

Public Document Pack



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Ask for Michelle Archer

PUBLIC

To: Members of the Council

Tuesday, 7 September 2021

Dear Councillor,

Please attend a meeting of the **Council** to be held at **2.00 pm** on **Wednesday, 15 September 2021** in the Members Room, County Hall, Matlock, the agenda for which is set out below.

Any member of the press or public who wish to attend this meeting should notify Democratic Services (democratic.services@derbyshire.gov.uk) by 10.00am on Tuesday 14 September 2021.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for absence
2. To receive declarations of interest (if any)

3. Chairman's announcements
4. To confirm the minutes of the meeting of the Council held on 14 July 2021 (Pages 1 - 20)
5. Report of the Leader of the Council and Members' questions on the report
6. To consider public questions (if any) (Pages 21 - 22)
7. To receive petitions (if any)
8. To consider questions from Elected Member (if any) (Pages 23 - 36)

To consider reports on the following:

- 9 (a) Executive Director Children's Services - Notification of Appointment - Report of the Managing Executive Director (Pages 37 - 42)
- 9 (b) Derbyshire County Council's Senior Officer Operating Model - Report of the Director of Legal & Democratic Services & Monitoring Officer and Director of Organisation Development & Policy (Pages 43 - 68)
- 9 (c) Decisions taken as a Matter of Urgency and Key Decisions and Special Urgency - Report of the Director of Legal & Democratic Services & Monitoring Officer (Pages 69 - 76)
10. Notices of Motion (Pages 77 - 78)

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 14 July 2021 at the Casa Hotel in Chesterfield.

PRESENT

Councillor T Ainsworth (In the Chair)

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

51/21 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors D Allen, N Atkin, A Dale, M Ford, R Mihaly, A Stevenson, and B Woods.

52/21 DECLARATIONS OF INTEREST There were no declarations of interest.

53/21 CHAIRMAN'S ANNOUNCEMENTS The Chairman referred to the following points in his announcements:

The NHS had been awarded the George Cross by the Queen. The extract below had been taken from a letter produced by the Queen and had been sent to a member of the public.

“This award recognises all NHS staff, past and present, across all disciplines and all four nations. Over more than 70 decades, and especially in recent times, you have supported the people of our country with courage and passion and dedication demonstrating the highest standards of public service. You have our heartfelt thanks and appreciation.”

The Chairman congratulated the NHS and those of this county.

Sadly the recent passing of Gregory McDonald had been announced. Gregory was born in 1940. He became a qualified teacher and practised his profession in the local area. At one time he was the Head of Denby Primary School.

Politically he was the County Councillor for the Horsley Division long-term. He was also an Amber Valley Borough Councillor for which he was the Leader twice. He was also a member of Shipley Parish Council for many years.

The Srebrenica Memorial Day was on Sunday 11 July. The theme for 2021's commemoration 'Rebuilding Lives' had been launched on the 1-4 February at an online launch event. The theme sought to highlight the way in which survivors of the Bosnian genocide had rebuilt their lives.

The Council observed a minute's silence as a tribute to the victims of the genocide and for the life of Greg McDonald.

54/21 **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 26 May 2021 be confirmed as a correct record.

55/21 **REPORT OF THE LEADER** Councillor Lewis gave his report and referred to the following topical issues:-

- The football had been at the forefront of many discussions over the last few weeks and the fantastic achievements of the England team in getting to the European final at Wembley on Sunday; Just what was needed as an antidote to the last 18 months to lift the national mood. It had been a great shame that the moment had been marred by racist comments on social media and by graffiti of a mural of Marcus Rashford. Those responsible should hang their heads in shame. It was utterly reprehensible. Another great positive had been the outpouring of support for those players who had been targeted by that abuse and the wise words and actions of those players. There was no place for racism in our society, a message that needed to keep being reaffirmed and, of course, let's not forget their achievements in all of this, celebrate them and wish them well on the journey to, we hope, a successful World Cup next year.
- In relation to COVID restrictions, the country would move to Step 4 next week, as outlined by the Prime Minister and Ministers in recent announcements, and whilst individuals would be very much looking forward to the easing of restrictions there was a note of caution as cases continued to rise. Derbyshire was no different in this regard with cases rising right across the county. That being said, there were far lower hospital admissions and ICU admissions compared to the last peak at comparable infection

rates and it was this that made the cautious move to Step 4 possible. It was also because of the amazing vaccination programme roll-out that had made this possible, despite the rise of cases of the Delta variant. Tribute was paid to the staff of the local NHS once again for their role in this.

The latest accurate figures told us that Derbyshire had administered nearly 1.4 million vaccines; 757,000 first doses and 621,000 second doses with the roll-out now concentrating on those of the 18+ age group. The significance of the vaccines and the reduction of hospital admissions and in developing serious complications as a consequence of contracting Covid could not be understated. That is why it was important that when people were called, they get the vaccine.

Tribute was paid to Derbyshire frontline staff who throughout the pandemic had got on with the work of looking after Derbyshire residents in care homes and right across our communities.

Step 4 would be a big relief for the hospitality and tourism sectors in Derbyshire. Hotels, restaurants and pubs had found the last 18 months a particular challenge and they needed a good season ahead to help them recover. Tourism had been returning to something like normal under Step 3 but meeting certain stringent and necessary requirements, and with restricted numbers, it had been a challenge.

- Derbyshire's £1m Cultural Recovery Fund had been mentioned previously. The aim was to have this open for bids in early autumn to provide the cultural and tourism's sectors access to funding to enable them to extend their offer.

The following issues and questions were raised by councillors to which Councillor Lewis duly noted and responded:

- A member of the Majority Group's posts on Facebook relating to anti-vaccination material.
- Footballers 'taking the knee'.
- The Landscapes Review and the implications for the Peak District National Park.
- The recent passing of ex-Chesterfield FC player, Ernie Moss.
- The re-opening of Council buildings, maintaining restrictions and new ways of working.

Finally, it was hoped that the next full Council would be held at County Hall, albeit perhaps with some mitigations in place for the September full Council. Term ends soon for Derbyshire schools and as

we enter the quieter month of August, politically at least, Councillor Lewis wished everyone a good summer break.

56/21 PUBLIC QUESTIONS

a) Question from Olivia Ramsbottom to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

DCC's mission includes the following:

'to listen to, engage and involve local people ensuring we are responsive and take account of the things that matter most to them; to create an environment for 'happy, safe and healthy people '.

In Matlock, the noise and safety issues caused by excessive speeding are having a detrimental effect on lives. Children and the less mobile are 'running the gauntlet' as they try to crossroads or walk along the town's narrower pavements. Sleep and normal life are being impacted by speeding traffic that causes houses to vibrate and road furniture to rattle. Many are wary of pulling out of side roads and driveways because of their expectation of speeding motorists.

Whilst the proposed extension of the 30mph zone on Chesterfield Road is welcome, it is not as a result of planning and foresight but after 19 collisions, including 1 fatality.

How can residents supply sufficient evidence for the need for improved signage and other speed mitigation in 30mph areas, to encourage you to take strategic, proactive action to create the environment as set out in your objectives? The local CSW group is happy to assist in any data collection exercise.

Councillor Athwal responded as follows:

As you will appreciate this Authority receives hundreds of requests for consideration here each year and all the residents making these enquiries believe they have a genuine need for some form of action.

Clearly it is not practical, nor sustainable, to accede to every single request that is received. Given this demand a system of prioritisation must be employed using information, including the number and severity of collisions. This helps ensure that the resources available are firstly used in those locations where there is the greatest need and where most benefits can be achieved.

How we implement. Measures are identified on an evidence-

based need. The limited funds that are available must therefore predominantly be directed to those locations where there is a history of reported injury collisions and where a Highway Improvement Scheme can effectively reduce the number of injury collisions. The use of identifiable known hard facts and figures provides robust and transparent justification for the investment of public funds that are available. It is understood that this can often be received as having to await road collisions prior to action being considered, but prioritising locations that are already experiencing road injuries ensures that the resources are being invested as effectively as possible.

In terms of the speed limit review on the A632, the collision figures relate to the whole of the route between Matlock and Chesterfield and other intervention measures have been deployed in the specific blackspots along the route. For example, interactive signing at Spancarr crossroads etc.

Although grateful for your offer of assistance in data collection via your Community Speed Watch Group this Authority is constantly monitoring collisions on the network, identifies areas for investigation based on these studies. The statistics surrounding the County Council's performance in respect of casualty reduction can be found in the Derby and Derbyshire Annual Casualty report which is on the website.

There was no supplementary question.

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

On 14 June the Council leader was interviewed by the BBC and challenged about having a climate denier, Cllr Rose, on the Council's Climate Scrutiny Committee. On 23 June I asked the Chair of that Committee to investigate the allegation and was assured that Cllr Rose doesn't hold that view. On 25 June I sent the Chair a number of tweets from Cllr Rose's personal twitter account from 2015 to 2019 that indicate a fairly consistent pattern of climate denial. While Cllr Rose is free to hold those views or express those privately, it is totally inappropriate for that Councillor to be appointed to a Committee set up to hold the Council to account on climate action. It is essential that all Climate Scrutiny Committee members believe that DCC can help to reduce emissions across Derbyshire and that climate change is serious and human-caused.

Please could you inform the Council (a) why the serious allegations of climate denial first learnt about on 14 June were not followed up on? And (b) if Cllr Rose will not publicly denounce his stated

views that climate change is a hoax will he be asked to step down from the Climate Scrutiny Committee?

Councillor Lewis responded as follows:

You have written to me and the Chairman of the Committee, Councillor Major, gave you an answer to this at that time and nothing has changed in a sense.

Thank you too for supplying a list of social media posts that Councillor Rose shared that dated back from 2015 up to 2019. I looked through his tweets last night. Councillor Rose has some strong views and shares some interesting thoughts here and there on many issues (including the occasional one on climate change) but they did not seem to be the main event in terms of the volume of his tweets. I don't necessarily share all of his views on a wide range of topics that he tweets about and I am sure he doesn't share all of mine.

I don't know Councillor Rose that well. I am afraid Covid-19 hasn't helped much of late in that process but I am sure we will have some lively discussions about many topics over the coming years. We might even strongly disagree with each other on one or two topics, maybe to the point of shouting or wagging our fingers at each other, but there is one thing I am sure of, is that we will walk away from those discussions respecting each other's point of view or opinion, remain on good terms and remain strong colleagues getting on with doing our jobs for our residents. I might even change his mind on some topics, he might change mine. That is the joy of being human.

From my perspective it is perfectly reasonable the views he may have had between 2015 and 2019, or even views that may predate that may not be the views he holds now. In choosing to write to me and not to him you are not seeking to get to the key matter which is what is his view now, because if that is what we are really talking about or caring about then that is what I would do, so you may wish to write to Councillor Rose and ask him his views on climate change and if he has changed his views on that at all. I am not here to speak for him and I am reassured by his words and actions to-date that he will approach this Committee's work with a fully open mind and be keen to engage in its work, which is to drive down the CO₂ of DCC as an Authority, to get to net zero by 2032 or sooner, and to make sure we do so as a county economy by 2050.

The following supplementary question was asked:

I did have a reply from the Chair of that Committee who suggested that I was trying to silence or not allow people to express

their views. I am not trying to do that. Councillor Rose, I don't know him, I don't even know where he is, I am not trying to silence him but what I am saying is I think it is inappropriate for a climate denier to be sitting on a Climate Scrutiny Committee. I didn't write to him I wrote to the Chair of the Committee because I think it is the Chair's role in charge of that Scrutiny Committee to make sure that all his members fully accept that climate change is human caused and that DCC can impact the emissions.

I can go away and I can write to Councillor Rose but if he does not hold those views any more then he should publicly state that, and if he still believes climate change is a hoax do you accept that somebody who thinks climate change is a hoax does not have a position on a Committee that is supposed to scrutinise the Council?

Councillor Lewis responded as follows:

As I say he may not hold those views and I suggest the first port of call is that you write to him and ask Councillor Rose his views. On your latter part of the question I can only answer that when he responds to your question.

c) Question from John Geddes to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

You are quoted as hoping to give rural communities "cheaper and more regular" bus services. Currently, most rural services are provided by operators of home-to-school transport. The Council is already funding the fixed costs of the vehicles, so the middle-of-the-day services are relatively cheap to add on.

