG Covid-19 grant funding, which reflected that only £0.601m of the £1.000m savings target allocated was expected to be achieved by the Council paying its Local Government Pension Scheme contributions early. This was due to the decision not to pay in advance all the contributions due for the entire period 2020-21 to 2022-23, but rather to make separate early lump sum payments for each year. This decision was made in light of Covid-19, to preserve the Council's liquidity of cash flow amongst other considerations.

An overall Council overspend of £45.382m was forecast, after the use of £37.107m of MHCLG Covid-19 grant funding received and



additional income of £3.323m estimated to be claimable under a Government scheme, announced on 2 July 2020, to compensate local authorities for lost income due to Covid-19. Additional Covid-19 grant funding, also announced on 2 July 2020, was expected to contribute a further £5m to £7.5m towards the Covid-19 funding gap.

The current position in relation to the General Reserve was summarised as detailed below:

**General Reserve at 1 July 2020**

	£m
<b>Balance</b>	<b>53.745</b>
<b>Less: Allocations to Portfolios</b>	
Adult Care	0.000
Clean Growth and Regeneration	0.000
Corporate Services	(1.588)
Health and Communities	(0.245)
Highways, Transport and Infrastructure	(1.701)
Strategic Leadership, Culture and Tourism	(0.021)
Young People	(0.302)
<hr/> <b>Balance After Outturn Commitments</b>	<hr/> <b>49.888</b>

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to note the 2020-21 budget monitoring position as at 31 May 2020.

**72/20      MEMBER DEVELOPMENT STRATEGY ADOPTION** On behalf of the Council, the Member Development Working Group (MDWG) lead the work around enhancing the effectiveness of communication to Members and further development of the range and quality of learning and development opportunities that supported Members in discharging their role as an Elected Member within Derbyshire County Council. Applying best practice principles, such as those contained with the external Member Development Charter, MDWG had developed the proposed Member Development Strategy and Member Development Skills Matrix.

Throughout the development stages MDWG had sought the views of, and input from, their peers within the Council.

On 25 February 2020, 27 elected Members participated in the Member Development Offer Engagement Workshop. This event, which was led by MDWG, involved a series of facilitated table discussions that focused upon the Skills Matrix, pre-election materials for prospective election candidates and the design and content of an effective post-election induction. There was also a short Derbyshire Learning Online presentation. Evaluation feedback from the workshop indicated that it was very well received by participants. An invitation to attend the Engagement Workshop was also extended to CMT and MDWG had sought the perspective of Corporate Management Team (CMT) regarding the Strategy and Skills Matrix developments.

In July MDWG leads consulted with their respective political Groups on the draft Strategy. All feedback from the various consultation approaches had been reflected in the finalised versions of the Member Development Strategy and Member Development Skills Matrix.

Following the incorporation of the consultation feedback the Member Development Strategy was agreed by MDWG on 10 August 2020. It was also agreed that this would progress to a Cabinet Member, Corporate Services meeting for approval that recommended the adoption of the Member Development Strategy by the Council.

A key development to note was that under the Strategy the Cabinet Member for Corporate Services assumed responsibility for Member Development within their portfolio. As such the portfolio holder becomes a Member Development Champion for the Council and a member of the revised Member Development Working Group.

The Member Development Strategy was being considered at the Cabinet Member meeting for Corporate Services on 10 September 2020 and sought approval to recommend adoption of the strategy at the Council meeting on 16 September 2020. Council were therefore asked (subject to Cabinet Member approval) to formally adopt the Member Development Strategy. Adoption of this strategy would constitute a commitment to applying the principles of the external Member Development Charter quality scheme which would act as a foundation and template for progressive improvement.

The full implementation of the Member Development Strategy would require completion of the following steps:

- Member Development Skills Matrix;
- Training Needs Discussion;
- Pre-Induction content and delivery;
- Induction Review and Refresh;
- Derbyshire Learning Online (DLO); and

- Elected Member Well-being Pulse Survey.

**RESOLVED** to (1) approve the formal adoption of the Member Development Strategy; and

(2) note that the Cabinet Member for Corporate Services assumes responsibility for Member Development within their portfolio.

**73/20      EXCLUSION OF THE PUBLIC      RESOLVED** to exclude the public from the meeting during the consideration of the remaining item on the agenda to avoid the disclosure of exempt or confidential information.

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING**

1. To confirm the exempt minutes of the Council meeting held on 15 July 2020 (contains exempt information)

**74/20      EXEMPT MINUTES OF THE COUNCIL MEETING**      On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** that the exempt minutes of the meeting of the Council held on 15 July 2020 be confirmed as a correct record.

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Public

**Derbyshire County Council**

**FULL COUNCIL**

**2<sup>nd</sup> December 2020**

**Report of the Director of Legal Services and Monitoring Officer**

**Review of the Council's Senior Officer Leadership Model**

**1. Purpose of the Report**

To outline proposals to temporarily amend the Council's current operating model and introduce a role of Managing Executive Director, which is to be undertaken by one of the existing Executive Directors, for a temporary period of 12 months.

**2. Information & Analysis**

Derbyshire County Council's officer leadership is currently led by 4 Executive Directors (one which is currently vacant) who, jointly, undertake the duties of the role a single responsible executive used to undertake in the Council, up until the new model was introduced in 2017. They are accountable to the whole Council and act as representatives on outside bodies and partnerships, alongside functional responsibilities aligned to the internal departments.

In that time, there has been significant progress in the way the Council operates internally, facilitated by the Enterprising Council approach, and, in the way in which the Council is working with partners and communities. Going forward the impacts arising from COVID 19 will significantly change the way the Council operates further and build on the work already done in strengthening our engagement and collaboration with our communities, partners and nationally. Additionally, consideration needs to be given to ensure that the Council is structured in a way that achieves the Council's priorities over the medium term whilst taking into account the Council's budget position.

On 24<sup>th</sup> June 2019, ACOS approved a report to tender for the development and delivery of the Executive Director appraisal process and to review the Council's current collective leadership model. Following this approval, Penna PLC was appointed as our consultancy partner to progress this activity. A summary of the evaluation of the effectiveness of the collective leadership model can be found at Appendix 1.

Furthermore, as reported to ACOS on 1 July 2020, the retirement of the Executive Director in Economy, Transport and Environment also presented an opportunity for the Council to reflect on the officer senior leadership model and subsequently how it arranges its functions and services.

Following an extensive process of 360 degree feedback from internal and external stakeholders, the feedback on the collective leadership model was presented to the Leader of the Council and Executive Directors on 18<sup>th</sup> September 2020, providing an opportunity to review and reflect on how the collective leadership model can be further strengthened, enhanced and embedded.

Penna PLC have continued to support the Director of Organisation Development and Policy and the Leader of the Council in the development of a range of options available to enhance the current model.

The Council's operating model should:

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- Support Members effectively.
- Ensure the best professional advice is available for decision making.
- Facilitate good governance and provide appropriate support to statutory officers (Monitoring Officer, Section 151 Officer).
- Assure accountability to Members as appropriate and hence to the wider public
- Enable cost-effective stewardship of public resources.
- Ensure effective and efficient delivery of a wide array of local public services.
- Guarantee effective coordination and control of service implementation.
- Ensure effectively collaboration with partners, suppliers and businesses locally.
- Set clear direction and expectations of Council employees.
- Be flexible and agile so as to adapt to changes in the Council's operating context as well as to changes in its internal capability and capacity.

### 3. Proposal

Collaboration and partnership are at the heart of the Council's operating model. However it is vital that the operating model is further strengthened to ensure the Council is best able to respond to the future challenges brought about by the Covid pandemic, the implications of moving out of the European Union and to also ensure that the Council is comparable against other local authorities. This strengthened operating model will enable the Council to drive forward the potential opportunities for Derbyshire to be part of a devolution deal for the East Midlands. As a first step, it is therefore proposed that a first amongst equal's role will be temporarily applied to the current operating model, initially for a period of 12 months, to ensure the Council remains effectively positioned to operate in its changing landscape whilst maintaining the spirit and principles of the collective leadership model

It is considered critical that the first amongst equals will lead the Corporate functions to ensure that those services, as the drivers for change across the Council, are appropriately aligned to enable further transformation. The post of Executive Director Commissioning, Communities and Policy (CCP) already holds responsibility and accountability for the delivery of these functions and it is therefore proposed that this post will become the first amongst equals and will act in the capacity of Managing Executive Director (MED) (CCP). The 3 Executive Directors will be accountable to the Managing Executive Director for the delivery of their functional responsibilities. The role will support the Leader by providing overall strategic leadership, corporate governance and oversight for the whole council, corporate management team and its employees, monitoring key performance measures aligned to the Council's strategic aims. The first amongst equals will also work with the Leader to ensure the Council best aligns its services and functions, and has the required resources, to deliver the Council's priorities. Finally, the first amongst equals will be designated the statutory role of Head of Paid Service, which is currently held by the Executive Director CCP, and as such will continue moving forward as part of the MED role.

It is crucial that the Leader of the Council retains a line of sight through the organisation, supported by the first amongst equals, whilst devolving functional aspects to ensure strategic objectives and issues are progressed effectively. The Leader of the Council will continue to provide effective and visionary political leadership and strategic direction for the Council, through the MED and Executive Directors and acting as the political spokesperson for the Council.

Supported by the Managing Executive Director, the Leader will ensure that the Cabinet continues to work in partnership with all Executive Directors and the wider corporate

management and leadership teams. The Managing Executive Director will be the ultimate accountable officer and will support the Leader to represent the whole Council locally, regionally and nationally, promoting the authority through developed and sustained relationships with key external stakeholders, whilst reinforcing the notion of partnership between Cabinet and Senior Officers which is central to the Council's operating model.

To ensure agility and cost-effective stewardship of public resources, it is proposed that the above will be applied for a 12-month period and during this period consideration given to a permanent arrangement going forward.

Additionally, following the review of the operating model, it is considered necessary to recruit to the vacant post of Executive Director, Economy, Transport and Environment. The post will be re-titled Executive Director, Place and recruitment to the role will commence in December 2020.

#### **4. HR Considerations**

The temporary additional responsibilities of the Managing Executive Director (CCP) have been subject to the Council's job evaluation scheme, independently evaluated by Korn Ferry Hay Group, and this has confirmed that the role is commensurate with Grade 21 of the Council's pay structure.

Informal engagement has already been held with all the Executive Directors within the Council. Subject to Full Council approval, formal consultation will be undertaken with the Executive Director, CCP and Trade Unions. There is no formal requirement to consult with the remaining Executive Directors, however, further engagement will continue to ensure the enhanced operating model is embedded.

The Council has commissioned independent legal advice in respect to the process to appoint to the new role. It is considered that the temporary MED duties are an addendum to the role of Executive Director, CCP and as such, the Executive Director CCP will be issued a variation to contract to undertake this temporary role. If this variation to contract offer is accepted, the start date for implementation will be 1 January 2021.

#### **5. Legal Considerations**

The proposals in the report do not require amendments to the Constitution. The specific delegations to Executive Director CCP will be transferred to the Managing Executive Director (CCP) for the duration of the temporary appointment.

#### **6. Financial Considerations**

There are additional costs associated with this proposal relating to the difference between the current salary of the ED (CCP) and the bottom of the revised grade for MED (CCP) plus any National Insurance and Employer Pension Contributions. The cost is around £26,000 over the 12-month period and can be met from within the CCP Budget.

#### **7. Officer Recommendation**

It is recommended that Full Council:

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- 1) Approve the proposed temporary changes to the Council's operating model and the introduction of a temporary Managing Executive Director (CCP) for a period of 12 months.
- 2) Approves the variation to contract process as set out in the report.
- 3) Notes the intention to review the temporary arrangement during the next 12 months and submit a further report to Council.
- 4) Notes the commencement of the recruitment process to the role of Executive Director, Place.

**Simon Hobbs**  
**Director of Legal Services and Monitoring Officer**



## **Appendix 1 – Summary of Collective Leadership Model Feedback**

Feedback on the Council's collective leadership model was gained from a range of stakeholders including the Leader and Portfolio Holders, Opposition Leader, External Partners, Executive Director Line Reports and Executive Directors.