The Council's experiment with on-demand minibuses is hard to evaluate because only the most basic data has been collected. But from my analysis of the Ashbourne service, it seems that, outside of school runs, the vehicles are spending most of their time moving just one passenger or family group at a time. This matches the experience elsewhere: for those who can score a ride, the minibuses offer a service just like a taxi - but using a bigger, more expensive, more polluting vehicle. The costs only balance if many fewer people get to travel.

So will you please rule out any further replacement of timetabled services by on-demand transport until DCC can show the results of a proper independent evaluation demonstrating that the move to demand-responsive transport really would offer a better and cheaper service, without a major reduction in the number of people who will be able to travel?

Councillor Athwal responded as follows:

Yes, as part of the Bus Service Improvement Plan it is my aim that we work towards providing our residents and visitors to Derbyshire with a transport network system that better connects our villages and towns with cleaner modes of transport along with better flexibility of ticketing and value for money for all.

The Government's National Bus Strategy for England "Bus Back Better" makes it clear that there needs to be a greater use of new and alternative forms of public transport provision such as demand responsive transport. This Council is currently developing an ambitious Bus Service Improvement Plan and its response to the National Bus Strategy.

If we are to reverse this cycle of long-term decline of bus usage in Derbyshire, we need to develop better transport solutions which work for all. It is also essential that solutions must be appropriate for local transport needs as well as catering for current needs and future demand.

Whilst it is likely that we will see a greater use of demand responsive transport in Derbyshire, particularly in the deeply rural areas and other areas where there is very low demand for public transport at the moment, I can assure you that it is not our intention to implement demand responsive transport as a county wide solution.

There was no supplementary question.

57/21 PETITIONS There were none received.

58/21 ELECTED MEMBER QUESTIONS

a) Question from Councillor R George to Councillor B Lewis, Leader of the Council

What is the reason for the County Council having failed to a submit a bid to Round 1 of the Levelling Up Fund, and what plans are there to submit a bid in Round 2?

Councillor Lewis responded as follows:

I have to say I am hoping this question has been put as a genuine misunderstanding rather than a wilful misrepresentation of the fact that this simply is not the case.

Firstly, the Levelling Up Fund is directed at TF2 and Unitary

Authorities predominantly and as a county we could only ever submit one bid based upon a transport bid only and as you will hear we did. Indeed, my colleague Councillor Renwick, approved some kick-start funding to enable that work to get underway relatively recently.

Levelling Up Fund proposals will mostly come from the Districts and Borough Councils and I was happy to support a Round 1 application for £20m from Chesterfield Borough Council for town centre regeneration work. We will work proactively with other Districts and Boroughs on Round 2 applications once that process opens. Indeed, you might describe High Peak Borough Council as having failed to submit a Round 1 bid. I assumed you have asked that question of them? Anyway, to be clear I don't see that them not putting in a Round 1 bid is in any way a failure as I intend to do one for Round 2 and we will certainly be willing to support them in that bid as we have with Chesterfield recently. There is nothing partisan in this so again I go back to your point about being a "failed" part in this.

We were eligible to submit our own proposal for a transport project and indeed did submit an application form for Round 1 for the infrastructure to support the delivery of the South Derbyshire Growth Zone. The Council did not therefore fail to submit a bid. We do recognise that it is an expression of interest and it does require further development but nonetheless it is in.

The County Council will be in discussion with the Department for Transport on progressing that bid over the period of the summer and I will be happy to update members on any future developments at the appropriate time.

Councillor George asked the following supplementary question:

I thank Councillor Lewis for his words, very sensible based on the facts about the Levelling Up Fund, the fact that Councils of any tier can only make one bid to both the rounds of that Levelling Up Fund and that not submitting one is not a failure, but would he therefore condemn the words of the MP for High Peak who circulated on social media, in the regional media and a newsletter to thousands of constituents saying that "High Peak Council failed to submit a Levelling Up Fund bid" because they did not do so in Round 1 but chose, as he says very sensibly, to have waited for the support funding and collective work with this Authority for Round 2?

Councillor Lewis responded to the supplementary question as follows:

I cannot speak for the MP of High Peak on this. I can only tell you

what I have just said which is that they weren't ready at that point and that we are willing, as a local authority, to continue to work with High Peak Borough Council to ensure that they do put in a good bid for Round 2 and we will do everything we can to support them, as we will any local authority in Derbyshire.

b) Question from Councillor C Dale to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

The Government proposes to reform the planning laws to remove local residents rights to object to individual planning applications. The House of Commons has passed a motion calling on the government to protect residents rights to have a say over individual planning applications. What are the views held by the Council on the governments proposed reforms?

Councillor Renwick responded as follows:

This was actually a consultation nearly twelve months ago, but just by way of background on the 6 August 2020 the Ministry of Housing, Communities and Local Government published a consultation on its Planning White Paper entitled 'Planning for the Future' which sets out Government's proposed reforms to the planning system in England, which I think we would all agree does need improving.

The proposals seek to streamline and modernise the planning process; improve outcomes on design and sustainability and reform the system of developer contributions to name just a few. On the whole many of the reforms proposed are to be welcomed although this was a very high-level document, it was a consultation of around 25 questions and there was not enough detail to fully consider.

However, I suspect the councillor is probably referring to some of the reformed new zoning in the Local Plans whereby Planning Authorities would be required to zone all their land in three zones. That is growth areas which are suitable for large scale sustainable development; renewal areas which are for smaller scale development, and areas which are protected where stringent development controls would apply. Once designated in Local Plans - I think that is the key - land within the growth areas would be deemed to have permission in principle or a presumption in favour of development and that would negate the need to have outline planning application for development on land in those areas.

As I have said, the consultation was nearly twelve months ago and they had to have a response by October 2020 so perhaps you are a little late bringing this to our attention. However, this Council was not

late. We did get a robust reply in. It is quite a long lengthy document but basically this was reported to the Council's Cabinet meeting for Highways and Transport on the 8 October and a formal response was agreed and submitted in time. Whilst there was no specific reference to any company consultation being curtailed, we picked up on members' concerns and we set out clearly that any impact or apparent democratic deficit on reforms of local democracy, and specifically limited opportunities for active elected member and local community engagement, would be a concern and the proposed new planned system after planning making stage of the process should include member and community engagement and more opportunity for engagement in the planning decision making would be reduced significantly for large scale developments that would impact most on local communities. That is what we would be concerned about. We went on to say it is considered that the proposed reforms as set out undermine local democratic accountability and do not provide sufficient opportunity for effective engagement and that the White Paper should be amended in future to ensure the democratic deficit for elected members and local communities addressed, particularly in respect of a new proposed development management decision making process.

We said that then and we still stand by that. We hope that goes some way to satisfy Councillor Dale of our position. Suffice to say we have a close eye on what will be coming in the next stage of the development of the White Paper.

Councillor Dale asked the following supplementary question:

I agree the significance hit me last year when a residents' petition objected to a development, not the fact of the development but the quantity of housing. I went along to the Council and said about the impact on the environment - obviously the Planning Committee agreed and reduced the number of houses - but my concern was there were conditions put on that planning permission because on the site there was a registered public footpath; there was an old Roman road and ruins; there was a bat corridor, everything you can think of was on that site, so they imposed conditions and the developers completely disregarded them.

Now nobody would have been aware properly in the local community if we hadn't have put the objections in because it brings it to your attention. I notice the developers were carrying on and they just disregarded it so we had to get in touch with Highways, it is now Places, in the time to get the registered footpath unblocked so we could use it. I had to get in touch with the archaeologists in the Planning Department. They had already chopped the trees down so they couldn't do the survey for the bat corridor. It brought home to me the significance of

why it is important because of local knowledge and things to stop this kind of blatant disregard.

So are we intending to do any more action-wise or are officers just writing, or are we going to do anything as a Council? That was my question, are we going to be a bit more proactive?

Councillor Renwick responded to the supplementary question as follows:

I have sympathy. I have issues with my own local Council and the fact that the previous Labour administration haven't even actually delivered a Local Plan since 2005 which has left us in quite difficult circumstances with local housing plans that we have had to deal with currently.

I don't know if you have read the document. It is 84 pages long. I think you will find that a lot of the issues you have raised have been addressed which is why I said in my opening remarks whilst you have raised issues about public consultation your supplementary question didn't go on to demonstrate your concerns around that, it is really more about the individual Planning Authority.

Now we are a statutory Authority at DCC so we do comment on applications but actually it is your own Local Planning Authority. I think you will find that as part of this consultation the issues you have raised will be raised by many and the hope is the new planning system going forward, which I think we would all agree needs to be improved, would address some of those queries that you have.

c) Question from Councillor K Gillott to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The A61 Derby Road, between Stretton and Chesterfield, has huge problems with congestion and traffic, particularly at peak times or when the M1 is busy. The main road through Clay Cross and into Chesterfield is now massively busy, over-congested and a burden on people and businesses getting around their daily business in our area.

Can the Cabinet Member outline what has been done in the last 2 years to develop practical solutions for the congestion afflicting the A61 south of Chesterfield, to reduce congestion, improve traffic flows and journey times for local residents?

Councillor Athwal responded as follows:

The issue that you raise has been decades in the making and this

has certainly increased by years of lack of planning control by the then Labour Controlled North East Derbyshire District Council, for which I believe you were a member in those days, which allowed developers to build thousands of dwellings without adequate S106 infrastructure contributions. Ultimately this has and continues to put many extra cars onto this already congested road adding to the challenges we face today.

Whilst through the A61 Growth Corridor Strategy this Council has continued over the last two years to deliver a range of interventions to assist with both the demand for car travel and the management of traffic along the corridor. These measures include upgraded walking and cycling routes; the provision of real-time information for bus passengers and the installation of traffic signal controllers to allow the introduction of an urban traffic management and controlled system. This system is expected to be fully operational by the end of 2021 and will provide better co-ordination between traffic signals and improve the highways' observability to respond to incidents or congestion and to inform road users of possible problems in this area.

With the forward-looking approach the Leader of this Council, Councillor Barry Lewis, holds regular meetings to consider longer term workable measures with Lee Rowley, the local MP, and the representatives of North East Derbyshire District Council to find ways to minimise traffic issues in this area. This includes allocating £200,000 towards a comprehensive traffic study to explore the options available to us as a first step in the process of finding a longer-term solution. Thank you, Mr Chairman.

Councillor Gillott asked the following supplementary question:

This is an issue, as you have hinted at, that affects not just me but affects several councillors in that area and it is of great concern to the community.

I have to confess I didn't actually write the question. I had some help. The first part was written - well I lifted it virtually word for word from a Conservative leaflet put out just over two years ago and the second part was lifted virtually word for word, just changed into a question, from your manifesto pledge for May of this year.

By the time of the next election your Group will have run this Council for eight years. That is six years since you were first talking about it. People ask me about this almost on a daily basis so what reassurance can I give them? What will the A61 look like in terms of congestion in four years' time? Will it still be congested or more free flowing? What impact will it have in terms of the local businesses and

local communities as well, or are these just words to keep the local people happy without any real action?

Councillor Athwal responded to the supplementary question as follows:

You will be provided with a detailed written answer, but my short answer at this stage to you is this: I hope in four years' time the situation on the road will be far better than it has been for a while now.

59/21 APPOINTMENT OF EXECUTIVE DIRECTOR – CHILDREN'S SERVICES

The Council had been informed that Jane Parfremment, Executive Director had tendered her resignation in order to take up a new post outside of the Council. Her last day of employment with the Council would be Sunday 3 October 2021.

In accordance with the Council's constitution, the Director of Organisation Development and Policy had progressed arrangements to form a recruitment panel comprising of three Elected Members which must include one Cabinet Member and Shadow Cabinet Member. Councillors Alex Dale, Julie Patten and Ruth George had been nominated as members of that recruitment panel.

It was anticipated that the Panel would have identified the successful candidate and be in a position to propose his/her appointment to the role on 18 August 2021, however the next Council meeting was not scheduled until 15 September 2021. Waiting for the approval until the meeting on 15 September would likely prevent any candidate from tendering their resignation with their current employer prior to the Council meeting and delay the candidate starting. The role was a critical role to the Council and was part of the Council's Senior Leadership structure. The Executive Director Children's Services was a statutory role, and it had therefore been considered necessary that a decision to approve the appointment should be made quickly to enable the post to be filled as soon as possible on a permanent basis.

Council was asked to delegate the appointment to the role of Executive Director Children's Services to the recruitment panel to ensure the role was filled as soon as is practicably possible. A report would be brought to Full Council at its meeting on 15 September 2021 that confirmed the details of the appointment.

Whilst it was not a legislative requirement for Council to approve the appointment of an Executive Director, the statutory guidance issued under section 40 of the Localism Act 2011 did require Council or a meeting of members to vote before salary packages over £100,000 were offered.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) approve the salary package for the role of Executive Director Children's Services as Grade 20, £117,869 to £129,655 per annum; (2) delegate the appointment of the Executive Director, Children's Services to a recruitment panel, comprising Councillors Alex Dale, Julie Patten & Ruth George; and (3) receive a report confirming details of the successful candidate to the meeting on 15 September 2021.

60/21 HONORARY ALDERMAN AND ALDERWOMAN At the Council Annual General Meeting on 26 May 2021, it had been agreed to confer the title of Honorary Alderwoman upon former Councillors E Atkins, L Chilton, I Ratcliffe, J A Twigg and A Western and Honorary Alderman upon former Councillors K Buttery, P Murray, P Smith, G Wharmby and D Wilcox. It had also been agreed to convene a special meeting of the Council on 14 July 2021 to formally consider the nominations. At the time the date was proposed it had been expected that the Covid-19 restrictions would be lifted in June in accordance with the government's roadmap out of the current lockdown. Ms Alexander, the Managing Executive Director, pointed out that the report refers to the 29 June throughout, however it should say the 21 June.

The Covid-19 restrictions did not cease as expected on 21 June 2021. It was usual practice for invitations to be extended to family and friends of those nominated to allow them to attend the special meeting of Council and observe the conferring of the title of Honorary Alderman and Honorary Alderwoman. If the special Council meeting proceeded as agreed on 14 July, restrictions would still apply and the celebratory event would not be able to take place in the usual way.

It was therefore proposed that the convening of a special meeting of the Council would be deferred until such time as the Covid-19 restrictions were lifted so that an appropriate celebratory event, in the presence of their family and friends, could be held to recognise those individuals who had rendered eminent service as past members. Those nominated to receive the title of Honorary Alderman and Honorary Alderwoman would be contacted by Officers in respect of the date of the special meeting.

On the motion of Councillor Lewis, duly seconded,

RESOLVED to agree to convene a special meeting of the Council either before or after a future scheduled meeting of the Council after such time when Covid-19 restrictions were lifted.

61/21 DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY

On occasion there was a necessity for decisions to be taken urgently, most recently predominantly as a result of the Covid-19 pandemic and the need to respond to changing government guidance in a timely fashion.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, before the Council made a key decision certain information needed to be published 28 clear days in advance. This was usually known as the 'Forward Plan'. The Regulations recognised that in the case of urgent decisions, this was not possible. As a result:

- a) where a key decision needed to be taken and publication of the information was impracticable, the decision could be made as long as five clear days' notice of the decision was given to the relevant Improvement and Scrutiny Committee Chairman;
- b) in cases of special urgency, a key decision could be taken with less than five clear days' notice if agreement was obtained from the Improvement and Scrutiny Committee Chairman that the making of the decision was urgent and could not reasonably be deferred.

The Regulations required a report to Council at least once a year detailing each key decision taken where it had been agreed that the special urgency provisions applied. The Access to Information Procedure Rules included in Appendix 6 to the Constitution required this report to be submitted on a quarterly basis to full Council.

In accordance with the above requirement, Appendix 2 set out the key decisions taken where special urgency provisions had been agreed since the last report to Council.

Members would be familiar with the Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution which set out the call-in procedure. The call-in procedure did not apply where the executive decision being taken was urgent: that is where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. In such cases call-in could be waived if the Chairman of the appropriate Improvement and Scrutiny Committee agreed both the decision proposed was reasonable in all the circumstances and to it being treated as a matter of urgency.

The Improvement and Scrutiny Procedure Rules required such urgency decisions to be reported to the next available meeting of the Council, together with the reasons for urgency.

In accordance with the above requirements, details of urgent decisions where the call-in process was waived since the last report to Council and the reasons for urgency were set out in Appendix 3 to the report.

On the motion of Councillor Lewis, duly seconded,

RESOLVED to note (1) the key decisions taken where special urgency provisions were agreed as detailed in Appendix 2; and (2) the urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3.

62/21 **MOTION** Council considered a Notice of Motion, as set out below:

Motion submitted by Councillor J Dixon

Motion proposed by Councillor J Dixon, which was duly seconded:

Motion to Declare a Climate Emergency in Derbyshire

This Council notes the findings of the World Meteorological Organisation in April 2021 that the global average temperature in 2020 was around 1.2C above pre-industrial levels and the warning from the United Nations that the world is on the edge of a climate 'abyss'.

Council therefore resolves to:

Declare a 'Climate Emergency' that requires urgent action in line with the vast majority of all Local Authorities.

Reaffirm the commitment to make the Council's activities net-zero carbon by 2032 with a role of the Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction to scrutinise the targets set and report at least annually on progress achieved.

Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2032.

Requests that all Council Committees and Scrutiny Panels consider the impact of climate change and the environment when reviewing Council policies and strategies;

Support and work with all other relevant agencies towards making the county of Derbyshire zero carbon within the same timescale;

Work with, influence and inspire partners across the county to help deliver this goal through all relevant strategies, plans and shared resources;

Support strategies for cleaner air in all our towns and villages, especially in town centres and around schools;

Set up a Climate Change Partnership Group, involving Councillors, businesses, local sustainability groups and other relevant parties. Over the following 12 months, the Group will consider strategies and actions being developed by the Council and other partner organisations and develop a strategy in line with a target of net zero emissions across Derbyshire by 2032 and recommend ways to maximise local benefits of these actions in other sectors such as employment, health, agriculture, transport and the economy.

Councillor Lewis proposed the following amendment to the original motion, which was duly seconded:

This Council notes the findings of the World Meteorological Organisation in April 2021 that the global average temperature in 2020 was around 1.2C above pre-industrial levels and the warning from the United Nations' Secretary General that the world is on the edge of 'the abyss'.

Council therefore:

Recognises there is a 'Climate Crisis'.

Backs Prime Minister Boris Johnson and the Government in, amongst other things, establishing the UK in a world leading position in terms of reducing carbon emissions;

Reaffirms the commitment to make the Council's activities net-zero carbon by 2032 or sooner;

Acknowledges the role of the newly established Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction in monitoring and reporting the progress achieved by the authority;

Continues to ensure that all strategic decisions, are in line with a shift to zero carbon by 2032 or sooner;

Recognises that all Council Committees have an important role in considering the impact of climate change and the environment when reviewing Council policies and strategies;

Supports, works with, influences and inspires, where possible, all other relevant agencies and partners towards making the county of Derbyshire zero carbon within the timescale mandated by Government;

Carries on work to support strategies for cleaner air in all our towns and villages, especially in town centres and around schools;

Supports the key role of Elected Members in representing residents, businesses, voluntary groups, and other relevant parties within their divisions while helping to develop a strategy in line with a target of net zero emissions across Derbyshire County Council by 2032 and seeking to maximise the benefits locally of these actions in other sectors such as employment, health, agriculture, transport and the economy.

A point of order was raised and advice was sought from the Monitoring Officer. The Monitoring Officer advised that the amendment to the motion did not negate the original motion and was therefore permissible under the Constitution.

The amendment to the original motion was duly voted on and declared to be carried.

The Labour group members in attendance left the meeting at 3.58pm.

The substantive motion was duly voted on and declared to be carried and Council:

RESOLVED that Council therefore:

Recognises there is a 'Climate Crisis'.

Backs Prime Minister Boris Johnson and the Government in, amongst other things, establishing the UK in a world leading position in terms of reducing carbon emissions;

Reaffirms the commitment to make the Council's activities net-zero carbon by 2032 or sooner;

Acknowledges the role of the newly established Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction in monitoring and reporting the progress achieved by the

authority;

Continues to ensure that all strategic decisions, are in line with a shift to zero carbon by 2032 or sooner;

Recognises that all Council Committees have an important role in considering the impact of climate change and the environment when reviewing Council policies and strategies;

Supports, works with, influences and inspires, where possible, all other relevant agencies and partners towards making the county of Derbyshire zero carbon within the timescale mandated by Government;

Carries on work to support strategies for cleaner air in all our towns and villages, especially in town centres and around schools;

Supports the key role of Elected Members in representing residents, businesses, voluntary groups, and other relevant parties within their divisions while helping to develop a strategy in line with a target of net zero emissions across Derbyshire County Council by 2032 and seeking to maximise the benefits locally of these actions in other sectors such as employment, health, agriculture, transport and the economy.

The meeting closed at 4.01pm.

PUBLIC QUESTIONS TO COUNCIL – 15 SEPTEMBER 2021

a) Question from Jennifer Raschbauer to Councillor K Athwal, Cabinet Member for Highways Assets and Transport (attending)

I am a member of the Holymoorside Somersall Link Action Group. In order to benefit the short and long term health and well-being of Holymoorside Walton Primary School pupils, would Highways consider using a Cycle Track Order to create an Active School Commute route between Greendale Avenue in Holymoorside and Somersall Lane Chesterfield, and if not, why not?

Response:

Where possible this Authority is committed to providing safe cycling and walking routes for people of all ages and for a number of years the County Council has been negotiating to upgrade the existing public footpath across the fields between Greendale Avenue and Somersall Lane to a shared surface walking and cycling route. This required the creation of a sufficiently wide footpath which could subsequently be converted into a cycle track by means of an order under the Cycle Tracks Act 1984, but disappointingly agreement could not be reached with all the landowners involved and without their consent it is not a course of action that we are able to pursue at this time.

Supplementary question:

Given the traffic congestion at school times in the village and along Chatsworth Road and the fact that the School Travel survey reports that 86.9% of parents feel it is important for children to walk or cycle to or from school, yet 81.6% of children usually travel by car, which senior manager is responsible for addressing these issues and when could I meet with them please?

Response:

A senior officer will be in touch with Ms Rauschbauer to have this conversation on behalf of the Holymoorside-Somersall Link Action Group as soon as possible.

b) Question from Anne Wake to Councillor K Athwal, Cabinet Member for Highways Assets and Transport (not attending)

In Matlock we have a problem with 'boy racers' which was highlighted recently in a BBC Radio 2 phone in and drew attention to the problem of speeding in the area. Could the Council consider this in light of the negative impact on

attracting family tourism to the area. Whilst other popular tourist destinations have clear extra signage on key routes, we do not in the Derbyshire Dales. Derbyshire is an attractive destination for 'staycations', could the Council devolve responsibility for extra signage to DDDC as they will know the key speeding hotspots?

There is precedence for these additional signs for various purposes. Recent examples are the 'pipe down' signs put up by the police, and there are plenty of signs around Derby city promoting local schemes. The Council might be mindful of the impact the problem is having on residents, particularly late at night and during holiday periods. The Derbyshire Dales prides itself as a destination for nature lovers to enjoy the peace and calm of the countryside. Unfortunately the issue of speeding and boy racers has seen this ideal diminish.

I would ask local authorities to collaborate in acting on speeding, to improve the experience for all?

Response:

Thank you for your question and let me assure you that Derbyshire County Council are **very keen** to promote Derbyshire as a “**Staycation destination**” along with keeping the area safe for residents.

DCC and Derbyshire Police are partners with the Derby and Derbyshire Road Safety Partnership, the Casualty Reduction Enforcement Support Team (CREST), based within Derbyshire Police, who are the enforcement arm of the partnership. Issues around speeding and unsuitable driving behaviours can be reported to the road safety partnership team who work jointly to reduce road death and injury through education, training, and enforcement.

Our road safety team will liaise with CREST, Derbyshire Police and Derbyshire Dales District Council to identify the key speeding hotspots and see if we can find a workable solution to this issue, Thank you again for your question.

ELECTED MEMBER QUESTIONS TO COUNCIL – 15 SEPTEMBER 2021

a) Question from Councillor B Bingham to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

Thank you to the Council for the removal of the lamppost in Works Road, when will the dropped kerb be installed and how many other concrete lampposts remain across the County? Can they be checked if they are compliant for full pavement access for those in wheelchairs and buggies?

Response:

I am pleased to inform you that the work to complete the installation of the dropped kerbstones is scheduled for this week. The Council maintains approximately 12,000 concrete lighting columns, this is about 13% of our street lighting assets, and wherever possible street lighting columns are installed at the rear of the footway in accordance with recommendations in the British Standards. A 1.2 metre clearance from any street furniture is desirable for wheelchair and pushchair users. However, where an existing footpath is less than 1.2 metres then that is not practicable.