The review aimed to consider how the model was working in practice, its strengths, gaps and risks and views on what would make it more effective.

The following summary points have been concluded from the review:

- The collective leadership model has made positive influences on culture, cross council working, collaboration and tone and whilst there are wide ranging views on it, there is no clear evidence that it is having a significant negative impact on the organisation's ability to deliver its services. However there are consistent concerns over pace and focus of decision making and its capacity and capability to support a post Covid 19 agenda.
- The collective leadership model is consistently viewed as sub optimal. Partners in particular have the least support and confidence of the model; Members are mostly supportive but want improvements; Line reports are supportive but recognise the challenges and many would prefer a clear lead; Executive Directors are making it work and celebrating the benefits, but recognise the challenges and are concerned about capacity and the fragility of the model.
- The collective leadership model is improving and there is potential to drive this further and faster if the model is the preferred option for the administration.
- The capacity, capability and approach within the collective leadership model should be enhanced to ensure the model is strong enough to navigate and drive the ambitious future agenda. There are quick wins that would support this, including the embedding of Vision Derbyshire, clarity on leadership and accountability, further development of the constitution and clarity on the future operating model.
- Capacity, attractiveness, pay and talent development issues need to be addressed. It is evident that if a reliance on talent, behaviour and values is key, this should be an area of development and investment to fully strengthen and embed the collective leadership model ways of working.

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**DERBYSHIRE COUNTY COUNCIL****2nd December 2020****FULL COUNCIL****Report of the Executive Director - Commissioning, Communities and Policy****THE SCRUTINY REVIEW****1 Purpose of the Report**

To approve the Scrutiny Review findings, recommendations and action plan following consideration by Cabinet, the Improvement and Scrutiny Committees, the Governance, Ethics and Standards Committee and the Member Workshop .

**2 Information and Analysis**

The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and a workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees. A lack of officer capacity prevented the review from being progressed further at that time, and, to resolve this, a Programme Director was appointed in March 2020 to progress a range of projects, including the scrutiny review.

It was determined that the Centre for Governance and Scrutiny (formerly known as the Centre for Public Scrutiny- CfPS) were to be commissioned to undertake the review, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with:

- The Leader of the Council;
- Improvement and Scrutiny Chairs and Vice Chairs;
- Improvement and Scrutiny Members by political group;
- Cabinet Members;
- Opposition Leaders;
- Executive Directors;

- A sample of Directors;
- A sample of partners and past Improvement and Scrutiny witnesses;
- The Statutory Scrutiny Officer and the two Improvement and Scrutiny Officers

A Scrutiny Review Steering Group was established to lead the review. The Steering Group comprises the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services. It is supported by the Executive Director, Commissioning, Communities and Policy and the Programme Director.

Cabinet considered and approved the Scrutiny Review findings and proposed actions at their meeting on the 19<sup>th</sup> November. They also considered the draft report and draft action plan on the 8<sup>th</sup> October 2020 and commended them for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees (special combined I&S meeting for Resources, Health and Places on the 3<sup>rd</sup> November and the People I&S Committee on the 4<sup>th</sup> November) and Governance, Ethics and Standards Committee (22<sup>nd</sup> October). Cabinet noted that this review commenced a programme of continuous review and development of scrutiny at Derbyshire County Council.

The Scrutiny workshop took place on the 12th October 2020. Four Member Break Out Groups, supported by CMT and Democratic and Scrutiny Services Officers considered the Scrutiny Review findings, Action Plan and the following three questions:

- What are the key findings of the review that you believe are the top priorities?
- What are the opportunities and risks to effective implementation of the action plan?
- What does success look like in 12 months' time?

The workshop report is attached at Appendix 1.

Fifteen recommendations were identified by the Centre for Governance and Scrutiny (formerly known as the CfPS), as set out in their report: Derbyshire County Council Scrutiny Improvement Review, July 2020, (Appendix 2) and a further three actions were identified by senior officers and the Scrutiny Steering Group.

The Scrutiny Steering Group have prepared an Action Plan, as approved by Cabinet on the 19<sup>th</sup> November, (Appendix 3) in response to the recommendations. The workshop, Governance, Ethics and the Improvement and Scrutiny Committees have reviewed the action plan and no changes to it were required. For ease of reference, the Centre for Governance and Scrutiny recommendations appear as sections 1-15 and the additional recommendations can be found in section 16 of the Action Plan.

### **3 Key Considerations**

Overview and Scrutiny was first introduced to local government in England as part of the Local Government Act 2000. This review has identified systems, practices and approaches that were developed as part of the original implementation in Derbyshire and have, in many respects, been largely unchanged over that period.

As a result, the recommendations highlight the need for cultural change, as well as practical change, ensuring that the Scrutiny function is brought up to date and fulfils more of a central role and is better able to add value to the work of the Council.

The Action Plan proposes that Cabinet and senior officers work more collaboratively with Scrutiny, to improve the integration of Improvement and Scrutiny into the functioning of the council. This collaborative approach has already started, for example, the Cabinet Member for Corporate Services has been working alongside the Improvement and Scrutiny Chairs throughout this review. The four Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services formed the Scrutiny Review Steering Group.

In addition, the findings from the review include the need to ensure that Improvement and Scrutiny's use of the corporate Key Decision Document is more readily facilitated. This would enable the Improvement and Scrutiny Committees to develop meaningful and focused work programmes which in turn will add value to the work of the Council.

It is proposed that this review initiates a programme of continuous improvement for the operation of scrutiny within Derbyshire. It is recognised that the outcomes of the review are comprehensive, and a key aim is to deliver cultural change as well as practical changes to the scrutiny function. Therefore, the development of the scrutiny approach will take place over the medium and long term, as well as the short term and it is anticipated that once initial actions have been completed, further areas for future development will be identified and progressed.

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

#### **4. Background Papers**

Files held by the Executive Director of Commissioning, Communities and Policy.

#### **5. Officer Recommendation**

To approve the Scrutiny review findings, recommendations and action plan, as recommended by Cabinet on the 19<sup>th</sup> November 2020.

## **Appendix 1**

### **Workshop Report 12<sup>th</sup> October 2020**

The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and an initial workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees.

Cabinet considered the Scrutiny Review findings and proposed actions at their meeting on the 8<sup>th</sup> October 2020 and approved the Scrutiny Review Report, including recommendations and draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny Committees and Governance, Ethics and Standards Committee. Cabinet noted that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.

### **The 2020 Scrutiny Review Workshop**

The Scrutiny workshop took place on the 12th October 2020.

Cllr Tony Kemp chaired the online workshop and Jacqui McKinlay, Chief Executive of the Centre for Governance and Scrutiny (CfPS) presented the report and findings. She noted, that like many authorities, this was the first in-depth review of Scrutiny that had taken place for many decades. The CfPS were commissioned to undertake the review in 2020, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology. As part of the review process the CfPS undertook two member surveys: one designed for completion by members of Cabinet and members of Improvement and Scrutiny Committees and the other designed for all remaining members. CfPS also carried out a series of one to one meetings and discussion groups with:

- The Leader of the Council;
- Improvement and Scrutiny Chairs and Vice Chairs;
- Improvement and Scrutiny Members by political group;
- Cabinet Members;
- Opposition Leaders;
- Executive Directors;

- A sample of Directors;
- A sample of partners and past Improvement and Scrutiny witnesses;
- The Statutory Scrutiny Officer and the two Improvement and Scrutiny Officers

A Scrutiny Review Steering Group comprising the Improvement and Scrutiny Chairs and the Cabinet Member for Corporate Services, was established to lead the review.

Cllr Kemp shared the action plan which will help the recommendations of the review.

He explained that the report findings, action plan and feedback would be considered by the Improvement and Scrutiny Committees, the Governance, Ethics and Standards Committee, followed by Cabinet and Council.

There was a period during the workshop for questions and comments.

Participants left the main workshop and joined four Member Breakout Groups which were supported by CMT and Democratic and Scrutiny Services Officers. Participants considered the Scrutiny review findings, action plan and the following three questions:

- What are the key findings of the review that you believe are the top priorities?
- What are the opportunities and risks to effective implementation of the action plan?
- What does success look like in 12 months' time?

Everyone then re-joined the main workshop for the plenary session.

It was clear that key themes emerged from the report findings, questions and comments and the breakout groups.

## **Key Themes**

The key themes were as follows:

- Overall support for the review;
- Cross-Party engagement was welcomed;
- The action plan was well-received;
- Development of comprehensive, strategic and longer-term work programmes to enable Scrutiny to focus on strategic issues including the Council's priorities and emerging national policies and provide challenge rather than receiving reports for information
- Scrutiny should take more of a central role and should be supported by senior officers
- Collaborative working arrangements should be enhanced between Scrutiny Chairs, Executive Directors and Cabinet Members to facilitate information exchange about forthcoming policy development and key decisions
- A Key Decisions Document which has a lead-in time of at least four months should enable better planning and more focused Scrutiny work programmes;



- Pre-decision scrutiny should add value to the work of the Council;
- Ensure effective Member development opportunities are in place including opportunities to learn from others, learning 'on the job' and courses seminars etc
- Task and finish work is important and needs to continue
- The proposed quarterly meetings between the Chairs of Governance, Ethics and Standards Committee, Audit Committee and the Improvement and Scrutiny Committees are to be welcomed. They will help to ensure better coordination, avoid duplication and should add value.

**Key Risks Included:**

- The need for continued support from all Members and senior officers

## **Conclusion**

The Scrutiny Review has been welcomed by Members and Officers, alike. The Centre for Governance and Scrutiny (CfPS) Report provides a good steer for the future and the recommendations have been carefully considered and widely consulted upon. The Action Plan will ensure that improvement is delivered.





Derbyshire County Council  
Scrutiny Improvement Review



# Report

July 2020

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## Review of Scrutiny

### Introduction

Derbyshire County Council believes that the essential role of scrutiny is to help to shape policy, actively support good decision-making and hold the Cabinet to account. To do this effectively the council recognises that its scrutiny function and Members need a clear and shared understanding of the role, purpose and objectives of scrutiny, and to engage constructively in its work.

The context of this review covers the evolution of the scrutiny function over a number of decades; as past practice and experience has helped to shape the current position. The Chairmen of the Improvement and Scrutiny Committees requested that this review take place in order to ensure continuous improvement.

Members are clear that scrutiny needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based, objective enquiry. It must have a measurable impact on policy, service delivery and Cabinet decision making.

Scrutiny has been consistently supported and resourced by the authority but has not been evaluated externally for some time. Like many authorities, DCC has taken a conscious decision to reflect and review its scrutiny process to build on existing good practice.

DCC has set itself some bold corporate objectives to secure efficient, effective and value for money services, and a sturdy financial base through an ambitious 'enterprising council' strategy and careful management of its budget, including achieving a significant reduction in its costs. It also intends to support its local economy and small local businesses, through a range of growth and investment initiatives. It has set clear goals to support and empower communities to be more resilient and self-sufficient together with a robust strategy to support families through greater focus on prevention and early intervention. It has also set challenging objectives to revise and improve its adult and children's social care offer.

The council plan therefore presents considerable challenges in its implementation and delivery. Importantly it will also place a significant responsibility upon its scrutiny function to ensure that council plan and the associated strategy and targets, together with key-decisions, changes and initiatives are robustly and objectively scrutinised.

The Centre for Public Scrutiny (CfPS) was invited to undertake a Scrutiny Improvement Review and identified some principal areas of focus for evaluation. These have been considered using CfPS's Scrutiny Improvement Review (SIR) method.

The CfPS SIR method aligns with both latest statutory guidance and best practice experience accumulated by CfPS over many years. This review also takes into account the latest government (MHCLG) guidance on Overview and Scrutiny in Local Authorities (May 2019) and the latest Good Scrutiny Guide (published by the Centre for Public Scrutiny – July 2019).

### The Centre for Public Scrutiny

CfPS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS is an independent national charity founded by the Local Government Association (LGA), Local Government Information Unit (LGIU) and Chartered Institute of Public Finance Accountants (CIPFA). Its governance board is chaired by Lord Bob Kerslake.

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## Review outline

### To conduct a review of the Council's scrutiny arrangements.

The Council wishes to explore what it can do to further strengthen the quality of its scrutiny arrangements and develop them in light of challenges and opportunities ahead.

#### Scope

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny and how this has been shaped over a number of decades
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people.

Further to discussion with Members and officers, the following broad areas of focus were identified, which are explored by way of the Scrutiny Improvement Review method:

- Prioritisation, timeliness and focus of the work programme (informed by a clear, well-articulated role for scrutiny overall).
- The current scrutiny committee structure. Considered on the basis of scrutiny focus, members' needs and expectations, and whether other structures and formats might be more appropriate for carrying out scrutiny work.

#### Evidence sourcing

The following elements are used as a framework for further discussion on those issues and areas most important to the Council.

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

These four elements were used to ensure that all key aspects of DCC's scrutiny activity are evaluated and mapped against the DCC-specific areas of focus identified above.

Evidence gathering consisted of:

- **Desktop work.** A check of the Council's constitution and rules of procedure insofar as they relate to scrutiny, recent work plans, scrutiny scopes and review reports. This will provide an evidence base for the rest of the work;
- **Interviews.** Including the Leader of the Council, leading Members in scrutiny (Chairs, Vice Chair, Opposition Group Leader, Cabinet Members, other scrutiny Members, Senior Corporate Officers, Statutory Scrutiny Officer, and Improvement and Scrutiny Officers.
- **Discussions** with witnesses and representatives from partner organisations.
- **Observation.** An Improvement & Scrutiny Committee.
- **Member surveys.**

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## Summary of findings

### 1. Overall assessment:

- 1.1 Overall the Council has a strong ongoing commitment to scrutiny in terms of the level of activity undertaken, and time and resource dedicated across the organisation. Scrutiny's role as part of the democratic decision-making process is respected and valued in the Council and political leaders and Cabinet Members are very supportive.
- 1.2 There is a clear realisation and commitment from Members and Officers that scrutiny could be more effective and productive. Everyone interviewed welcomed the opportunity to make changes and improvements. Members, Scrutiny Chairs, Political Group Leaders, and Executive Directors also support the need for change - to enable scrutiny to improve.
- 1.3 Although elements of how scrutiny works may need updating and could be seen as traditional, its Member engagement, resources, council support and ambition provide a strong platform upon which scrutiny could successfully develop.
- 1.4 The majority of those interviewed believed that scrutiny can play a greater role in the way democratic decisions are made. The scrutiny function is currently underused and has potential to offer and provide more. To support the council in its ambitious future plans there is a real need to expose political decision-making to more open, robust and quality scrutiny which would help to shape and improve outcomes and strengthen confidence in governance arrangements.
- 1.5 Members expressed a genuine interest in scrutiny but felt that its focus and work was having less impact than they would like and, at times, lacked sufficient focus on strategic issues. Scrutiny Members overall have an appetite to achieve more and recognise the value of involving frontline councillors in actively shaping and improving policy development.
- 1.6 To achieve the improvements which are clearly desired by the council there are some barriers and practices that may need to be addressed together with commitment to invest in Member development.
- 1.7 Scrutiny does make every effort to be strategic and focus on the areas of importance, although in practice it sometimes falls short of this ambition. Scrutiny can very often become a conversation' or an information exchange or become too operational and council performance focused.
- 1.8 There are missed opportunities for scrutiny to add value and to be an integral part of the Council's corporate plans and overall improvement. This may not be for the want of trying, but for scrutiny to be more strategic, there needs to be change in approach by both scrutiny and the Cabinet, to draw closer together to create a purposeful role and agenda. To achieve the stated desire of giving scrutiny a greater role in shaping policy, constructively challenging and holding to account, there will need to be support from across the Council. Early access to information and the ability to operate as an integral part of policy and decision-making activities of the Cabinet could make a real difference to the value and impact of scrutiny.
- 1.9 The Leader and Cabinet members attend scrutiny meetings as contributors but are often not sufficiently held to account and constructively challenged. Cabinet members and the

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Leader expressed support for a more challenging style of accountable scrutiny. This could be readily achieved with more planning and engagement.

1.10 The Scrutiny Chairs and committee members value the support provided by the Scrutiny Team and Governance Services in assisting Members in developing work programmes, managing agendas and liaising with Council departments and external partners to generate reports, evidence and information. This is recognised and widely appreciated internally and externally.

1.11 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and would benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.

There is also a need to adopt a Member and Officer scrutiny development and skills programme. This will support greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9)

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## 2. Members, meetings and agendas:

- 2.1 Members engage in scrutiny and understand that it plays an important role. However, there is inconsistency when Members describe the role of scrutiny and its purpose and can sometimes lose sight of the key objectives of scrutiny to hold decision-makers to account, to shape policy and to drive improvement.
- 2.2 Members have suggested that further training will enhance a greater understanding of the role of scrutiny and improve its effectiveness. (See recommendation 8.9: The adoption of a Member and Officer scrutiny development and skills programme.)
- 2.3 Overall, most members work hard to ask useful and enquiring questions, but scrutiny meetings can often tend to favour detail over strategy and may overlook the bigger picture. Some Members can tend to prefer to ask information-gathering questions, rather than questions which explore and challenge issues. Greater emphasis could be given to improving and shaping policies and decision through enquiry and constructive challenge.
- 2.4 The council operates four Improvement and Scrutiny Committees. Each has their own terms of reference and a clear scope which details each committees' responsibilities.
- 2.5 The I&S Resources Committee held on 4<sup>th</sup> June was observed via recording. As an on-line meeting and the first held via a video conference facility, it was unlikely to be typical. The meeting was skillfully chaired and overall, it ran smoothly and efficiently. There were three substantive subjects on the agenda, which allowed time to give adequate attention to each one. The main item was a status report by the Council Leader on the Covid-19 crisis and the council's response and recovery plans. This was clearly a subject of high importance, as such it presented a crucial opportunity to explore the council's role and responsibility in the crisis and therefore likely to involve a fairly lengthy and detailed response and enquiry from the committee. However, there were only a few question or requests for information and the questioning session was therefore relatively short. Members might consider how they could better organise and plan questioning strategies that ensure more robust holding to account and rigorous enquiry for similar high-level issues.

Other topics covered by the committee at this meeting centred on officer presentations. Similarly, there were some more general questions or comments but minimal constructive challenge that might lead to improving or shaping. There was one Cabinet Member (Cllr King - in addition to the Leader) present, and although he was able to comment on an item relevant to his portfolio, he was not required to take questions from the committee. Members could consider how Cabinet Members could be incorporated into their meetings, held to account and take questions on the underlying policy or strategy for which they are politically responsible.

- 2.6 The Health Improvement and Scrutiny Committee has a strong external focus and good relations with health partners, as reflected in regular senior attendance and engagement. External partners talked positively about their experience of attending scrutiny, particularly with the recent focus on finances, and good officer relations. The Committee was seen as being fair in its approach in considering proposed changes to services. However, they could benefit further from a more strategic approach to work programming, measuring impact and outcomes. Member training and support in this highly complex area may also be welcomed.
- 2.7 Other I&S Committee agendas and minutes have been reviewed. From our conversations with Members and Officers, there is a pattern of meetings being largely officer presentations, with Cabinet Members often present but not integrated into the



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session as the accountable person. Members could refresh this practice and consider the Cabinet Member as the focal point of scrutiny sessions with Officer support.

- 2.8 Committees might also consider ways to give more time to planning and organising scrutiny meetings, to set objectives, develop appropriate lines of enquiry, set a questioning strategy and decide who they would require to appear at the meeting. This would introduce a more 'Select Committee' style of scrutiny and elevate its status and impact, to produce high quality outcomes such as convincing recommendations or compelling improvements.
- 2.9 Reports presented to committees tend to be dominated by up-dates and progress reports. Many reports simply ask the committee to 'note' the report which may lead to Members simply commenting on its content or seeking clarification. Scrutiny may need to check its purpose and objective in receiving 'for information or update' reports, where there might be limited scope for it to add value or influence improvement. Such reports can often be reviewed by scrutiny outside of committee. Our observations suggest that scrutiny could more clearly set out its objectives on specific agenda items, which would assist committees to construct key lines of enquiry and develop outcomes that may add more value.
- 2.10 Whilst most Members take the opportunity to speak at committee, the engagement and contribution is varied with often just a few members ask most of the more useful questions. Members may benefit from more training and experience in the area of questioning techniques.
- 2.11 There is good cross-party working and little evidence of political management activity. Generally, Scrutiny Committee Members get along and co-operate with each other. Member behaviour is cordial and respectful. The independence of scrutiny and of political groups is maintained and respected
- 2.12 Whilst trying to encourage public engagement is difficult, exploring and experimenting with ways to allow greater access, openness and involvement could include:
- Simple video recording via website
  - Community listening panels
  - Invite public to offer ideas for work programmes
  - Greater use of social media channels

### 3. Structure and work programming:

- 3.1 Committee work programmes exist for committees, except Health. There is also on-going work to increase Member involvement in constructing these and there has been some senior officer time spent in supporting Members with this process. Historically, work programmes have largely been assembled by scrutiny officers with Members approving or amending suggested plans. It is therefore pleasing to note that Members, led by committee chairs intend to switch the emphasis of work planning to be Member-led and take a more strategic approach to focus on key priorities.

Members might consider developing a methodology for their work programme selection and prioritisation, given that the sources to choose from (including Council Plan, MTFS, Delivery Plans, Cabinet forward plan/key decisions etc) provide an extensive menu of options. The need to rationalise selection could be helped by a simple scoring or prioritisation process.

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- 3.2 Work programmes are therefore currently under-developed, partly due to the current Covid-19 restrictions, but in part also due to the short timescales which work programmes are set - typically a few months. Committees may benefit from looking at a longer work-programme timeframe which would enable scrutiny to be planned more effectively. Work programmes could be regularly refreshed to ensure they remain relevant.
- 3.3 I&S Committees do recognise the need to be focused on strategic matters, but this may become hindered at times by the lack of early access to the Cabinet forward plan and scrutiny not involved in earlier stages of the policy development and decision-making process. This lack of early visibility can therefore mean that Scrutiny is not provided with a sufficient timeframe for effective pre-decision scrutiny. The committees therefore use some of their energy examining operational performance and detail rather than inputting in future ideas and delivery.
- 3.4 Work programming therefore needs to identify the big, high impact subjects in the council's corporate plan, the key decision document and other strategic documents and to integrate these into the work programme of each I&S Committee. Scrutiny should be able to engage earlier and be supported in this task. Working across the four committees a join-up scrutiny and work programming structure would allow all parts of the council's priorities to receive quality scrutiny.
- 3.5 There is a real intent to engage in pre-decision scrutiny and committees are often presented with Cabinet reports to scrutinise. However, this may not be where scrutiny can offer maximum value. As outlined above, for scrutiny to offer greater impact and value and to help shape or constructively challenge Cabinet proposals, the work of pre-decision scrutiny needs to operate more up-stream as things are forming rather than at the point when decisions are imminent. Pre-decision scrutiny is a key function of scrutiny and it is an area that could be developed further. The Committee Chairs do want to bring scrutiny into play earlier and have more impact in pre-decision activity. For this to work effectively Scrutiny will need greater co-operation and a whole council commitment to integrating scrutiny in the decision and policy forming process. This may mean that Scrutiny, by agreement with Cabinet, has access to forward decisions, possibly months before final Cabinet approval. Scrutiny will then be able to make the bigger, positive and constructive contribution that everyone seeks and strives for.
- 3.6 Committee Chairs endeavour to maintain good relations and communications with Cabinet counterparts. This is a positive and essential part of ensuring that scrutiny is properly sighted on important issues. Chairs would like to build on this and have more structured communications that would encourage greater collaboration. In addition to regular informal conversations, this could be strengthened and enhanced through timetabled individual committee quarterly triangulation sessions. These could involve the scrutiny Chair and Vice Chair of each I&S Committee, together with scrutiny Officers and appropriate Senior Officers and the Cabinet Member(s) relevant to each committee, to discuss the next quarter of council business and key deliverables. This could, through a discussion and negotiation, form part of the basis for future scrutiny work planning and scheduling.
- 3.7 Scrutiny of the council budget and medium-term financial plan can take up a significant amount of scrutiny capacity. Members recognise that scrutiny input into the process of budget construction is essential if the Council's resourcing plans and long-term financial viability are to be constructively challenged in an open and transparent way. Members will be aware of the serious financial challenge that all Councils, including Derbyshire,

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face. There are several recent examples from other councils where a scrutiny deficiency in this area contributed to serious consequences. Our observation in DCC was that financial scrutiny tends to be geared towards monitoring with less input into future financial planning. Scrutiny might consider being more directly involved in the planning of the future budget and MTFs and to start this at an early phase. In many councils this process of scrutiny can span September-January. As most councils will also be reviewing their current budget due to the financial impact of the current crisis, scrutiny may also want to explore how it could have a positive contribution to that process also.