We do not have any plans to undertake a comprehensive check of the available footway clearances to street furniture across Derbyshire. However, if there are instances brought to our attention where clearances are an issue then we will investigate these on a case-by-case basis. Thank you.

Supplementary question:

I do need to stress on this one that residents from Barrow Hill, where this dropped kerb needs dropping it is at Hollingwood near the clock tower. What is happening is the actual width of that pavement at that point is 600 millimetres or 24 inches if you want it in old money. The thing is residents from Barrow Hill that is the only access they can get to the Chesterfield Canal along Works Road and also people with buggies, as stated, they are having to step out into a busy carriageway, which is dangerous. That is why I was asking if this dropped kerb could be dropped at that point at the end. It is only one kerbstone or at most one-and-a-half kerbstones and that would allow the buggies to turn left at that point and get on to a standard width pavement a bit further along, but at the moment it is preventing such people from being able to access the Hollingwood Hub. I am sorry but I do think it is a bit unfair that these people with mobility problems cannot access a vital amenity within our location. Thank you.

Response:

The construction of the dropped kerb on Works Road was completed on Friday 24 September 2021 and will be fully compliant for full pavement access for those in wheelchairs and buggies.

b) Question from Councillor S Burfoot to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

Of the many miles of footways/pavements in our towns and villages for which DCC is responsible, how do we assess and evaluate which footways take priority, bearing in mind that footfall can be very different, footway widths vary and are not always on both sides of the road, and the majority of the users may be older people and/or school children etc?

Response:

Cllr Burfoot thank you for your question. Derbyshire has over 4,000 kilometres of footways, ranging from busy town centres to rural sites with minimal usage. Our footway and pavement assets are assessed, and action is prioritised in three ways:

1. Preventative: Use of micro-asphalt to seal existing asphalt footways against the ingress of water and oxygen. This prolongs the service life and also gives a uniform appearance. It is a cost-effective treatment with proven service benefits.
2. Reactive: Ad-hoc safety repairs in accordance with the Highway Infrastructure Asset Management Plan.
3. Resurfacing and Reconstruction - Where a site has gone beyond prevention and a more major intervention is required then sites are prioritised for inclusion in the Capital Programme as follows:
 - Highways inspections identify locations for treatment. These are put forward for consideration.
 - A centralised team then assesses each location in comparison with others and compiles an annual capital submission bid.
 - And the sites are prioritised according to:
 - Existing Condition
 - Hierarchy based on usage
 - Type of usage (children or elderly people)
 - Location (outside public buildings, schools, shops, routes to work).

The list is then submitted and approved by the Council through its formal processes, dependant on the level of funding available. Thank you.

c) Question from Councillor S Burfoot to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The controlling Conservative group have declared that they intend to work with residents to tackle road safety issues throughout Derbyshire, recognising the need for speed reduction measures in our towns and villages. In order to be more innovative and forward thinking, is the Cabinet member for Highways willing to ask officers to review the criteria contained within the Speed Management Plan protocol agreed at Cabinet in 2017, which seems to be based, to a large extent upon the number of personal injury collisions, but is at odds with the evidence of the Stockholm Declaration 2020, which recommends 20mph speed limits wherever vulnerable road users and vehicles mix?

Response:

The commitment made by this Administration represents an important opportunity to test and review policy on 20mph zones.

We currently take a multi-disciplinary approach to road safety, working with partners in the Derbyshire and Derby Road Safety Partnership including all our Emergency Services, Health Authorities and Derby City Council. We will therefore be developing the review with them, which will take time to co-ordinate and launch, alongside a range of other highways and road safety priorities.

I have asked the Council's Road Safety team to work up a plan, the delivery of which I hope will commence in 2022. As soon as that plan is prepared and agreed with partners, I will bring this back to the Council Members. Thank you.

d) Question from Councillor S Burfoot to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

I am aware, Chair, that there have been lots of questions put to Council today so with your permission I will just ask one question and I would ask for a written response on my other questions. So my question is:

The Cabinet Member for Highways and the Controlling Group have agreed two trial areas in the county for 20 mph zones but we are yet to be informed where these are located. My suggestion has been the stretch of road in Matlock between Willersley Lane through Starkholmes to Matlock Green where speeding traffic and road safety issues have been a longstanding issue for more than 20 years, given the width of the road and bends in places, the pinch

points, the properties which are literally on the road edge and narrow or indeed no footways, so does the Cabinet Member agree that this would be an ideal location for a trial 20 mph zone?

Response:

Councillor Burfoot I am happy to provide you with written answers for questions (b) and (c). For your question (d) this administration is committed to trialling two 20 mph zones as part of the development of green towns. Whilst a number of suggestions have been proposed and discussed, ensuring these are selected and managed properly is critical to an effective trial. We will bring forward shortly a final proposal for location based on clear criterion such as evidence of need and ability to implement. We will also look at the potential to combine this initiative with other programmes, for example the Town Deal and Future High Streets, but importantly any proposal will only be agreed following discussion with the relevant local authorities. As I am sure you are aware already there is a 20 mph speed limit in place along the A615 through the centre of Matlock but I thank yourselves for your additional suggestions and will ensure that these are considered as part of the planning process. Thank you.

Supplementary question:

So I would be interested to know if Councillor Athwal can tell me when we are going to be informed? I realise there has to be a procedure but my question was I would actually like to know - and I realise he is not going to be able to actually do it today - but tell me what criteria is being used to assess which areas have been chosen and why are there only two when it seems to me that there is a huge need in the whole of the county not just two?

Response:

In deciding where to site the trial 20mph zones we will consider the criteria as follows:

- Strategic Fit with the Council's policies and objective (e.g traffic safety requirements, public health and air quality)
- Value for money (e.g. where can this be implemented in a way which provides the most benefit for the expenditure, connection with existing initiatives)
- Deliverability (e.g. willingness of local partners, ability to engineer solutions,).

We will bring forward the proposals this year and look to implement in the next financial year (from April 2022). Two trial sites, when combined with other

evidence, will give us the basis to implement policy more broadly once the trials are evaluated.

e) Question from Councillor P Niblock to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

Chesterfield's arterial roads are blighted with heavy traffic which is now moving onto smaller side roads or "rat runs" to avoid the inevitable town centre congestion. To reduce air and noise pollution and the general nuisance of heavy vehicles will the Council consider piloting an Ultra Low Emission Zone around Chesterfield which can then be evaluated for other towns and communities in Derbyshire.

Response:

The Council works closely with local environmental health authorities such as Chesterfield Borough Council. Where traffic is identified as contributory to identified problems it can also consider the introduction of environmental weight limits or other Traffic Regulation Orders where traffic is using what are deemed to be inappropriate routes. These issues will be under review through the production of a renewed Derbyshire Local Transport Plan but there are no current proposals to introduce area wide measures. Thank you.

f) Question from Councillor E Fordham to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

When were Malson Way, Cross Street and Highfield Lane, all in Chesterfield, last resurfaced, how much did that work cost, and when is any resurfacing for them next scheduled for?

Response:

The Council has not resurfaced Malson Way and Cross Street since 2002. This is the limit of our historical records. Unfortunately we don't have any other information prior to that.

We have no proposals currently for Malson Way based on the evaluation and prioritisation by our asset management system. We do have plans, however, to resurface a substantial section of Cross Street. Although this is currently only in the early stages of design it is hoped this can be carried out next year to tie in with school holidays if possible.

Highfield Lane was surface dressed last month by an external contractor and the original estimates for the scheme were approximately £47,000. Thank you.

Supplementary question:

Malson Way I think has 126 potholes currently on it. Cross Street was half resurfaced last year and that resurfacing which you did has subsequently had 17 potholes redone on that resurfacing which you did, which appears not to be in your report.

As you say Highfield Lane at a cost of £47,000 was done last month leading to 16 of these notices being required on the road and the police issuing a warning notice that it was dangerous for the school children in Highfield Lane. When are you going to do the work properly?

I am holding up a notice by the way, Councillor Athwal. You may not be able to see it. It is your sign saying "Maximum 10 mph skid risk". It might be useful to Councillor Burfoot in Matlock.

Response:

Asset management surveys have identified that Malson Way would benefit from a full surface treatment and the prioritisation process has placed it in the forward programme however when this will be carried out is dependent on the annual capital allocation from central government. Based on assumptions that the settlement will be similar to previous years it is likely that Malson Way may form part of the 2022/23 or 2023/24 capital programmes which are approved at Cabinet annually. In the meantime reactive repairs, such as filling potholes, will continue to be carried out as part of the council's duty to keep the network safe.

Cross Street – Resurfacing is planned for early 2022 which will deal with the areas that have been reactively patched previously.

Highfield Lane was surface dressed in its entirety this summer which should mean no patching nor reactive repairs are required for the foreseeable future.

g) Question from Councillor E Fordham to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

How much has it cost the Council, or been charged, to repair the potholes of Wardgate Way, Holme Hall, and Cross Street, Chesterfield, either by pothole or by task, for the two interventions first in April/May and then again in June/July?

Response:

Councillor Fordham, planned patching was carried out to repair Wardgate Way in July this year at an estimated cost of £21,000. Cross Street received reactive pothole repairs in March this year. This type of work involves gangs potentially attending many jobs over a short period of time and the individual costs are not recorded per street. Funds for pothole repairs are often provided by Central Government, especially for these purposes. Thank you.

Supplementary question:

I will simply start with pointing out that in the first question I asked you said there were no pothole repairs in Cross Street and now he tells me in March there were and they are uncoded, so an interesting cross-over of information there.

The issue, Chair, is that when we reported the 47 potholes 17 were repaired rather bizarrely quite literally next to each other, the skimmed ones done badly and the deep ones ignored. When I subsequently complained, again the entire road of Wardgate Way was covered not with skid risk gritting but with a full and thorough road repair.

I ask you, Councillor Athwal, you may wish to provide this in writing and therefore all members will see it: when are you going to get a grip on the quality of the work being done in your name and our name as a County Council? It is a shambles and a disgrace and if the police are issuing speed notices because of the poor quality of the work you might want to consider your answers a little more carefully.

Response:

The County Council has a £40m annual programme to maintain and improve our highways network. We attempt to deliver a high quality and efficient service through a mix of our directly employed teams and via outsourced contracts. However, managing the 3500 miles of road, 2800 miles of footways and nearly 5000 bridges and footbridges used daily by heavy traffic and subject to seasonal weather is a constant challenge.

We have set out on a programme the 'Future Highways Model' to improve the service we provide, which was approved by Cabinet in March 2021. Over time, this will lead to significantly higher quality and better value for money works.

In the meantime we appreciate the c. 90,000 reports raised by members of the public and Councillors on their behalf which draw attention to defects and improvements required in our highways network. Based on these reports and

our proactive highways inspection, we identify, design and deliver many hundreds of projects each year to address defects and make improvements. These are prioritised on an objective basis and carried out within the resources available.

As Cabinet Member responsible I am committed not only to delivering the current service, but improving on it and to responding in a timely way to Councillors and residents. If Councillors wish to raise issues on behalf of their residents, I would urge them to report via 'Do it now' on the County Council's website as requested via email already. In that way we can manage the process efficiently and concentrate our resources effectively.

In response to the specific issues raised:

Wardgate Way – Asset management surveys have identified that this road would benefit from a full surface treatment and the prioritisation process has placed it in the forward programme. However when this will be carried out is dependent on the annual capital allocation from central government. Based on assumptions that the settlement will be similar to previous years it is likely that Wardgate Way may form part of the 2022/23 or 2023/24 capital programmes which are approved at Cabinet annually. In the meantime reactive repairs, such as filling potholes, will continue to be carried out as part of the council's duty to keep the network safe.

Cross Street - Resurfacing is planned for early 2022 as per question f) above.

h) Question from Councillor K Gillott to Councillor A Dale, Cabinet Member for Education

What plans does the Cabinet Member for Schools have to expand Sharley Park Community Primary School to meet the increased demand for primary school places in Clay Cross caused by the additional house building that is scheduled to take place in that village?

Response:

Thank you, Councillor Gillott for your question. While no formal or final decisions have yet been taken, the site at Sharley Park Primary School is not considered large enough to accommodate expansion and therefore the Council has been forming an alternative strategy to create the places required as a result of the housing growth in the area. Thank you.