- 3.8 Task and Finish (T&F) groups seem to be used effectively. There appears to be support from Members to use this option to focus on helping to shape policy or exploring issues of community concern where the council or its partners may need to respond. These T&F assignments or similar focused 'project scrutiny' can, if used well, build more versatility and agility for scrutiny. However as these can be very demanding on officer time and resources, committees might consider limiting the number running consecutively and having a finite number per year. Whilst each T&F does currently have a detailed scope, timeframe and objective we would also suggest that where possible they are designed as collaborative ventures with input from relevant Cabinet Members at an early stage of scoping. This may further increase the value and benefit T&F already provide.
- 3.9 Some councils also use single episode events to dig deeper and wider into suitable issues. These include Inquiry days or focus events, where all of the stakeholders appear to provide evidence and insight and to help shape options or solutions.

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#### 4. Support and resources:

- 4.1 There is a small, experienced team of Officers who support scrutiny. They are proactively engaged in advising Chairs and Members on their roles and in developing scrutiny activity. Members told us that they do feel in control of their own work programmes and agendas.
- 4.2 There is potential to review whether the level of officer resource available to support scrutiny is sufficient. Whilst the dedicated resource is valued, the team is small and may benefit from additional capacity particularly in terms of research and policy support. The team also currently needs to work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial.
- 4.3 It is possible that Members could also play a greater role in how scrutiny operates and is resourced. Members could be more central in the preparing of programmes, projects and agendas, or researching issues and helping each other to be well-prepared and informed. It might be worth exploring how simple currently available technology such as closed social media groups, conference and video calling, and the use of shared file systems could give members more capacity to share, discuss and plan their scrutiny activities.
- 4.4 The council's website has useful content on scrutiny, which is relatively easy to access and has helpful guidance. The site is up-to-date and offers a good public oversight of scrutiny activity.

#### 5. Relationships, behaviours and culture:

- 5.1 It is evident from our research, that a deep-rooted culture dating back some decades, exists in respect of the organisation's view and approach towards scrutiny.
- 5.2 The role of scrutiny in 'holding to account' is not used consistently, although there are some signs that this is recognised, and efforts have been made to improve. However, our observation and interview evidence would suggest that political accountability could be made stronger and be a more constant feature in committee meetings. Often there seems to be a preference to challenge and hold officers to account rather than political decision makers. The principle of scrutiny's duty to hold the Leader and Cabinet Members to account, could be refreshed and strengthened. The council may also choose to strengthen the Cabinet accountability sessions to allow scrutiny to examine the work programme of individual Cabinet Members and assess progress against plans.
- 5.3 Cabinet Members frequently attend Scrutiny, but their role in attending is sometimes unclear. They often introduce reports and make useful comments during the discussion. However, there is no obvious democratic accountability for decisions, performance, delivery and policy. The Leader and Cabinet are very supportive of scrutiny and recognise its value. They also actively support a more central role in being held to account, supported by their officers for technical advice. The experience from elsewhere is that when Cabinet Members attend and are the focus of the questioning, a more strategic exchange takes place and better recommendations, or advice is achieved.

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- 5.4 Relationships between political groups are generally co-operative in the context of scrutiny. Clearly there are differences in policy and approach, but all Members appear to work towards a similar goal in committee.
- 5.5 Member surveys were undertaken. One asked for the views and opinions of scrutiny committee Members and Cabinet Members and a similar survey was issued to Members who did not currently sit on a scrutiny committee. The results of these surveys are summarised in Appendix A

## **6. Development, skills gaps:**

- 6.1 DCC is fortunate to have a good pool of talent and experience among its Members. Many councillors have relevant backgrounds and experience who bring a very useful set of skills to many areas of the council. Good practice also suggests that Members' interests, experience and background knowledge can also be useful in allocating a spread of skills to committees.
- 6.2 Training and development were raised by some Members, who were clearly aware of the gaps in their knowledge and understanding. There is also a number of relatively new councillors with limited experience of local government scrutiny, particularly in large complex councils like DCC, who would benefit from further training and development.

## **7. Contribution, performance and value-adding:**

- 7.1 Scrutiny impact is a key issue. A high volume of scrutiny activity does not necessarily deliver corresponding quality outcomes.
- 7.2 While scrutiny has made some positive progress and there are examples of good practice, and positive results, it could have even greater impact and make a significant difference within the council. This ambition and desire should be shared as a council-wide issue and be addressed by ensuring that scrutiny has the support, parity, access to timely information and early engagement to allow it to operate in a more strategic way.
- 7.3 Scrutiny and Cabinet could collaborate further. Scrutiny needs to provide a regular source of quality recommendations to Cabinet, and Cabinet needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked.
- 7.4 Scrutiny at DCC can overburden itself with too much activity and agendas focused on 'for information' reports. Doing less, but doing it really well, is worth considering. Asking the question; 'what value can scrutiny add to this' is also a useful test. Scrutiny's output must aim to shape and improve policy and decision-making as well as transparently testing the suitability of decisions being considered by Cabinet in the future.
- 7.5 Further consideration of pre-scrutiny activity would be useful as this has a crucial role in shaping, improving and influencing future Council plans. Pre-scrutiny of Cabinet decisions, through selective scrutiny of Cabinet forward programmes and the Council plan could add significant impact. This would require a change in practice by enabling earlier access to information.
- 7.6 From our observations and evidence gathering the I&S Committees may benefit from ensuring greater clarity about what it is trying to achieve or what impact they are aiming to make. Similarly, the process for deciding what is important to scrutinise and what is not, is sometimes unclear. Scrutiny cannot examine everything, nor is it necessary to do so, therefore establishing realistic priorities based on clear objectives is essential. It is therefore necessary to 'let go' of too much operational scrutiny and focus resource on strategy and policy.

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## 8. Recommendations:

These recommendations are for discussion. They are presented for consideration as potential areas of improvement, with further assistance and planning.

### Planning, organizing and resourcing scrutiny

- 8.1 **Work programme prioritisation and focus.** Developing a clear methodology focused on DCC's key corporate or community priorities should itself be a priority. Items on each work programme to have a clear rationale to justify their inclusion and a clear system for selection.
- 8.2 **Scrutiny and Cabinet needs to work more collaboratively.** This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held regularly could include Scrutiny Chair and Vice Chair, Cabinet Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant Senior Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.
- 8.3 **Ensure scrutiny inclusion in Cabinet papers.** Establish a routine that embeds scrutiny in all papers presented to cabinet to show how and where scrutiny has been included in the journey of the plan, policy or decision.
- 8.4 **Consider bringing Cabinet public accountability and transparency into more focus at scrutiny committees.** Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. A more parliamentary select committee approach could be considered.
- 8.5 **Reduce the reliance on officer presentations and cabinet reports.** Instead, scrutiny should set its objective for each subject to be considered and material presented or verbally reported by Cabinet members, with officer assistance.
- 8.6 **Establish a practice of core knowledge briefings.** To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.
- 8.7 **Extend video conferencing.** There are new opportunities to use VC resources to;
  - Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc
  - Committee pre-meeting to agree objectives and set themes or questioning plans
  - Hold core knowledge briefing sessions
  - Invite external witnesses via video conference links to join scrutiny meetings
- 8.8 **Adopt a Member and Officer scrutiny development and skills programme.** This will support greater understanding of the role of scrutiny and improve its effectiveness.
- 8.9 **Officer support.** Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.
- 8.10 **Adopt a protocol.** This would outline how scrutiny, cabinet and officers would work together to ensure each part works collaboratively and ensure council wide ownership and support for the success of scrutiny.



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## Structures and settings

- 8.11 **Recreate Improvement and Scrutiny Committees. Consider moving to a modern 'select committee' style of scrutiny**, with agendas that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as;
- Policy & Finance Select Committee
  - Transport & Infrastructure Select Committee
  - Children, Families and Communities Select Committee
  - Health and Adult Social Care Select Committee
- 8.12 **Establish a scrutiny Co-ordination Group.** This could comprise Chairs and possibly Vice Chairs of each committee and Chaired by the Chair of Resources (P&FSC). The purpose would be to discuss alignment of work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.
- 8.13 **Consider further use of task and finish and other 'set piece' scrutiny techniques.** Focused events or enquiry days can highlight major areas of policy development or community concern.
- 8.14 **Allow experts/advisors on all scrutiny committees.** Consider inviting external advisors to sit as observer status non-voting members of committees to provide additional insight and expertise to the committee. They could be set period appointments or invited to a one-off relevant meeting. Payment or reimbursement may encourage candidates. Some selection may be necessary, and terms of reference made clear.
- 8.15 **Member workshop.** We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.

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## Acknowledgments and thank you

The Centre for Public Scrutiny (CfPS) was commissioned by Derbyshire County Council to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.

We would like to thank the Chairs and Vice-Chairs of Scrutiny for their time and support and those Improvement and Scrutiny Committee Members, Cabinet Members, and Officers who took part in interviews, survey and observations, for their time, insights and open views.

A schedule of Members and Officers who were involved in scrutiny conversations is attached as Appendix B

## CfPS Project Management and Delivery

Jacqui McKinlay – Chief Executive – [Jacqui.mckinlay@cfps.org.uk](mailto:Jacqui.mckinlay@cfps.org.uk)

Ian Parry – Head of Consultancy - [ian.parry@cfps.org.uk](mailto:ian.parry@cfps.org.uk),

Katie Grigg – Senior Research Officer – [katie.grigg@cfps.org.uk](mailto:katie.grigg@cfps.org.uk)

**Centre for Public Scrutiny Ltd** | 77 Mansell Street | London | E1 8AN

Tel: 07831 510381

Visit us at [www.cfps.org.uk](http://www.cfps.org.uk)

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## **Action Plan**

- The table below sets out the 18 recommendations:
  - 15 recommendations were identified by the Centre for Public Scrutiny (CfPS), as set out in their report entitled 'Derbyshire County Council Scrutiny Improvement Review', July 2020, and
  - a further three actions were identified by senior officers and the Scrutiny Steering Group.
- It is recommended that the table should be read in conjunction with the full report and recommendations. (The numbers in brackets within the table below, reflect the numbering of the recommendations within the CfPS report).
- The Action Plan has been prepared by the Scrutiny Steering Group. It will be considered by a scrutiny member workshop the Improvement and Scrutiny Committees, and the Governance, Ethics and Standards Committee.
- The final Action Plan will be presented to Cabinet and Council.