Supplementary question:

There are rumours circulating that part of those plans include the new school that is scheduled to be on the Avenue site and in terms of making the numbers

stack up for that school, and the funding that then goes with it, the parents from Clay Cross will have to send their children to that school. Is there any truth in that rumour?

Response:

Thank you, Councillor Gillott. I regret to say that yes, unfortunately there is some truth in that scenario. The reality is that Sharley Park Primary School currently has a site capacity of around 1,500 sq.m which is only just big enough for the two form entry school that it is. We would need close to 23,000 sq.m for expansion to a three form entry school which is what we require from the additional growth, primarily from the Biwaters site to the north of Clay Cross.

You may say that the Infant School site opposite could provide that additional land but that is clearly not desirable for a number of reasons, mainly that it would involve large numbers of children crossing a very busy road in Clay Cross regularly through the day. That would create some significant issues, not least road safety. I note we have quite a few questions on the agenda today around road safety so I hope you would agree that is fairly impractical.

When looking therefore at the alternatives, effectively the option that is being considered at the moment is that Biwaters will have to feed into the new Avenue School. It is not to justify the Avenue School, as he suggests, but the discussions we are having are around whether the Avenue School could be a two form entry.

I do want to address the issue though of what the reason behind all of this is and ultimately the cause of this is that actually when Councillor Gillott's own Labour colleagues were running North East Derbyshire District Council back in 2017 they approved the Avenue site which is close to a 1,000 home development without any provision for a primary school or any funding to contribute towards it. This is absolutely classic of Labour in North East Derbyshire and the way they have operated. They allowed to be approved thousands of homes in the south of the District, thousands upon thousands of homes without any thought to the infrastructure that is required and as usual it is Labour politicians making a mess and unfortunately Conservative politicians having to tidy it up. Thank you.

i) Question from Councillor M Yates to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

In 2017 Derbyshire County Council recognised that large freight vehicles avoiding the low railway bridge at Darfoulds on the A619 were having a severe adverse impact on the residents living in Whitwell, as the vehicles divert through the very narrow roads in the village to avoid the bridge. To address

this issue, as part of the 2017/18 Highways and Transport Capital Programme, DCC allocated £370,000 for the Darfoulds Bridge improvements, including an A619 sign review to reduce journey times for freight vehicles and to remove the negative effects of freight vehicles travelling through local communities.

The residents in Whitwell were delighted and thought the problem would soon be resolved, but 4 years later they still have very large HGV's driving through the village to avoid the low bridge. What is the reason for the delay to the project, and is this capital project still being progressed?

Response:

Thank you, Councillor Yates, for your question. The scheme to lower the road surface under Darfoulds Bridge to increase the height available for high sided vehicles is still in the capital programme. Part of the reason for the delay is that Network Rail, as owners of the bridge, were not convinced that a scheme to lower the road surface would work due to lack of abutment and foundation details the Authority provided initially, but further ground investigation works have recently taken place and more are planned in the next few months to ascertain the foundations. The findings will be assessed and if a scheme to lower the road surface can be achieved then this will be discussed with Network Rail for their approval. If you require any further technical questions, any details, then Mr Simon Tranter would be happy to provide them for you. Thank you.

Supplementary question:

It is good to hear that it is still going ahead and it is Network Rail that is causing the delay. Is there a schedule of planned date for completion? You know is there anything, even if it is estimated?

We have Derbyshire Refugee Solidarity and North Derbyshire Refugee Support Group. They are both volunteer groups who work within our area. They have been supporting Syrian families who live in our area now and they continue to do that.

Derbyshire County Council need to ensure that these volunteer groups are not only properly funded but also consulted when we are faced with the next crisis, which is obviously going to be Afghanistan. We are all too aware of the scenes that have been happening in Afghanistan over the past few weeks with people desperate to get out of that country.

I would like to say that Saddam Hussein in 1979 took power in Iraq. One of my close friends her father was working for the Opposition at the time. He had a phone call that he was on the death list and he had three hours to get out of the country or he would be terminated. My friend said the only thing she

remembered about that night is they just rushed out of the house and she was crying the whole time because she forgot to pick up her favourite doll. That individual lost family and friends who did not heed the warning to get out of the country at that time. She fortunately enough has had a life. She grew up in England and she has not only positively contributed to our society in many ways but she has been a good role model so we do need to do more and as much as we can. Thank you.

Response:

Thank you, Councillor Ramsey. I would just say in response that we do all we can at Derbyshire to aid our young people that are coming through on these schemes and there are some very distressing circumstances and background. I would also say that we are always willing to work with our partner agencies to do the best we can for the children who come into our care.

The timetable for the Darfoulds Bridge improvements is unknown at this stage until we receive an outcome to the investigatory works to establish the depth of the foundations to the bridge. Should this information prove favourable then detailed design work can be carried out to determine whether the estimated budgetary figure produced several years ago is still sufficient to undertake any works necessary to lower the road under the bridge. These detailed design works could not have been undertaken until this vital information is received.

After that a formal design process will be undertaken which needs to be programmed, procured and integrated into future works programmes, assuming the budgets already set aside are still sufficient to undertake the works. It is anticipated any detailed design work would be undertaken during the financial year 2022 / 2023. Thank you.

j) Question from Councillor K Gillott to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The Cabinet Member recently turned down the request of my constituents in Woolley Moor, Temperance Hill and Handley to introduce a series of measures to reduce speed limits and improve road safety in those communities. How would he suggest that I respond to a resident who said: "The speed on our street is terrible and it's only a matter of time before someone is seriously injured or killed"?

Response:

Councillor Gillott, we as an administration are mindful of public safety on our roads/streets and are looking at different ways of mitigating this.

I am in discussion with the current PCC, Angelique Foster, to consider various options to increase public safety measures and I am hopeful of bringing forward some ideas soon, but as you are a very experienced councillor, and a previous Assistant Police and Crime Commissioner, I don't think I need to tell you how to answer that question but I am sure you will provide an appropriate answer to the concerned resident. Thank you.

Supplementary question:

I haven't spoken to everybody in those communities but I have spoken to one or two who are clearly disappointed by it. Since it is your decision, Councillor Athwal, would you be willing to come out to those communities and meet them in person and tell them personally why you have turned their request down?

Response:

I will consider a request thank you, yes.

k) Question from Councillor C Dale to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

A constituent has approached me recently raising concerns about a County Contractors lorry carrying a load which was not safely secured whilst transporting materials in connection with road resurfacing in Shirebrook. Sadly her husband was killed last year when a lump of concrete fell on his car from a lorry transporting an unsecured load while he was driving. He died at the scene of the accident with his grandchildren present. He was taking them to a fruit picking farm during the summer holidays.

What provision has County in place for monitoring Contractors to ensure that their vehicles and the loads they are carrying comply with all Health and Safety Regulations and are not putting members of the public at risk?

Response:

Thank you, Councillor Dale. I am really sorry to hear of this death that occurred but all drivers of commercial vehicles carrying goods have a legal responsibility to ensure the load is secure to the vehicle. Even when a driver collects a preloaded vehicle they are responsible for making sure the load is secure. It is not down to this Authority to police that in any way. I hope this clarifies the situation. Thank you.

Supplementary question:

What my constituent has noticed is – she has the support of the police – when she has approached the lorry drivers with the insecure loads she has found that a number of them don't know about the safety regulations.

Now my concern is this Authority has vicarious liability to its contractors. In fact there was a recent Ombudsman case a few weeks ago from one of the local authorities and they made it quite clear that when the contractors are negligent in any way then it is the vicarious liability, the Authority can be taken in as a third party when the people are suing for compensation.

What I would like to know is when they are procuring work for contractors, our local authority, are they mindful of questioning and ensuring that the contractors are complying with regulations and that the drivers have full knowledge of the safety aspects because we could insist that they train with the regulations, they are quite short, the Government has plenty of videos, so when they are actually signing up to a contract with County can we find a way of insisting that we are aware that they are safety knowledgeable because obviously vicarious liability for the Authority comes into it? Thank you.

Response:

The Council expects all contractors to adhere to all applicable legislation relevant to their industry in respect of both drivers and vehicles. If operating O Licence vehicles, it is expected that Vehicle Operators have a qualified Transport Manager and that the relevant Transport Manager Declaration requirements are fulfilled. The Council regularly reviews its contracts to ensure they encompass all up to date legislation standards and changes.

The Council can undertake spot checks on contractors to audit and support compliance using our own Fleet Services' Quality Enforcement Officer and/or Workplace Health and Safety inspections.

Thank you.

I) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The drain on Yeadsley Lane in Furness Vale overflows in heavy rain, pooling on Charlesworth Road and flooding into neighbouring homes and gardens, flowing down the lane and pooling on the A6 as I have witnessed several times. The local flood team requested work to enlarge the drain 2 years ago, but this has not been done so the flooding still occurs. When will this work be undertaken so that local residents can feel safe from flooding?

Response:

Councillor George, I am pleased to let you know that a scheme has already been designed and we are hoping to start work shortly to sort this issue of flooding. It does involve installing a significant amount of pipework and the construction industry does have severe problems with material supply at present. We are therefore holding back from informing residents and other interested parties of these proposals until we have confirmation that the materials have been delivered and we can then commit to a start date on site. I will ensure that the officers inform yourselves when a start date is about to happen. Thank you.

Supplementary question:

I thank the councillor very much for that response which will be excellent news for my constituents and residents of that street. Could I ask: it sounds as if the road Yeardsley Lane is going to be unusable for some time while that major work is undertaken. What provision is being put in place for an alternative highway route for vehicles up to the 200 or so houses that are currently only served by that lane considering that the public path, Coachman's Lane, was recently refused to be upgraded to highways standard? Thank you.

Response:

Councillor George, as in most significant work when there are road closures or street closures diversions are put in place and I am sure in this case it will be the same again. I am sure officers will inform local residents of the diversionary routes which are being proposed at that time. Thank you.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

15 September 2021

Report of the Managing Executive Director (CCP)

Executive Director, Children's Services – Notification of Appointment

1. Purpose

- 1.1 To notify Council of the appointment to the post of Executive Director, Children's Services.

2. Information and Analysis

- 2.1 At its meeting on 14 July 2021, Council authorised an appointment panel comprising Cllr Dale, Cllr Patten and Cllr George (Cllr George substituted by Cllr Yates), as permitted within the Council's Constitution, to make the appointment to the post of Executive Director, Children's Services
- 2.2 Council considered it was not in either the Council's or the successful applicant's interest to delay approval for appointment to this post until its meeting on 15 September 2021, given the urgency of filling this post on an established basis as soon as possible. Accordingly, Council delegated the appointment to the role of Executive Director Children's Services to the recruitment panel to ensure the role could be filled as soon as is practicably possible.
- 2.3 It was agreed that Council should receive a report confirming details of the successful candidate to the meeting on 15 September 2021.

- 2.4 Following a competitive recruitment process, of a strong field of applicants, the Panel agreed the appointment of Carol Cammiss and she will take up post on 6 December 2021. Carol has outstanding experience, currently undertaking the role of Director of Children's Services at Wokingham Borough Council since October 2018. Prior to this, Carol was the Strategic Business Partner (AD equivalent) at the London Borough of Merton from 2014 to 2017 and responsible for the organisational transformation and systems change across Children, Schools, and Families Directorate and their Corporate Services Directorate. Carol was considered to be eminently suitable for appointment.
- 2.5 As Executive Director, Children's Services, Carol will fulfil the statutory role of Director of Children's Services (DCS) under section 18 of the Children Act 2004.
- 2.6 Jane Parfremment, who is the current Executive Director for Children's Services, leaves the Council's employment on Sunday 3 October 2021. The Council is therefore required to designate an officer to hold the statutory role of Director of Children's Services under section 18 of the Children Act 2004 for the period between Ms Parfremment leaving and Ms Cammiss commencing her employment on 6 December 2021.
- 2.7 Consequently, expressions of interest have been invited from current Directors in Children's Services to act up into the role of Executive Director Children's Services and be designated the DCS, on an interim basis, until Ms Cammiss takes up the post. As permitted under the Officer Employment Procedure Rules, paragraph 3, paragraph (c) the Managing Executive Director as Head of Paid Service has the authority to appoint to such a role on temporary basis of no more than 6 months where the annual salary does not exceed £100,000. As the pay rate for acting up into the role is £ £117,869, which is the bottom point of Grade 20, Council are asked to approve the salary for the post in advance of the acting up appointment being made.

3. Alternative Options Considered

- 3.1 The Council is required to employ an officer to fulfil the statutory role of Director of Children's Services. It is considered that any other post in the Council is not suitable to hold the designation on a permanent basis and would not be in accordance with the relevant statutory guidance; therefore recruiting to the Executive Director Children's Services role is a critical appointment for the Council.

4. Implications

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

5. Appendices

- 5.1 Appendix 1 – Implications.

6. Recommendation(s)

That Council:

- a) Notes the appointment of Carol Cammiss to the role of Executive Director Children's Services with effect from 6 December 2021.
- b) Approves the salary for the acting up role of Executive Director Children's Services.
- c) Notes that the Head of Paid Service has the authority to appoint to the role on a temporary basis.

9. Reasons for Recommendation(s)

- 9.1 To comply with the necessary legislative, statutory guidance and Constitutional requirements.
- 9.2 To ensure that all Elected Members are notified of the successful candidate to a senior post within the Council.

Report Author: Emma Crapper, Director of OD and Policy details:

Contact

This report has been approved by the following officers:

On behalf of: Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director	
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Implications

Financial

- 1.1 The role of Executive Director Children's Services salary is determined by the Council's job evaluation scheme and has been determined as Grade 20 £117,869 to £129,655 per annum of the Council's Pay structure. The costs associated with this role can be met from within the Children's Services Department Budget.

Legal

- 2.1 The Local Authorities (Standing Orders) (England) Regulations 2001 and the Officer Employment Procedure Rules in the Council's Constitution set out the procedure for the appointment of chief officers and officers reporting directly to chief officers. The recruitment process has observed the requirements of the Regulations and Council's Constitution. Under the Officer Employment Procedure Rules, prior to the appointment of an Executive Director, the Director of Organisation Development and Policy must give all executive members the opportunity to object to the proposed recommendation before an offer of appointment can be made. All Members of Cabinet have been duly notified and no objections were received.
- 2.2 The Council is required to appoint a Director of Children's Services under section 18 of the Children Act 2004 and comply with the statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services.

Human Resources

- 3.1 As set out in the report

Report Sign Off and Version Control

Report Title	Executive Director Childrens Services – notification of appointment.
Author	Emma Crapper
Meeting and Date	15 September 2021
Version	V1
Exempt item	

Implications	Name and Comments	Date Approved
Finance		
Legal		
Human Resources		
Information Technology		
Equalities		
Corporate Objectives and priorities for change		
Consultation		
Other – please specify		

Author's Directorate Sign Off

		Date
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Managing Executive Director/Executive Director		
DMT – if applicable		
CMT – if applicable		
Cabinet Member briefed – if applicable		
Other – please specify		



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

15 SEPTEMBER 2021

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

Director of Organisation Development and Policy

Derbyshire County Council's Senior Officer Operating Model

1. Purpose

- 1.1 To seek approval from Council for proposals to introduce a permanent senior officer operating model following a review of the temporary changes approved by Full Council in December 2020.
- 1.2. To seek approval to undertake an independent review of the council's senior pay and grading framework and associated senior roles.

2. Information and Analysis

- 2.1 Following Full Council approval on 2nd December 2020, the Council adopted an interim operating model to:
 - ensure the Council is best able to respond to the future challenges brought about by the Covid pandemic
 - ensure that the Council is comparable against other local authorities when considering local, regional and national presence
 - enable the Council to drive forward the potential opportunities for Derbyshire to be part of a devolution deal for the East Midlands.
- 2.2 A first amongst equal's role was temporarily applied to the Council's collective leadership operating model from January 2021 with the Executive Director Commissioning, Communities and Policy (CCP)

acting in the capacity of Managing Executive Director (MED) (CCP). On 2nd December 2020, Council agreed to the introduction of this role 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 was agreed that a review of this arrangement would take place during the 12-month period.

- 2.3 The first amongst equals role has continued to 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 first amongst equals was designated the statutory role of Head of Paid Service, which was previously held by the Executive Director CCP, and as such has continued as part of the MED role.
- 2.4 An independent review of the temporary arrangements was undertaken during July 2021, to ensure time was provided for both the review and for appropriate options to be developed and considered by Council prior to the expiry of the 12-month period. Penna PLC were commissioned to support the Director of Organisation Development and Policy and in Consultation with the Leader of the Council, to assess the impacts of the changes made to inform the future operating model. One to one interviews were held with the Leader of the Council, Elected Members, the MED, Executive Directors, line reports to the MED and external partners. In addition, a survey was also issued to all line reports of Executive Directors. The review focused on assessing how the interim arrangements were working in practice and aimed to draw out strengths and weaknesses of the changes made in January 2021.
- 2.5 The review has highlighted that the temporary arrangements have resulted in improved focus, pace of decision making and clarity for the organisation, and the introduction of the Managing Executive Director position is universally supported internally and externally. The review concluded that there is no desire to return to the collective leadership model by key stakeholders however there is a strong desire to retain, formalise and strengthen some of its associated principles. The review further highlighted that the MED model requires permanency to bring further clarity and pace for the organisation recommending that the Council also needs to review and invest in senior capacity in line with any decisions around its future operating model to fulfil on its ambitious agenda. Finally, feedback outlined that the collaborative culture and leadership style evident within the organisation needs to be maintained and embedded within the future operating model, with these being

viewed as key strengths for our current and future leaders. A summary of the feedback from the review can be found in Appendix 2.

- 2.6 In addition to the findings of the review, the ever-changing landscape of local government requires the Council to ensure it remains effectively positioned to respond to its strategic and operational challenges. Alongside the immediate priority the Council faces in still being required to respond to future challenges brought about by the pandemic, the new administration has in place an ambitious council plan. Additionally, the Council needs to ensure it has the capacity and capability to respond to the opportunities that a County Deal for Derbyshire presents, driving the levelling up agenda. Vision Derbyshire continues to move forward in terms of delivery and requires both strong political and officer leadership. There is a need for greater engagement with residents, communities and partnerships, when considering strategic priorities such as whole system and devolution agendas, with the need to also remove risk regarding the Leader's executive role. A further key strategic priority is the implementation of an Integrated Care System in April 2022 which has wider implications for the organisation. The Leader of the Council also continues to strengthen his role and responsibilities beyond Derbyshire County Council into the national arena – this requires capacity and strong officer leadership to ensure the Leader is supported in this arena. In light of the changing focus for local government and the emerging priorities there is a more imminent need for a refined senior executive officer model for the Council.
- 2.7 As the Council progresses its organisational recovery from the pandemic, collaboration and partnership remain at the heart of the Council's senior officer operating model, with it being crucial that this continues. The ask from the organisation of senior leaders has changed with the introduction of a performance development review (PDR) process pilot and supporting leadership competency framework. This requires an operating model that will further empower, develop and drive leadership accountability, capacity and capability across the organisation. With improved emphasis on communities and place, the need to transform the organisation's culture and further embed collective leadership principles remains paramount, coupled with the need to both attract and retain senior leadership talent and capacity within the organisation.
- 2.8 It is therefore proposed to introduce a new permanent role of Managing Director (MD). This newly formed role will be the most senior officer within the Council, without any operational accountability. Four Executive Directors will lead and be accountable for the delivery of services across the organisation, reporting to the Managing Director

(MD). The job and person profile for the role and revised organisation structure chart is detailed in Appendix 3.

- 2.9 The Managing Director will act as the Council's principal adviser whilst ensuring the core principles of collective leadership and partnership are maintained when considering key senior relationships with Elected Members. As the Council's most senior officer, the Managing Director will be responsible for providing effective strategic leadership, corporate governance, performance management and direction across the Council, aligned to the Council's strategic aims. The Managing Director will be responsible for leading the Council's Corporate Management Team and will undertake the statutory role of Head of Paid Service. The Managing Director will support the Leader of the Council to represent the whole Council locally, regionally and nationally, improving focus on ensuring all resources, including those within the Council, are working together and prioritised on meeting the needs of residents.
- 2.10 Whilst this proposal will strengthen senior leadership capacity, it will be critical that the spirit and principles of the collective leadership model continue. This model will enable the Leader of the Council and Cabinet Members to retain close working partnerships with not only the Managing Director but directly with other senior officers and retain line of sight throughout the organisation. This strengthened operating model will enable the Council to respond to the challenges arising from the emerging context of local government coupled with the internal opportunities related to senior leadership accountability, capacity and capability.
- 2.11 The role of Managing Director has been evaluated at Grade 21. Following a comprehensive review of the pay benchmarking, the proposed pay scale for this role is £161,000 to £175,929 (excluding oncosts), positioning the Council below the mean when considering comparable roles, whilst ensuring the Council is most effectively placed to attract and retain the best candidate for the role. Consideration has been given to both local authorities which comprise of similar functions to the Council and also those which are within the local geography of the Council. Further details are outlined within the Financial Implications of this report.
- 2.12 Consideration has also been given to the most effective approach for recruiting to the new role of Managing Director, with the need for a robust recruitment process to attract the best candidate for the position, underpinned by full integrity throughout the process, whilst sourcing from a broad field of potential candidates. It is proposed to advertise

the role internally and externally, with support from an external recruitment partner as outlined within the HR Implications of this report.

- 2.13 Following the decision of Cabinet, on 17 June 2021, to approve the transfer of the Community Services Division (except Community Safety), and associated budgets, from Commissioning, Communities and Policy to the new Place Department, it is proposed that the Executive Director for Communities, Commissioning and Policy post is retitled Executive Director for Corporate Services and Transformation. As a result of the above proposal, approval is also sought to transfer the designation of Head of Paid Service from this role to the role of Managing Director.
- 2.14 To further strengthen the future operating model, a clear senior leadership accountability framework, with clarity and clearer boundaries on senior leadership roles, will support the organisation in developing its culture, leadership capability and engagement approaches, underpinned by employee performance management. It is important to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain senior officers who are able to meet the requirements of providing high quality services to the community effectively and efficiently, when considering the strategic and operational challenges facing the Council. To fully empower, develop and drive leadership accountability, capacity and capability across the organisation, the Council aims to achieve a high performance culture, with it noted earlier in this report that the ask from the organisation of senior leaders has significantly changed over recent years.
- 2.15 When considering senior recruitment, talent retention and progression, the current senior officer pay and grading framework is limited when considering market rate pay for comparable roles. From a senior officer progression perspective, the gap between senior leadership roles is also limited. Grade 19 cannot be utilised within the Council's current pay and grading structure as there are no job evaluation bandings applied to this grade creating aspects of the Council's pay scales which do not add value or purpose within the current approach. It is evident as the organisation has progressed in recent years that there is a clear accountability difference between Executive Directors, Directors and Assistant Directors, with an opportunity to improve the clarity on role boundaries and ensure accountability levels are more explicit. This is particularly important when considering the new approaches to managing the performance of senior role holders and the introduction of the new Managing Director role.

- 2.16 Aligned to the current review of the Council's future operating model, it is therefore timely to consider the Council's pay and grading framework and associated accountabilities for senior roles to ensure it is fit for purpose, all pay scale points can be utilised, pay differentials are appropriate and pay is aligned where possible to market rate.
- 2.17 Full Council are asked to give approval to the Director of Organisation Development and Policy to commission an independent review of the council's senior pay and grading framework, providing the Council with the following:
- A jointly developed and clearly defined review process (including relativities assessment) detailed in a service level agreement that includes associated costings, timescales and agreed outputs.
 - Provide up to date and relevant comparator benchmarking for roles graded 16 to 20 of the Derbyshire Pay structure reflective of market conditions which supports the Council to re-design the current pay line.
 - Create an effective grading structure aligned to job evaluation points which enables all grades and pay points to be utilised resolving the issue associated with Grade 19 which is unusable in the current pay structure.
 - Support the Council to create role/level descriptors for grades 16 to 21 of the Derbyshire Pay structure.
 - Advise upon and evaluate all Executive Director, Director and Assistant Director roles, currently grades 16, 17, 18 and 20 of the Derbyshire Pay structure (in line with the agreed framework) against the new senior pay and grading framework in phase two and in accordance with agreed timescales.
 - Develop and recommend a future process for changes to senior roles that sets out clearly when changes applied to portfolios may require role profiles to be re-evaluated, for future application.
 - Provide a report to Full Council in March 2022 for approval of all re-evaluated roles, in conjunction with an officer report gaining approval of the revised senior pay and grading framework.
- 2.19 It is proposed that a defined group of appropriate officers who are not within the impacted group will support Korn Ferry Hay Group to ensure impartiality and transparency in progressing the above activity. The Head of Paid Service will provide oversight over this process. In addition, it is intended to establish a cross-party and politically balanced working group, comprising of three members of the Appointments and Conditions of Service Committee (ACOS), to support the officer group and provide recommendations to ACOS by January 2022 for further consideration and approval by Full Council in March 2022. The role,

grading and associated pay scale for the new role of Managing Director will be outwith the above review.