	<b>Recommendations</b>	<b>Action Plan</b>	<b>Implementation</b>
	<b>Planning, Organising and Resourcing Scrutiny</b>		

## Appendix 2

1 (8.1)	<b>Work programme prioritisation and focus.</b> <i>Developing a clear methodology focused on DCC's key corporate or community priorities should itself be a priority. Items on each work programme to have a clear rationale to justify their inclusion and a clear system for selection.</i>	(i) Ensure that each Improvement & Scrutiny (I&S) Committee prepares a focused Work Programme which is aligned to the Council's corporate priorities and Key Decision Document	Development of the Work Programme to commence December 2020
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## Appendix 2

<p>2 (8.2)</p>	<p><b>Scrutiny and Cabinet needs to work more collaboratively</b>  <i>This will achieve stronger pre-decision scrutiny, allow greater influence and contribution to policy shaping and supply more high-quality recommendations. A triangulation meeting held bi-monthly could include Scrutiny Chair and Vice Chair, Cabinet Member or Leader taken in relevant rotation and Scrutiny Officers plus relevant Senior Officers. The purpose of this would be to jointly scope future areas for scrutiny to develop, but without compromising scrutiny's independence and authority.</i></p>	<p>(i) Scrutiny Chairs and Cabinet to meet regularly on an informal basis;</p> <p>(ii) Scrutiny Chairs to inform and provide brief to the relevant Cabinet Member in advance of attendance at I&amp;S meetings; thereby ensuring that contributions are focussed, structured and value-added. Such attendance should be linked to the respective I&amp;S Work Programmes;</p> <p>(iii) Hold triangulation meetings at least, quarterly and invite:</p> <ul style="list-style-type: none"> <li>• Scrutiny Chair</li> <li>• Vice Chair</li> <li>• Cabinet Member and or The Leader</li> </ul> <p>Supported by:</p> <ul style="list-style-type: none"> <li>• CMT Chair</li> <li>• Monitoring Officer</li> <li>• Statutory Scrutiny Officer</li> </ul> <p>(iv) Develop a Pre-Decision Scrutiny approach. Commenced with the Scrutiny review of residential care homes</p>	<p>Commence September 2020 and continue on a regular basis</p> <p>Commence October 2020</p> <p>From December 2020</p> <p>Commenced and ongoing</p>
<p>3 (8.3)</p>	<p><b>Ensure reference of scrutiny in all Cabinet papers</b>  <i>Establish a routine that embeds scrutiny in all papers presented to cabinet to show how and where scrutiny has been included in the journey of the plan, policy or decision.</i></p>	<p>(i) The current report template to include reference to scrutiny within the body of reports, where appropriate.</p>	<p>From December 2020</p>
<p>4</p>	<p><b>Consider bringing Cabinet public accountability and</b></p>	<p>(i) Scrutiny to consider this approach, taking into account the need to balance the two-fold role</p>	<p>June 2021</p>

## Appendix 2

(8.4)	<p><b>transparency into more focus at scrutiny committees</b>  <i>Cabinet Members or the Leader (if appropriate) could be the main focus of scrutiny questioning and accountability sessions. This could take on a more parliamentary select committee approach.</i></p>	<p>of Improvement and Scrutiny Committees to both support policy development (overview) and to hold Cabinet members to account (scrutiny).</p> <p>(ii) To ensure that I&amp;S Committee request for Cabinet member attendance sets out purpose and scope to enable a productive session with clear, planned outcomes.</p>	
5 (8.5)	<p><b>Reduce the reliance on officer presentations and cabinet reports.</b>  <i>Scrutiny should set its objective for each subject to be considered and material presented or verbally reported</i></p>	<p>(i) Each I&amp;S Committee to agree a Work Programme with an emphasis upon I&amp;S Committees being highly proactive and Member-led.  Set objectives for each subject to be considered;</p> <p>(ii) Officer attendance at Committee to be focused on support to Scrutiny members through the provision of technical and/or professional advice and information.</p>	November 2020
6 (8.6)	<p><b>Establish a practice of core knowledge briefings</b>  <i>To allow Members to gain essential background, facts and core knowledge on the more involved and complex issues that are considered by scrutiny.</i></p>	<p>(i) Executive Directors, Directors to work with Cabinet and Scrutiny Chairs to develop a programme of Core Knowledge Briefings linked to the Scrutiny Work Programmes and update on a rolling basis</p>	Commence December 2020, ongoing
7 (8.7)	<p><b>Extend video conferencing</b>  <i>There are new opportunities to use VC resources to:</i></p>	<p>(i) Scrutiny Committee Meetings held electronically during COVID-19;</p> <p>(ii) I &amp; S Chairs and Vice Chairs to hold pre-Agenda meetings to set agendas and arrange</p>	Commenced and will continue, where appropriate

## Appendix 2

	<p><i>-Hold pre-Agenda meetings to set agendas and arrange meeting requirements etc .</i></p> <p><i>-Committee pre-meeting to agree objectives and set themes or questioning plans</i></p> <p><i>-Hold core knowledge briefing sessions</i></p> <p><i>-Invite external witnesses via video conference links to join scrutiny meetings</i></p>	<p>meeting requirements with support from lead senior officer and scrutiny officer.</p> <p>(iii) I&amp;S Chairs and Vice-Chairs to attend Committee pre-meetings in order to agree objectives and set themes or questioning plans;</p> <p>(iv) Core knowledge briefing sessions to be available electronically;</p> <p>(v) Invite external witnesses via video conference links to join I&amp;S meetings;</p> <p>(vi) Hold hybrid meetings in order to maximise accessibility ie some people in a Committee Room and others may join via a video link</p>	
8 (8.8)	<p><b>Adopt a Member and Officer scrutiny development and skills programme.</b></p> <p><i>This will support greater understanding of the role of scrutiny and improve its effectiveness.</i></p> <p><b>Ensure personal development is ongoing and that DCC learns from other local authorities</b></p>	<p>(i) Member Development Programme in place (and supported by Member Development Strategy, recently approved by Council);</p> <p>(ii) Continuously identify training needs and agree how those needs may be met;</p> <p>(iii) Officers, Scrutiny Chairs and the Cabinet Member to have the opportunity to attend the East Midlands Councils Scrutiny Meetings</p> <p>(iv) To have the opportunity to attend LGA and CfPS events and workshops</p>	<p>Programme in place.</p> <p>Ongoing</p> <p>July 2021</p> <p>Ongoing</p>
9	<b>Officer support</b>	(i) Review the officer support resource available to scrutiny.	December 2020

## Appendix 2

(8.9)	<i>Consider reviewing the officer support resource available to scrutiny to find ways to increase the capacity and skills available.</i>	<p>(ii) The following senior officers to support the Scrutiny Steering Group and I&amp;S Committees:</p> <ul style="list-style-type: none"> <li>• CMT rotating Chair,</li> <li>• Monitoring Officer,</li> <li>• Statutory Scrutiny Officer</li> <li>• Members' Support Officer</li> </ul>	November 2020
10 (8.10)	<p><b>Adopt a protocol</b>  <i>This would outline how scrutiny, cabinet and officers would work together to ensure each part works collaboratively and ensure council wide ownership and support for the success of scrutiny.</i></p>	<p>(i) Review the existing Scrutiny officer and Member protocol</p> <p>Develop it further to outline how scrutiny, cabinet and officers can ensure collaborative working, council-wide ownership and support for the success of scrutiny.</p> <ul style="list-style-type: none"> <li>- Prepare the collaborative draft protocol;</li> <li>- Report to I&amp;S Committees; Cabinet and Council;</li> </ul> <p>Add the approved document to the Council's Constitution</p> <p>(ii) Review the protocol annually</p>	March 2021
	<b>Structures and Settings</b>		
11 (8.11)	<p><b>Recreate Improvement and Scrutiny Committees.</b>  <i>Consider moving to a modern 'select committee' style of scrutiny, with agendas</i></p>	<p>(i) Review the merits of moving to a modern select committee style of scrutiny and bring back to Cabinet</p>	September 2021

	<p><i>that focus on high priority issues and involve insight and evidence gathering as well as holding to account and a policy shaping functionality. There would perhaps need to be some reorganizing of committee roles to gain a better balance between committees. CfPS would be pleased to offer some suggestions on how this could be achieved. As an early suggestion for consideration Committees could recreated as:</i></p> <ul style="list-style-type: none"> <li>- <u>Policy &amp; Finance Select Committee</u></li> <li>- <u>Transport &amp; Infrastructure Select Committee</u></li> <li>- <u>Children, Families and Communities Select Committee</u></li> <li>- <u>Health and Adult Social Care Select Committee</u></li> </ul>		
12 (8.12)	<p><b>Establish a scrutiny Co-ordination Group</b>  <i>This would comprise Chairs and Vice Chairs of each committee and Chaired by the Chair of Resources (P&amp;FSC). The purpose would be to discuss alignment of</i></p>	<p>(i) Scrutiny Steering Group to continue and to include:</p> <ul style="list-style-type: none"> <li>- I&amp;S Chairs;</li> <li>- I&amp;S Vice Chairs</li> <li>- Cabinet Member</li> </ul> <p>To be supported by the rotating CMT Chair, the Monitoring Officer, Statutory Scrutiny Officer and Member Support Officer;</p>	<p>Established and ongoing</p> <p>From November 2020</p>

## Appendix 2

	<i>work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.</i>	<p>(ii) Scrutiny Officers to schedule quarterly meetings with the relevant Executive Director, key Directors and Cabinet Member.</p> <p>(iii) The Scrutiny Steering Group should liaise with the Cabinet Member in the first instance, and regularly report to Cabinet thereby ensuring a completely joined up approach</p>	Commence December 2021
13 (8.13)	<p><b>Consider further use of task and finish and other ‘set piece’ scrutiny techniques</b></p> <p><i>Focused events or enquiry days can highlight major areas of policy development or community concern.</i></p>	(i) Align this consideration to the Scrutiny Work Programmes and tailor the relevant methodology for each piece of work	Ongoing
14 (8.14)	<p><b>Allow experts/advisors on all scrutiny committees</b></p> <p><i>Consider inviting external advisors to sit as observer status non-voting members of committees to provide additional insight and expertise to the committee. They could be set period appointments or invited to a one-off relevant meeting. Payment or reimbursement may encourage candidates. Some selection may be necessary, and terms of reference made clear.</i></p>	(i) The I&S Committees to consider inviting experts and advisors for specific topics. Such experts/advisors are likely to attend a particular meeting or for a specific period to aid exploration of a specific topic, as expert advisors.	February 2020



## Appendix 2

15 (8.15)	<b>Member workshop</b> <i>We recommend that a Member workshop is held to consider the findings of this review and to engage in ideas for change and improvement.</i>	Workshop Scheduled and stakeholders invited	12 October, 11am-1pm
16	<b>Additional Actions not Included within the Report Recommendations</b>		
16.1	<b>Review the relationship and interface between the Audit; Governance Ethics and Standards Committees and Improvement and Scrutiny Committees.</b> Ensure that these Committees have a clear focus, avoid any potential overlap or duplication and consider matters of mutual importance and refer key issues to the relevant committee for further action, where necessary.	<ul style="list-style-type: none"> <li>(i) Initial meeting between the 6 Chairmen, supported by their respective senior officers;</li> <li>(ii) Thereafter, quarterly meetings</li> </ul>	February 2021
16.2	<b>Map and identify the financial and human resource implications of the review</b> to ensure that the recommendations are adequately identified, costed and prioritised.	<ul style="list-style-type: none"> <li>(i) The Scrutiny Steering Group to lead this work, supported by the Monitoring Officer and Statutory Scrutiny Officer;</li> <li>(ii) This work to feed into the budget planning process; and any recommendations to be considered by Cabinet and ultimately by Council</li> <li>(iii) The Statutory Scrutiny Officer and Monitoring Officer to ensure</li> </ul>	Timeline to align with the annual budget -setting process

## Appendix 2

		close liaison with the Council's S.151 Officer and HR professionals	
16.3	<b>The Statutory Scrutiny Officer Role</b>	Review how the role of the Statutory Scrutiny Officer is discharged.	September 2021



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**PUBLIC**

**ITEM No. 10**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL MEETING**

**2 December 2020**

**REPORT OF DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**Purpose of the Report**

To provide information to the Council on issues considered by the Cabinet at meetings held between 31 January 2019 to date and to enable Members to ask related questions.

Members may submit questions on the report to the Director of Legal Services by 12 noon on 27 November 2020.

**Information and Analysis**

The Council Procedure Rules set out in the Constitution (Appendix 3), sets out the order of business for Council meetings. This includes provision for a Cabinet Report to Council detailing the activities of Cabinet and affording Members the opportunity to ask questions on the report.

After February 2019, the Cabinet Report to Council was no longer presented to Council. However, this change has not been ratified by Council or considered by the Governance, Ethics and Standards Committee and the provision remains in the Constitution.

It has been determined therefore, that the situation should be rectified and a report be produced covering the Cabinet meetings which have not been considered by Full Council. The meetings since the last AGM are reported in detail, links to the previous meetings are set out below.

1. Summary of Cabinet reports to Council post the 2020 AGM.

**19 November 2020**

1. THE SCRUTINY REVIEW – (Strategic Leadership, Culture and Tourism)

The Executive Director Commissioning, Communities and Policy asked Cabinet to consider the final Scrutiny Review report, action plan and the consultation feedback for approval and recommendation to Council on 2nd December 2020.

## **Decision**

Cabinet (1) noted the feedback and endorsement of the review and associated action plan from the all member workshop and the I&S Committees for People, Place, Health and Resources; (2) approved the Scrutiny Review Report, including recommendations, action plan for recommendation to Council on 2 December 2020; and (3) noted that this review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.

### **2. TREASURY MANAGEMENT ANNUAL REPORT 2019-20 – (Strategic Leadership, Culture and Tourism)**

The Director of Finance and ICT reported on Treasury Management activities during the last financial year 2019-20 and to indicate the Council's compliance with the prudential indicators set by Council at its meeting of 6 February 2019, in accordance with the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017 (the Code).

## **Decision**

Cabinet noted (1) the Treasury Management Annual Report 2019-20; and (2) the Council's compliance with the prudential indicators set by Council for 2019-20, in accordance with the terms of the Treasury Management in the Public Services: Code of Practice and Cross-Sectorial Guidance Notes 2017.

### **3. TEMPORARY PAYMENT ARRANGEMENTS TO BUS, COACH AND TAXI OPERATORS FOR CONTRACTUAL FARES REIMBURSEMENT DUE TO CORONAVIRUS ON-GOING MEASURES – (Highways, Transport and Infrastructure)**

The Director Economy Transport and Environment asked Cabinet to note the urgent Officer Decision for the payment arrangements to bus, coach and taxi operators for contracted Council transport services and concessionary fares reimbursement after the current provision ends on 31 October 2020.

## **Decision**

Cabinet noted the urgent Officer Decision of the Director - Economy Transport and Environment and the introduction of the proposed revision in payment arrangements to bus, coach and taxi for contracted Council transport services and concessionary fares reimbursement from 1

November 2020 to 31 March 2021, in response to measures required as a result of the Coronavirus (COVID-19) pandemic.

4. DERBYSHIRE ECONOMIC PARTNERSHIP RECOVERY AND EMPLOYMENT AND SKILLS STRATEGY – (Clean Growth and Regeneration)

The Director Economy, Transport and Environment sought Cabinet endorsement of the Derbyshire Economic Recovery and Employment and Skills Strategy that had been prepared in response to the Covid-19 pandemic by the Economic Recovery Cell.

**Decision**

Cabinet noted (1) that the Council endorses the draft Derbyshire Economic Recovery and Employment and Skills Strategy as set out in the attached document; and (2) the process for finalising the content based on the feedback of partners and delegates authority to the Director – Economy, Transport and Environment and Cabinet Portfolio holder Green Growth and Regeneration, in consultation with the Leader of the Council (as Vice Chair of Derbyshire Economic Partnership) to agree final amendments to the Strategy prior to publication.

5. ADDITIONAL INVESTMENT FOR PUBLIC HEALTH NURSING – (Health and Communities)

The Director of Public Health sought Cabinet approval to provide £0.500m per annum additional investment to support the public health nursing service.

**Decision**

Cabinet granted approval to increase the investment into the public health nursing service as outlined in this report.

6. CHILDREN'S SERVICES CAPITAL PROGRAMME 2020-21 EXPANSION PROJECT AT JOHN PORT SPENCER ACADEMY – (Young People)

The Executive Director Children's Services sought Cabinet approval for a project to expand John Port Spencer Academy in response to housing growth in its normal area.

**Decision**

Cabinet approved allocations of £1,136,024.49 in Section 106 funding to the art block and car parking project at John Port Spencer Academy.

7. SCRUTINY OF THE NEXT STEPS IN RELATION TO DIRECT CARE HOMES FOR OLDER PEOPLE – (Chairman of the Improvement and Scrutiny Committee – People)

The Chairman of the Improvement and Scrutiny Committee – People informed Cabinet of the progress made by the Committee in overseeing the next steps in relation to direct care homes for older people.

**Decision**

Cabinet noted (1) that the Improvement and Scrutiny Committee – People is assured that the mitigation measures in place are sufficiently robust and durable to address the increased risk associated with the properties that have been identified as needing rewiring, in the near future; and (2) that the scrutiny working group will continue to pursue the other key lines of enquiry regarding the Committee's role in overseeing the next steps in relation to direct care homes for older people.

8. ICT SERVICE DATA CENTRE HARDWARE REPLACEMENT AND SAP PLATFORM – (Corporate Services)

The Executive Director Commissioning, Communities and Policy asked members to approve the replacement storage and computer hardware within the two county council data centres (County Hall and Shand House) to enable the retirement of current hardware, and to facilitate the current SAP HANA upgrade. These procurements were identified in the CCP Service Plan 2017-2021 Update (July 2020). The upcoming Data Centre storage and compute Infrastructure at £1,500,000 and SAP Project hardware allocated £2,000,000.

**Decision**

Cabinet approved (1) Option 4 as set out in the report, and replacement hardware is purchased with a 5-year plan to move in a controlled and planned way to the cloud; and (2) a procurement is undertaken via Crown Commercial Services framework Technology Products & Associated Services RM6068 Lot 1 Hardware & Software & Associated Services.

**8 October 2020**

9. REVIEW OF THE DERBYSHIRE CARE LEAVERS' OFFER (Chairman of the Improvement and Scrutiny Committee- People)



The Chairman of the Improvement and Scrutiny Committee - People informed Cabinet of the initial outcomes of the scrutiny review of the Derbyshire Care Leaver's Offer. 2. Background Information The review focussed on three discrete aspects of the Derbyshire Care Leaver's Offer: Council Tax, Accommodation and Financial support. During the review a series of scrutiny working group meetings were held to ensure that Members were kept informed about partnership working undertaken by the Young People's Department to develop a more consistent offer throughout Derbyshire.

### **Decision**

Cabinet (1) commended the partnership working that had led to the countywide improvements to the Derbyshire Care Leavers' Offer as set out in the report; (2) progressed publicity regarding Council Tax discount for care leavers, that was delayed as a result of the Covid19 pandemic; (3) identified an approach that would enable a care leaver to make an "expression of interest" for a property in sufficient time to allow them to move in when they reached the age of 18 with Children's Services in partnership with District and Borough Councils; (4) allocated each young person a designated Leaving Care Support Worker whilst exploring the feasibility of identifying a second point of contact within the service; and (5) explored mechanisms that would facilitate care leavers having access to ongoing guidance or mentoring with a person that they know, beyond the age of 21.

## **10. THE SCRUTINY REVIEW (Strategic Leadership, Culture and Tourism)**

The Executive Director- Commissioning, Communities and Policy informed Cabinet of the Scrutiny Review findings and the proposed actions. The Scrutiny Review commenced in 2019 at the request of Cabinet and Chairs of Scrutiny and a workshop was held for the Chairs and Vice Chairs of the four Improvement and Scrutiny Committees. A lack of officer capacity prevented the review from being progressed further at that time, and, to resolve this, a Programme Director was appointed in March 2020 to progress a range of projects, including the scrutiny review. It was determined that the Centre for Public Scrutiny (CfPS) were to be commissioned to undertake the review, bringing independence, a substantial experience of scrutiny from across the country and a ready-made scrutiny review methodology.

### **Decision**

Cabinet (1) approved the Scrutiny Review Report, including recommendations and draft action plan, for consideration at a scrutiny member workshop and by the four Improvement and Scrutiny

Committees and the Governance, Ethics and Standards Committee; (2) agreed to receive a further report on the Scrutiny Review and action plan, as informed by the workshop, the Improvement and Scrutiny Committees and the Governance, Ethics and Standards Committee, for approval and recommendation to Council; and (3) noted that the review commences a programme of continuous review and development of scrutiny at Derbyshire County Council.

11. REVIEW OF URGENT OFFICER DECISIONS TAKEN TO SUPPORT COVID – 19 RESPONSE THAT HAVE BEEN IN PLACE FOR LONGER THAN EIGHT WEEKS (Health and Communities)

The Director of Public Health provided Cabinet with an update in relation to those actions which were the subject of Officer's Decisions utilising emergency decision making powers as detailed in the constitution.

**Decision**

Cabinet noted the review of decisions made under urgent delegated powers arising from the COVID-19 Pandemic.

12. CORPORATE PROPERTY DELIVERY – GROUNDS MAINTENANCE (Corporate Services)

The Executive Director- Commissioning, Communities and Policy advised Cabinet approval on proposals to externalise part of the Grounds Maintenance services in accordance with the implementation of a new operating model for the Corporate Property Division. A further report, titled 'Corporate Property Delivery - Grounds Maintenance, Full Business Case' containing information not for publication was considered separately by Cabinet in the exempt section of the meeting.

**Decision**

Cabinet noted the report.

**15 September 2020**

13. DEVOLUTION, VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM (Strategic Leadership, Culture and Tourism)

The Executive Director- Commissioning, Communities and Policy sought Cabinet agreement to recommend to Full Council on the 16 September 2020:

- The approval of plans to secure a devolution deal for the East Midlands;
- The approval of Vision Derbyshire (non-structural reform) as the preferred option for local government reform in Derbyshire and approval of structural reform as a viable alternative option for local government reform in the event that Vision Derbyshire was not able to satisfy the Government's requirements for reform; and to seek
- Approval for the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government requesting an invitation to submit a proposal for a single tier of local government for the county.

Such an invitation was non-binding as it would be subject to approval by the Council.

### **Decision**

Cabinet recommended to Council on 16 September 2020 that it: (a) notes the Government's intention to publish a Devolution and Recovery White Paper in Autumn 2020; (b) approves the consideration of the White Paper (once published) to assess the most appropriate response, in light of the details contained therein; (c) approves in principle, the Council's involvement in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region; (d) approves Vision Derbyshire as the preferred route for local government reform, provided the conditions for this route, as set out in the report, are fully met; (e) approves proposals for the Leader of the Council to write to the Secretary of State to request an invitation to submit a proposal for a single tier of local government for the county, in the event that Vision Derbyshire is not able to satisfy the Government's requirements for reform and a subsequent devolution deal; (f) mandates officers within the Council to prepare an alternative route for devolution and the development of a case for a single unitary for Derbyshire, should the conditions for the preferred route for local government reform outlined in recommendation d) not be fully met; and (g) opposes any proposals for a new model of local government which disaggregates the county footprint due to service fragmentation and the breaking up of historical boundaries.

### **10 September 2020**

14. CAPITAL BUDGET MONITORING MONTH 3 2020-21 (Strategic Leadership, Culture and Tourism)

The Director of Finance and ICT informed Cabinet of the latest Capital budget monitoring position as at 30 June 2020. 2 Information and

Analysis The report reflects those schemes that are currently under way and have had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stays within budget, and who verified the projected spend against their allocated schemes. The report contained schemes that were open at 1 April 2020 and also those that had been completed and closed in-year.

### **Decision**

Cabinet noted the current position on the monitoring of Capital schemes.

#### **15. PREPARATION OF BUDGET 2020-21 (Strategic Leadership, Culture and Tourism)**

The Director of Finance and ICT sought Cabinet approval for the proposed timetable for the Council's 2021-22 budget preparation and procedures and the associated consultation arrangements.

### **Decision**

Cabinet (1) approved the timetable for completion of the 2021-22 budget, including arrangements for consultation with stakeholders and the carrying out of an assessment of the need for full equality impact assessment on budget saving proposals; (2) noted the proposals for reviewing and updating the Five Year Financial Plan and (3) noted the arrangements for reviewing Earmarked Reserves and updating the General Reserve projections.