3. Alternative Options Considered

- 3.1 A number of alternative options have been explored as part of the review.
- 3.2 An initial option could be to revert to the former collective leadership model, with Executive Directors being equal. Both the organisation and its external landscape has significantly changed since this operating model was introduced in 2017. Feedback gained in 2020 outlined:
- Positive influences on culture, cross council working, collaboration and tone
 - Consistent concerns over pace, focus of decision making, capacity and capability
 - Consistently viewed as sub optimal by partners and some internal stakeholders
 - Clarity was needed on the Leader's executive role with risks around maintaining corporate accountability

Reversion to this former model, would enable partnership and collaboration to be maintained however the benefits gained from the temporary arrangements would be reversed. The strategic view of the organisation which has been developed would be fragmented, coupled with reduced pace of decision making. Whilst the collective leadership model enabled the organisation to develop and progress, the feedback suggests this option would not be fit for the current context when ensuring the organisation remains effectively positioned to operate in its changing landscape. In addition, the demands of the Covid pandemic have further impacted the organisation in terms of senior leadership capacity. Given the need to ensure the Council is best able and placed to respond to its current and future challenges, against an ever changing landscape within local government, the proposed option outlined within this report ensures that the principles of the collective leadership model are retained and further strengthen whilst its drawbacks are also addressed.

- 3.3 A further alternative option is to retain the current arrangements, either extending the temporary arrangements or making the role of MED (CCP) permanent. The positive impact of the temporary arrangements including continued focus on collaborative and partnership principles would be maintained. However, the temporary nature has been perceived to be unhelpful and whilst a permanent model is required, further clarity, pace and senior capacity is needed when considering the organisation's future operating model. Whilst there is clear support

for officer leadership, significant challenges have been raised regarding the capacity of the model and the MED in continuing to maintain functional accountabilities. The role is prohibited from being able to fully focus on whole system agendas, external partnerships and stakeholder relationships. Retention of this model also raises continued risk around the Leader's executive role in having corporate accountabilities. Senior leadership capacity and future alignment of services must also be addressed when considering both the council's key strategic priorities and operational challenges. This model is not considered optimum or sustainable on a permanent basis, highlighting opportunities to further strengthen the Council's position and relationships both locally, regionally and nationally, coupled with improved focus on residents and communities.

4. Implications

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

5. Appendices

- 5.1 Appendix 1 – Implications.
5.2 Appendix 2 – Summary of feedback from an independent review of the temporary arrangements (Penna PLC).
5.3 Appendix 3 – Job and Person Profile for Managing Director and revised organisation structure chart
5.4 Appendix 4 – Pay Benchmarking

6. Recommendation(s)

That Council:

- a) approves the proposal to implement the permanent role of Managing Director and associated grade and pay scale.
- b) approves the designation of Head of Paid Service to the role of Managing Director.
- c) agrees that the Executive Director for Communities, Commissioning and Policy post should be retitled Executive Director for Corporate Services and Transformation.
- d) agrees that the recruitment to the role of Managing Director will be advertised externally and notes the intention to appoint an external recruitment partner to commence the recruitment process, that will be

undertaken by a politically balanced Panel constituted in accordance with the Officer Employment Procedure Rules.

- e) gives approval to the Director of Organisation Development and Policy to set up a defined group of appropriate officers to support Korn Ferry Hay Group to undertake an independent review of the council's senior pay and grading framework and associated senior roles as outlined within this report.
- f) agrees the establishment of a cross-party and politically balanced working group, comprising of three members of the Appointments and Conditions of Service Committee (ACOS), to support the officer group and provide recommendations to ACOS by January 2022 for further consideration and approval by Full Council in March 2022.

7. Reasons for Recommendation(s)

- 7.1 To ensure the Council's future operating model can respond effectively to the current and future challenges, coupled with an ever-changing landscape of local government. The proposal is supported by feedback gained from both the review of the collective leadership model as reported to Full Council in December 2020.
- 7.2 To ensure the Council's pay and grading framework and associated accountabilities for senior roles are fit for purpose, all pay scale points can be utilised, pay differentials are appropriate and pay is aligned where possible to market rate.
- 7.3 To ensure that there is independence and cross-party involvement in the review of the senior pay and grading framework.

Report Author: Helen Barrington and Emma Crapper
Contact details:

Implications

Financial

- 1.1 Pay benchmarking has been undertaken which is detailed in Appendix 4 to support the Council in determining the appropriate pay scale for this new role. The proposed pay scale for this role is £161,000 to £175,929 (excluding oncosts). The funding for this role will form part of a pressure bid on the 2022-23 budget and any in year costs will be met by the General Reserve.
- 1.2 The proposal to commission Korn Ferry Hay Group supported by a group of appropriate officers to undertake an independent review of the council's senior pay and grading framework, is estimated to result in a one-off cost of £82,780 excluding VAT which will be funded from the General Reserve.

Legal

- 2.1 This report is being presented to Council by the Director of Legal & Democratic Services and Director of Organisation Development and Policy as the current Managing Executive Director and Head of Paid Service has a clear conflict of interest. Independent legal advice has been obtained to confirm the propriety of the process.
- 2.2 The Local Government Act 1972 (section 112) provides that local authorities have a duty to appoint officers as they think necessary to enable them to discharge their own functions and any functions they carry out for another local authority. There is no legal requirement to have a Managing Director or similar post however, under Section 4(1) of the Local Government and Housing Act 1989, the Council is under a duty to designate one of its officers as Head of Paid Service. The Council therefore has the discretion to create the role of Managing Director and determine which officer shall be designated as Head of Paid Service.
- 2.3 There is no statutory requirement for formal consultation of the proposed structural changes however engagement with key stakeholders is outlined within the HR implications.
- 2.4 If Council agrees to the proposal set out in the report to create the role of Managing Director who shall be designated as Head of Paid Service, certain statutory provisions apply.

- 2.5 The Head of Paid Service is a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 (politically restricted posts). This means the post holder is prevented from taking part in certain political activities. The statutory role of Head of Paid Service cannot be held by the Monitoring Officer but may be held by the Chief Financial Officer.
- 2.6 By virtue of the Local Authorities (Standing Orders) (England) Regulations 2001 and the Council's Constitution, the Head of Paid Service can only be appointed by Full Council. The recruitment and appointment must be conducted in accordance with the Council's Officer Employment Procedure Rules contained within Appendix 9 to the Constitution.
- 2.7 The Openness and accountability in local pay: Guidance under section 40 of the Localism Act provides that full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment. As set out in the Constitution, Appendix 1 – Responsibility for Functions, approval of remuneration on appointment in excess of £100,000 is the responsibility of full Council.
- 2.8 If the proposals are approved, the Constitution will need to be updated to reflect the new role and senior management structure. A report will be presented to Governance, Ethics and Standards Committee and Council in due course to approve the necessary amendments.
- 2.9 The Council has commissioned independent legal advice in respect to the process to introduce the new role of Managing Director and the designation of the Head of Paid Service statutory duties.

Human Resources

- 3.1 The role of Managing Director has been subject to the Council's job evaluation scheme, independently evaluated by Korn Ferry Hay Group, and this has been confirmed as being commensurate with Grade 21 of the Council's pay structure.
- 3.2 Informal engagement has been held with all substantive Executive Directors within the Council. There is no formal requirement to consult

with any impacted employees, however, further informal engagement will continue to ensure the revised and strengthened operating model is embedded.

- 3.3 In line with the council's Recruitment and Selection policy, whilst vacancies are normally advertised internally initially, the Council would benefit from both internal and external advertisement of the new position, to provide assurance that the Council secures the best candidate for the role. In addition, the Director of Organisation Development and Policy will commission an external recruitment partner to support recruitment to the role. A sub-committee of the Appointments and Conditions of Service Committee (ACOS) will be formed to make the appointment prior to Full Council approval ratification in December 2021.
- 3.5 Following the transfer of Communities Division as approved by Cabinet on 17th June 2021, the former role of Executive Director for Communities, Commissioning and Policy has been retitled Executive Director for Corporate Services and Transformation. This has been considered against the council's job evaluation framework and remains at grade 20. With no significant changes to the job and person profile, this role does not require external evaluation by Korn Ferry Hay Group. The role however will no longer hold the designation of Head of Paid Service, and this will transfer to the Managing Director role on appointment of the successful candidate. External legal advice has been commissioned and it is considered that redesignating the Head of Paid Service to the Managing Director post does not amount to a contract variation and does not require the Council to formally consult with the postholder in order to implement the proposal, however further engagement with the affected employee will continue should the proposals be approved. This change has no impact on the pay level of the Executive Director, Corporate Services and Transformation.

Equalities Impact

- 4.1 The proposed changes result in no current role holder being placed at risk of redundancy therefore an Equalities Impact Assessment is not required for the introduction of the new Managing Director position. Equality considerations will be observed during the recruitment process and in line with the council's Recruitment and Selection policy all applicants who declare that they have a disability and who meet the minimum essential criteria of the job should be invited to interview in accordance with the Disability Confident Guaranteed Interview Scheme.

- 4.2 With regards to the proposal to commission Korn Ferry Hay and a defined officer working group to undertake an independent review of the council's senior pay and grading framework, a full Equality Impact and Equal Pay Assessment will accompany any subsequent report to Full Council.

Elected Member Feedback

Strengths	Weaknesses – Areas for Improvement
It provides clear interaction between politicians and the management structure of the organisation. It allows for more collective/collaborative decision making and a clear steer on the strategic responsibilities.	One key pitfall is the lack of accountability and transparency from the leadership team which has caused issues and has been clear over the last 12 months or so.
There's 'less tiers to get through to get something resolved'.	I cannot see any weaknesses.
The style of the leadership is definitely one of the ingredients for success in this model	Making sure there is enough Directors to have enough responsibility to cover all the key areas of the council. Allowing MED to have the strength to cover all the areas
I have nothing but praise for what I have seen so far	We need to ensure that the wider world understands the structure
It has empowered the directors, and increased communication levels, and has made us more efficient and effective through minimising red tape in making decisions	A slight concern in terms of some portfolios having multiple cabinet members. Would like to see a better spread of directorship/management within that.
It is beneficial to have a "buck-stop person" - that helps stop things slipping through the net, and breaks down silos.	Potential for senior directors leaving but these are issues in any situation. As long as this model doesn't suppress changing things for the better.
I am much more comfortable with a Senior decision maker	
Its allowed the council to assess the strengths and weaknesses of the Council at this moment in time.	
It's better, and less confusing for partners and stakeholders, with a single named person as the first among equals - someone for them to go to when they need help solving a problem, or need a decision	
Without a CEX I feel that we lost strategic leadership. It is less to do with the model than the people that you appoint - the leadership that the person gives is more important than the model. The authorities that punch above their weight are the ones where the political leadership is aligned with the officer leadership.	
We can do things at pace rather than the back and forth and just making decisions together. There are 'less tiers to get through to get something resolved'.	
The first amongst equals approach is the right one, reverting back to an 'old fashioned system' has no benefits other than keeping people outside of the organisation happy	