#### **16. HEAGE EDUCATIONAL CHARITY, CHESTERFIELD SCHOOL FOUNDATION AND LONG EATON CHARITIES (Strategic Leadership, Culture and Tourism)**

The Executive Director- Commissioning, Communities and Policy requested Cabinet to approve the annual reports and accounts of the Heage Educational Charity and Chesterfield School Foundation ('the Charities') for 2018 – 2019, and the transfer of three educational charities which benefit schools in Long Eaton, for which the Council is trustee, to Foundation Derbyshire

### **Decision**

Cabinet (1) approved the draft Trustee's Annual Reports and accounts of the Heage Educational Charity and Chesterfield School Foundation for 2018-2019; (2) approved the transfer of John and Mary Crowe Scholarships, John R Davis Memorial Prizes Fund and the Ernest Roper Memorial Prize Fund to Foundation Derbyshire to be administered as set

out in the report to Cabinet of 23rd April 2020; (3) authorised the Director of Legal Services to execute all documents necessary for the purposes of the transfers of the John and Mary Crowe Scholarships, the John R Davis Memorial Prizes Fund and the Ernest W Roper Memorial Prize Fund to Foundation Derbyshire; and (4) authorised the Director of Finance & ICT to transfer the funds of the John and Mary Crowe Scholarships, the John R Davis Memorial Prizes Fund and the Ernest W Roper Memorial Prize Fund held by the County Council to Foundation Derbyshire once the legal transfers have been completed.

17. DERBY AND DERBYSHIRE ANNUAL CASUALTY REPORT 2019  
(Highways, Transport and Infrastructure)

The Director- Economy, Transport and Environment reported on the Derbyshire Annual Casualty Report 2019 and to sought approval for the wider publication of the report, both in electronic and printed form.

**Decision**

Cabinet (1) noted the current trends in road casualties as reported in the 'Derby and Derbyshire Annual Casualty Report 2019' and (2) approved its wider publication both in electronic and printed form.

18. COUNTY TRANSPORT ENTERPRISING COUNCIL REVIEW  
(Highways, Transport and Infrastructure)

The Director - Economy, Transport and Environment informed Cabinet of the outcome of the Enterprising Council review of County Transport fleet services which proposed an Internal + External Top Up model for delivery of the service and sought approval for the proposed improvement plan to make changes to the way the Council manages its vehicle fleet to reduce the overall financial and environmental costs. This work would focus heavily on reducing grey fleet travel (journeys undertaken by employees on council business); developing a council-wide approach to the deployment of vehicles to minimise the need to hire in from external providers; and introducing low carbon alternatives in the core fleet.

**Decision**

Cabinet (1) noted the outcomes of the Enterprising Council review for County Transport fleet services; (2) approved the proposal to adopt the Internal + External Top Up model for delivery of the service and (3) noted an improvement programme is underway to reduce the overall financial and environmental cost of vehicles which includes a review of the financial model; review of the procurement policy around buying or

leasing vehicles; review of grey fleet usage and introduction of a low emission pool vehicle fleet; introduction of a centralised vehicle hire booking system; consideration of charging for additional services currently provided free of charge; continued standardisation of vehicle fleet; and other efficiency improvements.

19. DEVELOPER CONTRIBUTIONS PROTOCOL (Highways, Transport and Infrastructure)

The Director- Economy, Transport and Environment sought approval for the publication of the County Council's revised Developer Contributions Protocol.

**Decision**

Cabinet approved the draft Developer Contributions Protocol for publication on the County Council's website and used in the assessment of the impact of development on the County Council's services and infrastructure.

20. ELVASTON CASTLE MASTERPLAN DELIVERY PROGRAMME (Clean Growth and Regeneration)

The Director - Economy, Transport and Environment requested "in principle" approval to the implementation of a delivery programme for the Elvaston Castle Masterplan and secure funding in accordance with the proposed Funding Strategy outlined in the report.

**Decision**

Cabinet gave "in principle" approval to the implementation of the proposed delivery programme for the Elvaston Castle Masterplan and to secure funding in accordance with the proposed Funding Strategy outlined in the report.

21. FINANCIAL SUPPORT TO DERBYSHIRE FOODBANKS (Adult Social Care and Health)

The Director of Public Health sought Cabinet approval to provide a grant to the value of £0.150m to Foundation Derbyshire for the purpose of supporting foodbanks across Derbyshire.

**Decision**

Cabinet approved funding of £0.150m Foundation Derbyshire to provide continued support for Derbyshire foodbank.

22. COVID-19 FUNDING ALLOCATION TO DISTRICT AND BOROUGH COUNCILS TO SUPPORT DERBYSHIRES RESPONSE TO COVID 19 (Adult Social Care and Health)

The Director of Public Health sought Cabinet approval for funding to support district and borough environmental health teams to cover backfill as required in relation to COVID19 response.

**Decision**

Cabinet approved the funding allocation of £50,000m per annum for the financial years 2020-21 and 2021-22 to each district and borough council's environmental health teams to support Derbyshire's response to COVID-19, including the implementation of the Derbyshire Local Outbreak Management Plan.

23. INSURANCE CAPITAL MAINTENANCE POOL ALLOCATIONS IN 2020 (Young People/Corporate Services)

Cabinet considered a joint report of the Executive Director Children's Services and the Executive Director - Commissioning, Communities and Policy which sought approval for the co-funded capital maintenance projects under the Insurance Capital Maintenance Pool for 2020-21.

**Decision**

Cabinet (1) approved the projects detailed in Appendix A, and the expenditure of £1,305,500 from IMP and £678,000 from the Children's Services Capital Fund; and (2) noted the allocations approved under delegated powers by the Executive Director for Children's Services and the Head of Development totalling £52,090 as detailed in Appendix B.

24. REFURBISHMENT OF THE COUNCIL'S HOMES FOR OLDER PEOPLE (Adult Social Care and Health)

The Executive Director – Adult Social Care and Health sought Cabinet approval:

- for the refurbishment of 3 Homes for Older People as follows:
  - o Briar Close, Borrowash
  - o New Bassett House, Shirebrook
  - o Rowthorne, Swanwick;
- for the allocation of project funding from the Older Peoples Housing Strategy Reserve.

The proposed procurement process was set out in the associated exempt report. The information included in the exempt report was considered to be confidential on the basis that disclosure of the financial information included would prejudice the procurement outcome.

### **Decision**

Cabinet approved (1) the refurbishment of 3 Homes for older People as follows and that further to this approval agree that this decision and appropriate supporting information can be made public Briar Close - Borrowash, New Bassett House - Shirebrook and Rowthorne - Swanwick; and (2) the use of the Older Peoples Housing Strategy Reserve to fund the project.

## **25. ENTERPRISING COUNCIL PHASE 2 (Strategic Leadership, Culture and Tourism)**

The Executive Director- Commissioning, Communities and Policy provided an update on progress on the Council's Enterprising Council programme and sought approval to take forward proposals for Phase 2 of the approach.

### **Decision**

Cabinet (1) noted achievements and progress made to date on the implementation of the enterprising council approach and approve the closure of Phase 1 as set out in the report; (2) approved proposals to take forward Phase 2 of enterprising council approach focusing on the four priorities set out in the report; (3) noted proposals to accelerate the delivery of the three cross cutting projects – modern ways of working, demand management and workforce and leadership behaviours, initially focusing on modern ways of working to maximise opportunities and challenges presented by the current pandemic; (4) approved plans to take forward organisation, community and economic recovery and renewal through the development of the Council's strategy and roadmap by January 2021; (5) approved proposals to develop a whole council approach to transformation through the development of a strategic case for transformation and creation of a centralised programme management office; (6) noted plans to review the governance arrangements of the Enterprising Council Board which will lead and take forward Phase 2 of the enterprising council approach; and (7) received an initial report on progress in implementing Phase 2 of the approach in December 2020 and updates on progress on a six monthly basis thereafter.

## **26. COUNCIL PLAN PERFORMANCE – QUARTER 1 – 2020-21 (Strategic Leadership, Culture and Tourism)**



The Executive Director- Commissioning, Communities and Policy presented the Council Plan performance report for Quarter 1 2020-21. The Council Plan sets out the future direction of the Council and the outcomes that the authority was seeking to achieve. The Plan identified a small number of focused priorities to direct effort and resource, supported by “deliverables” under each priority. These set out what the Council aimed to deliver over the forthcoming year and were supported by key measures which enable the Council to monitor the progress it was making.

### **Decision**

Cabinet (1) noted and considered the content of the report and the continued progress that has been made on the delivery of Council Plan priorities during the first quarter of 2020-21 as set out in Appendix A; (2) discussed key areas of success and areas for review and consider whether there are any further actions that should be undertaken to improve performance where it has not met the desired level; (3) noted plans to undertake regular monitoring and review of Council Plan performance during the forthcoming year: and (4) continued to receive further reports on progress in delivering the Council Plan on a quarterly basis during 2020-21.

### **30 July 2020**

#### **27. REVENUE OUTTURN 2019-20 (Strategic Leadership, Culture and Tourism)**

The Director of Finance and ICT set out the Council’s final revenue outturn position for 2019-20, identified significant variations from the final net budget and identify commitments already agreed against the underspend, together with proposals for the further use of underspends. The report also identified the impact of the 2019-20 outturn on future years and any action proposed. The report also sets out the Council’s Earmarked Reserves position.

### **Decision**

Cabinet (1) noted the departmental outturn position for 2019-20; (2) noted the position on General and Earmarked Reserves; (3) approved the allocation of underspend amounts and commitments to Portfolios; and (4) noted that requests for use of underspends in departmental Earmarked Reserves would be subject to appropriate approval, either Executive Director or Cabinet Member.

28. BUDGET MONITORING 2020-21 (AS AT 31 MAY 2020) (Strategic Leadership, Culture and Tourism)

The Director of Finance and ICT provided Cabinet with the Revenue Budget position for 2020-21 as at 31 May 2020.

**Decision**

Cabinet noted the budget monitoring position as at 31 May 2020.

29. BUDGET 2020-21 (Strategic Leadership, Culture and Tourism)

The Director of Finance and ICT provided with details of the financial consequences in respect of the Revenue Budget 2020-21.

**Decision**

Cabinet noted (1) the additional costs of Covid-19 and the projected funding gap; and (2) the financial risks and uncertainties associated with Covid-19.

30. REVISED FINANCIAL REGULATIONS (Corporate Services)

The Director of Finance and ICT reported on proposed amendments to the Council's Financial Regulations and to commend approval of these amendments to Council.

**Decision**

Cabinet commended the proposed amendments to the Financial Regulations to Council for approval.

31. DELIVERING THE CLIMATE AND CARBON REDUCTION MANIFESTO (Clean Growth and Regeneration)

The Executive Director Economy, Environment and Transport provided an update on progress on the delivery of the Climate and Carbon Reduction Manifesto.

**Decision**

Cabinet (1) noted recent achievements and progress on the delivery of the Climate and Carbon Reduction Manifesto; and (2) agreed to receive a further report on progress following the production of the Council detailed work programme.

32. COMMUNITY SECTOR REVIEW (Adult Social Care, Health and Communities and Strategic Leadership, Culture and Tourism)

Cabinet considered a joint report of the Executive Directors for Adult Social Care and Health and Commissioning, Communities and Policy which sought approval to take forward proposals on the future funding of Voluntary and Community Sector (VCS) infrastructure providers and approval to extend recurrent payments to VCS organisations for a period of twelve months from 1 October 2020 to 30 September 2021.

**Decision**

Cabinet (1) noted progress on the review of the Council's voluntary and community sector grants and the challenges and opportunities that had arisen as a result of the recent Covid-19 pandemic; (2) approved revised infrastructure proposals and interim arrangements for taking forward proposals over the next twelve months as set out in the report; (3) approved an extension of funding totalling £463,450 for voluntary and community sector infrastructure support until 30 September 2021; (4) noted progress on the general grant funding review and to receive a further report on proposals for taking work forward from September 2020 onwards; (5) approve the extension of funding totalling £912,348 to the VCS organisations set out in the report for one year from October 2020 to September 2021; and (6) approve an extension of Bakewell and Hlland Day Service grants for six months to 31 March 2021 to allow for a transition to the day services framework.

33. COVID-19 OUTBREAK MANAGEMENT PLAN AND TEST AND TRACE COMMUNICATIONS STRATEGY (Health and Communities)

The Director of Public Health sought Cabinet approval for the Derbyshire County Council COVID-19 Outbreak Management Plan and the Derbyshire County Council Test and Trace Communications Strategy.

**Decision**

Cabinet approved the Derbyshire County Council Outbreak Management Plan and the Test and Trace Communications Strategy.

34. AWARD OF GRANT FUNDING TO ACTIVE PARTNERS TRUST FOR THE PROVISION OF FUNDING TO ACTIVE DERBYSHIRE (Health and Communities)

The Director of Public Health sought approval to award grant funding to the value of £0.312m for a period of three years from 1 April 2020 to 31 March 2023 to the Active Partners Trust in order for them to support the

public health priority of increasing physical activity levels across Derbyshire.

### **Decision**

Cabinet approved the award of grant funding totalling £0.312m to APT over the period from April 2020 to March 2023, in order for it to support the public health priority of increasing physical activity levels across Derbyshire.

#### **35. REIMBURSEMENT OF STOP SMOKING PHARMACOTHERAPY PRODUCT COSTS (Health and Communities)**

The Director of Public Health sought Cabinet approval to reimburse the Derby and Derbyshire Clinical Commissioning Group (CCG), for the costs of stop smoking pharmacotherapy products available on prescription only throughout 2020-21.

### **Decision**

Cabinet approved the reimbursement of prescription only smoking cessation pharmacotherapy product costs to the Derby and Derbyshire CCG to a maximum cost of £326,150.

#### **36. REVIEW OF OFFICER DECISIONS (Strategic Leadership, Culture and Tourism)**

The Executive Director – Commissioning Communities and Policy invited Cabinet to review decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

### **Decision**

Cabinet noted the review of urgent officer decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

#### **37. RESHAPING AND RECONFIGURING THE DERBYSHIRE HOMECARE MARKET – TRANSFERRING LONG TERM PACKAGES OF CARE FROM DIRECT CARE TO THE PRIVATE HOMECARE SECTOR (Adult Social Care)**

The Executive Director for Adult Care Social Care and Health updated on the work that the Adult Social Care and Health Department had been undertaking to reshape the homecare market in Derbyshire and sought approval for the continued rollout of the transfer of long-term packages of care from Direct Care to the Independent Sector.

### **Decision**

Cabinet (1) noted the work that the Adult Social Care and Health department had been undertaking to reshape the homecare market in Derbyshire; and (2) approved for the continued rollout of the programme to support the reshaping of the Derbyshire homecare market.

#### **38. SUPPORT CENTRE FUNDING (Young People)**

The Executive Director – Children’s Services sought Cabinet approval to amend the funding arrangements in respect of Support Centre provision from September 2020.

### **Decision**

Cabinet (1) agreed to adopt a per pupil funding rate from September 2020 as set out in the report; and (2) Notes the further work the Service intends to undertake regarding the future arrangements for commissioning and paying for support for pupils excluded, or at risk of exclusion, from mainstream provision.

#### **39. THE BIG CONSULTATION (Young People)**

The Executive Director – Children’s Services updated Cabinet on ‘The Big Consultation’ on youth democracy in Derbyshire. This was originally presented to Cabinet on 16 January 2020 and approval was received to proceed with the consultation on proposals to replace the Derbyshire Youth Council.

### **Decision**

Cabinet agreed that work commences to disband Derbyshire Youth Council and replace it with a strategic participation network, which links school councils and other participation groups in order to strengthen youth democracy in Derbyshire.

#### **40. SCHOOLS FORUM CONSTITUTION (Young People)**

The Executive Director – Children’s Services requested Cabinet approval to the proposed changes to the constitution of the Schools Forum.

### **Decision**

Cabinet approved (1) the proposal for the school and non-school membership of the Schools Forum to be reduced from 36 to 28 places from September 2020 as set out in the report; (2) that the 28 places in detailed in the report be allocated across sectors in accordance with the details in section 2.1 to the report; (3) the proposal to remove DIASS from the list of observers; (4) the proposal that the number of representatives from an individual MAT be limited to a maximum of two places; (5) that decisions on future changes to the schools forum's constitution be delegated to the Executive Director for Children's Services, in consultation with relevant Cabinet Members as necessary; and (6) that the Schools Forum's Constitution be amended to reflect sections 7.1 to 7.5 of the report.

41. CHILDREN'S SERVICES CAPITAL PROGRAMME 2020-21 CAPITAL PROGRAMME ALLOCATIONS (Young People)

The Executive Director – Children's Services sought approval to the Children's Services Capital Programme 2020-21 and allocations to individual projects.

**Decision**

Cabinet approved allocations from the 2020-21 School Condition Allocation to the projects set out in Appendices A and B of the report.

**9 July 2020**

42. COUNCIL PLAN REFRESH 2020-21 (Strategic Leadership, Culture and Tourism)

The Council Plan sets out the future direction of the Council, the outcomes that the authority is seeking to achieve and priorities to focus effort and resource. The Executive Director – Commissioning, Communities and Policy recommended the Authority's revised Council Plan refresh 2020-21 for approval by Full Council.

**Decision**

Cabinet recommended the Authority's refreshed Council Plan 2020-21 for approval by Full Council.

43. DEPARTMENTAL SERVICE PLANS 2017-2021 (2020-21 UPDATE) (Strategic Leadership, Culture and Tourism)

Service Plans set out how each department would contribute to the outcomes and priorities set out in the Council Plan refresh 2019-21. The

Executive Director – Commissioning, Communities and Policy recommended the 2020-21 updates to Departmental Service Plans 2017-21 for approval by Full Council.

### **Decision**

Cabinet approved (1) the revised 2020-21 update to Departmental Service Plans 2017-21; and (2) the Service Plans to be submitted to Full Council for endorsement.

#### **44. URGENT OFFICER DECISIONS (Strategic Leadership, Culture and Tourism)**

The current challenges relating to the Covid-19 virus had necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council. The Executive Director – Commissioning, Communities and Policy asked Cabinet to note decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

### **Decision**

Cabinet noted the decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

#### **45. INVESTMENT IN POPULATION NUTRITION AND PHYSICAL ACTIVITY PROGRAMMES (Health and Communities)**

The Director of Public Health sought Cabinet approval:

- to extend the physical activity grant funding for Exercise by Referral, Walk Derbyshire and Active Fostering services delivered by district and borough councils from 1 September 2020 to 31 March 2022, to the value of £0.633m.
- to extend the grant funding for Jog Derbyshire, delivered by SHIFT from 1 September 2020 to 31 March 2022, to the value of £79,000.
- to provide funding of £43,000 to allow district and borough councils to continue to deliver their existing physical activity programmes until August 2020.
- to extend the grant funding to The Soil Association for delivery of the Food for Life programme by £0.150m over a period of 2 years from September 2020 to August 2022.

## **Decision**

Cabinet (1) approved funding of £0.633m to district and borough councils to continue delivery of Exercise by Referral, Walk Derbyshire and Active Fostering from September 2020 to March 2022; (2) approved funding of £43,000 to district and borough councils to continue to deliver existing physical activity programmes until August 2020; (3) approved funding of £79,000 to SHIFT to continue to deliver Jog Derbyshire from September 2020 to March 2022; (4) approved funding of £0.150m to support continued delivery of the Food for Life programme from September 2020 to August 2022; and (5) noted the proposals for the development of a new commissioning model for physical activity and population nutrition interventions.

### **46. CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 FURTHER ALLOCATIONS & S106 PROJECT ALLOCATIONS (Young People)**

The Executive Director – Children's Services informed Cabinet of capital allocations and of Section 106 contributions approved either for projects or to repay the Capital Programme under delegated powers by the Executive Director for Children's Services and the Children's Services Head of Development.

## **Decision**

Cabinet (1) noted the error in the reporting of the £38,000 allocation from the Children's Services Capital budget and the correction to the unallocated balance; (2) noted the allocations approved under delegated powers by the Executive Director for Children's Services and the Head of Development totalling £127,180; (3) noted that Section 106 Developer contributions totalling £1,376,111.63 had been received or were available to claim and the approvals by the Executive Director for Children's Services and the Head of Development for the monies to be allocated to projects and for £982,911.94 of these monies to be repaid to the Children's Services Capital budget which funded the expansion projects at the schools; and (4) noted the error in the reporting of a £59,246 Section 106 Developer contribution and the correction to the unallocated balance.

### **47. NEW SECONDARY SCHOOL IN SOUTH DERBYSHIRE (Young People)**

The Executive Director – Children's Services updated Cabinet on the progress with the new secondary school for South Derbyshire and seek agreement to progress aspects of the planning should the Wave 14 Free School application be unsuccessful.



## **Decision**

Cabinet (1) noted the progress on the provision of a new secondary school in South Derbyshire; (2) agreed to continue to support the Wave 14 application through lobbying the DfE; (3) approved the resumption of negotiations over the site for the new school; (4) agreed to initiate further consultation on the provision of a new secondary school in South Derbyshire.; and (5) agreed to identify the revenue funding resource that would be required should be new school be established through the Presumption route.

2. Links to non-exempt Cabinet minutes covering the period 31 January 2019 to 4 June 2020 (the period up to the 2020 Council AGM).

31 January 2019

[Link](#)

28 February 2019

[Link](#)

21 March 2019

[Link](#)

18 April 2019

[Link](#)

9 May 2019

[Link](#)

6 June 2019

[Link](#)

11 July 2019

[Link](#)

11 September 2019

[Link](#)

10 October 2019

[Link](#)

21 November 2019

[Link](#)

16 & 23 January 2020

[Link](#)

13 February 2020

[Link](#)

16 March 2020

[Link](#)

23 April 2020

[Link](#)

14 May 2020

[Link](#)

4 June 2020

[Link](#)

3. There is also a requirement under the current Constitution for Derbyshire Fire Authority non-exempt minutes to be included in the Council Agenda. A link is therefore provided to the Fire Authority minutes since the last Council AGM.

23 July 2020

[Link](#)

24 September 2020

[Link](#)

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: - equality of opportunity; environmental, health; financial, human resources; legal and human rights; prevention of crime and disorder, property, social value and transport considerations.

## **Background Papers**

Non-exempt Cabinet papers – 31 January 2019 to 19 November 2020.

## **RECOMMENDATION**

That the report be noted.

**Simon Hobbs**  
**Director of legal and Democratic Services**

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**COUNCIL – 2 DECEMBER 2020**

Motion received from Councillor E Atkins:

This Council recognises the great burden placed on underprivileged families - especially in the current troubling times - and fully supports the efforts of Marcus Rashford MBE to persuade the Government to introduce free school meal vouchers for use by children during school holidays.

This Council further expresses its regret that the House of Commons recently turned down a motion to introduce free school meal holiday vouchers.

Bearing in mind the overwhelming need for this measure, backed by massive public support, this Council will move to set up its own free school meals holiday vouchers scheme without delay

Motion proposed by Councillor J Innes

This council calls upon government for an end to abuse, both verbal and physical, against shop workers and public facing workers. We urgently need new legislation to provide these workers with more protection and we need the means to enforce it. We need stiffer penalties for those who do assault workers.

Abuse should not be part of the job for these people who deserve our respect as they perform their duties. Ensuring these people are protected requires action by politicians as well as employers and the police. We need to work together to provide practical solutions to prevent abuse and violence to these workers. Last year every minute of every of day a shop worker was verbally or, even worse, physically abused. Just for doing their job!

This government asked for evidence of these abuses and it is well over a year since the closure of the call for evidence. Nothing has been done.

Now these key workers have been at the frontline during the pandemic and have faced even more abuse to ensure the public has food on the table. They have asked customers to keep to government guidelines regarding social distancing and panic buying, all within government guidelines. But this same government has let them down.

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