Executive Director Feedback

Strengths	Weaknesses – Areas for Improvement
<p>It feels right to have a first among equals.</p> <p>We benefit from having someone to hold things to account.</p> <p>Our decision making was previously slow, this model has freed up time to use to better advantage the people of Derbyshire.</p> <p>.</p>	<p>There are capacity challenges which you might not have with a traditional chief executive [many chief executives have their own offices, and a deputy chief executive.]</p>
<p>I am wholly supportive of the arrangements which we now have in place. Having a single MED or CEO is important for the strength and efficiency of decision making, providing a clear vision and strategy, holding senior officers to account, acting as principal external ambassador and chief policy advisor.</p>	<p>The temporary nature of the model. We need permanency to drive things forward faster.</p>
<p>A definite strength is that I feel really sighted on issues across the authority - I haven't felt as informed in any other authority - because we feel collectively responsible for all of the council's responsibilities, and we all take responsible for additional cross-council projects (e.g. equalities.)</p>	<p>'The title' does it serve Derbyshire CC well when everywhere else has a CEX. There is a fear of just having an MED, people won't see that MED as a Chief Executive and it potentially doesn't hold as much gravitas. Feel the postholder needs the accountability of a chief executive</p>
<p>The role of the MED is carried out very collaboratively and provides a clear link with the Leader</p>	<p>I am not sure that the model is well described to some of our partners</p>
<p>It has enabled me to have more time for Exec Director sponsoring of corporate responsibilities Having that point of 'the buck stops here' is important and the occasional need to hold people to account and ensure the quality of work being delivered is of the right standard</p>	<p>Is being an MED and ED sustainable – does this provide the right capacity and get the best outcome from a capacity/time perspective?</p>

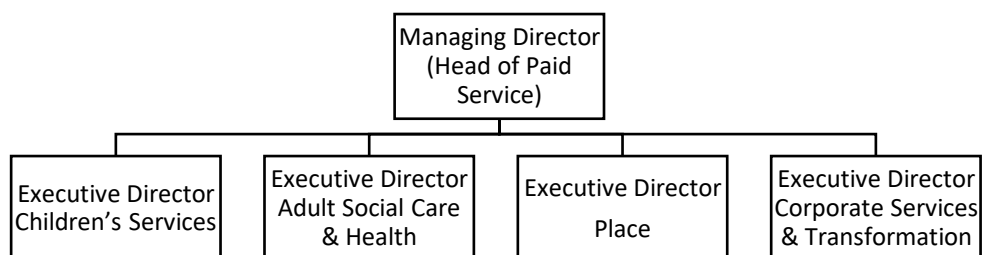
Line Report Feedback

Strengths	Weaknesses – Areas for Improvement
<p>It works better in terms of the MED role being defined and having someone coordinating local and central recommendations. It has allowed the MED to step in and cover the high-level corporate relationships with central gov/civil servants etc.</p> <p>Having someone who is accountable, and hold the group to account but still working collaboratively. It was difficult when no one has a deciding vote.</p>	<p>This is an interim arrangement - having some permanence would help in the longer-run; and there needs to be clarity around roles and structures; and some additional capacity</p>
<p>MED or CEX brings more gravitas and allows for consistent relationships to be built, rather than swapping in and out of people which led to inconsistency</p>	<p>Senior management capacity remains very stretched</p>
<p>The new model gives clarity over who is ultimately responsible for making a decision. Knowing there is one individual who makes the final decision is helpful</p>	<p>The Tiers below the Exec have not been shaped to support the revised leadership model</p>
<p>Under the old model there was a procrastination of decision making because no-one had the final decision-making authority</p>	<p>The model could be strengthened by enhancing the leadership/support provided by 2nd tier officers</p>
<p>The single leader with clear vision and accountability is easier for staff and external partners to understand and explain.</p>	<p>Not sure the messaging/explanation around the difference has really 'landed' internally or externally</p>
<p>Improved speed of decision making. Clear lead officer for the Leader and Cabinet to engage with.</p>	<p>We should strengthen the one council approach - recognising the importance and contributions each department makes</p>
<p>A culture change programme across the council is evident. There has been a clear focus on developing the vision for the Council and more recently joining up the initiatives across the Council to support a one council approach engaging with key stakeholders</p>	
<p>Clarity in a single lead Executive for Elected Members and partners. Providing clarity for the organisational structure externally. Clear continuity in chair of CMT</p>	

Partner Feedback

Strengths	Weaknesses – Areas for Improvement
Feels much more comfortable with a Senior decision maker rather than 3 or 4 people. Found the previous system challenging, this feels much better. There is a lead person to talk to and feels there is much more strategic direction.	The Council needs a Chief Executive. Someone to punch weight at an officer level to match what is done by the Leader at a political level.
It's been really helpful to have more clarity and cohesiveness from an external perspective which has been really positive. It has felt like it's enabled and facilitated greater engagement with elected members. Unsure if its just been a matter of course or because of the operating model. This feels like a positive change down to the new operating model.	Biggest weakness is that it's temporary
The arrangement is clear and explicit and provides clearer lines of accountability as the Head of Paid Service and within a broader safeguarding context, particularly children's safeguarding. This means that roles and responsibilities of the Exec Team are clearer.	Is there sufficient capacity at Exec Director level to deliver the transformation required. Senior management capacity remains very stretched
Relationships feel better now than they probably have been. It will improve outcomes for the place and people of Derbyshire – it has been positive and productive to progress work together.	
Clear vision; clear accountability; improved speed of decision making.	
There is a consistent voice and consistent accountability. It is also easier to relate to Derbyshire now. Lines of accountability are much easier to understand.	

Revised Organisation Structure



JOB PROFILE

Job Title:	Managing Director (Head of Paid Service)	
Grade:	21	JE Ref: BM255
Job Family:	Leadership	

Purpose of this role:

Collaboration and partnership are at the heart of the Council's operating model, with collective executive leadership being successfully embedded within the organisation's senior officer operating model.

The Managing Director will provide strategic advice to the Leader of the Council, Cabinet and Elected Members on the strategy, vision and performance of the Council acting as the Council's principal adviser. In addition, the Managing Director will ensure the core principles of collective leadership and partnership are maintained through responsive, positive and sustained relationships between Cabinet Members, Executive Directors and Senior Leaders.

With an ever-changing landscape of local government, the Managing Director will ensure that the strategic policy objectives of Elected Members are identified, translated into service delivery and achieved effectively and efficiently, aligned to Council's values. As the Council's most senior officer, the Managing Director is responsible for providing effective strategic leadership, corporate governance, performance management and direction across the Council, aligned to the Council's strategic aims.

Leading the Council's Corporate Management Team, the Managing Director will ensure performance measures and service plans incorporate relevant strategies and policies to meet statutory requirements and to deliver optimum value for the residents of Derbyshire. The Managing Director will undertake the statutory role of Head of Paid

Service and ensure compliance in accordance with legal and statutory requirements, in line with the Council's constitution.

With a key priority to ensure value for money for taxpayers, coupled with overall responsibility for the Council's resources, the Managing Director will ensure they are deployed and managed effectively to meet the Council's strategic aims and priorities. This will be supported by ensuring effective engagement, consultation, and feedback with the residents of Derbyshire.

The Managing Director will support the Leader of the Council to represent the whole Council locally, regionally and nationally, promoting the authority through developed and sustained relationships with key external stakeholders. They will lead the Council by forming strong and collaborative working relationships with residents; leaders in the public and voluntary sectors; as well as business, industry and national government to ensure that all resources, including those within the Council, are working together and prioritised on meeting the needs of residents.

Key relationships:

The role is accountable to the Leader of the Council working collaboratively with the Cabinet.

The role will be responsible for and line manage the Executive Director for Children's Services, Executive Director for Adult Social Care and Health, Executive Director for Place and Executive Director for Corporate Services and Transformation and ensuring collaborative relationships are maintained with Cabinet Members.

The role holder will act as the Head of Paid Service and Chair of the Council's Corporate Management Team, with overall corporate responsibility for the Council.

Other key relationships include:

- Elected Members.
- Executive Directors.
- Directors and senior officers across the Council.
- Local Resilience Forum.
- Health Partners across Derbyshire and Regionally
- National Government and other local authorities.
- Public, private and third-party sector partnerships and providers.

Key responsibilities:

- As head of the Council's Corporate Management team, provide overall corporate and strategic leadership to ensure delivery of the Council's strategic aims, performance and corporate governance aligned to the Council plan, service plans and statutory duties.
- Support Elected Members, acting as the Council's key strategic lead and advisor, by working with them to develop and implement strategies and ensure organisational

responsiveness for achieving the Council's strategic aims and priorities.

- Support the Leader to achieve the Council's ambition in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region, ensuring that the Cabinet's wider political vision and priorities are translated into delivery and its values are embedded at all levels of the organisation.
- Strengthen and champion the Council's focus on residents and ensuring that the Council's plans are delivered at pace, supported by consultation, engagement and feedback from the residents of Derbyshire.
- Network and engage at national, regional and local level to understand and influence best practice, maintaining the profile of the County and promote the best interests of Derbyshire.
- Support the Leader and Cabinet Members to develop and sustain an influential and respected role, supporting relationships in Government, Business and Derbyshire communities; being the key strategic contact for external partners and other local authorities
- Act as the Council's Head of Paid Service as prescribed in the Local Government and Housing Act 1989 and defined further by the Council's constitution.
- Act as strategic lead for the Council's response to the Covid-19 pandemic, working with the Local Resilience Forum to support Derbyshire's economic recovery and the Council's organisational recovery.
- In consultation with the Director of Finance and ICT, set and monitor the council's budget.
- Role model collaboration and partnership working, ensuring effective working relationships between senior leaders and Elected Members are promoted to provide clear focus on maintaining and developing high quality services.
- Ensure the Council meets the requirements of the Health and Safety at Work Act and that the health, safety and wellbeing of employees and service users is promoted as a key priority throughout all levels of the organisation.
- Champion, role model and ensure that in addition to the associated functional responsibilities, Executive Directors undertake the collective leadership responsibilities (as outlined below) to maintain high performance and deliver value for money services.

Collective leadership responsibilities:

Shaping the Future

- Provide strategic, visionary leadership for the Council contributing to the delivery of the Council's strategic aims.
- Act as a proactive member of the Corporate Management Team, contribute to the strong and effective corporate management of the Council's services.
- Support the democratic process, providing advice to elected members on the appropriate response to local, national and European matters that have implications for the services.
- Seek to improve the overall reputation of the Council, representing the Council at

appropriate local, regional and national forums.

- Provide leadership and direction for the development and delivery of a sustainable medium-term financial strategy and plan.

Leading and Working Through Others

- Ensure effective and open communication and good working relations with the Managing Director, corporate management team, members, directorates, external agencies and partnerships, to eliminate silo working to support delivery of the Council's strategic aims.
- Develop and implement effective communication and engagement arrangements with service users, stakeholders and partnership agencies in order to develop a high-level understanding of the roles and delivery of services and to facilitate input to the development of related strategies and plans.
- Promote an organisational culture that is positive, forward-looking, embraces change, outcomes orientated and community focused in an environment which is fair, supportive and open enabling employees to feel empowered and valued.
- Seek to improve the lives of all residents in Derbyshire, empowering communities and where needed ensuring that communities have access to the Council's services relevant to their needs. Within the overall leadership of the Managing Director, work with members of the corporate management team to ensure the delivery of an integrated whole system approach to developing and supporting sustainable communities.
- Promote and role model a culture that supports the Council's Equality, Diversity and Inclusion strategy to generate a positive and inclusive environment.

Delivers Results

- Seek to deliver services within budget engaging and consulting with stakeholders, partners, communities and employees to ensure services are outcome focussed and provide value for money, reflecting the Council's wider strategic objectives and securing the financial viability of the authority.
- Ensure national standards and relevant statutory requirements are met and the Council's Code of Conduct is adhered to.
- Champion and embed a performance and quality assurance culture that delivers results through rigorous open challenge, personal accountability and continuous improvement.
- Ensure performance oversight and compliance with the Council's Health & Safety policy/procedures and that of any resources for which the role is responsible for, providing safe working environments and developing practice to maintain the physical and mental health of employees.
- Champion and lead the management of risk in relation to service delivery and own and hold accountability for the corporate risk management framework, utilising risk and asset management practice to embed a culture of innovation in the use of resources and shared learning across service boundaries and partnerships.
- Champion and comply with the Council's policies on information security including the ICT Security Policy, Internet and Email Policy and Safe Haven Guidance.

PERSON PROFILE

Job Title:	Managing Director (Head of Paid Service)	
Grade:	21	JE Ref: BM255
Job Family:	Leadership	

	Essential Criteria
Experience	<ul style="list-style-type: none"> • Proven strategic leadership, managing, motivating, and developing employees to sustain high levels of service delivery. • Demonstrable evidence of working substantially at an executive and strategic level within a large, complex public sector (or similar) and unionised environment. • Extensive experience of multi-agency and partnership working in a comparable multi-functional organisation. • Demonstrable success at an executive level in the initiation, development and management of effective change, complex budgets and major strategic policy initiatives. • Extensive experience in developing and engaging others in organisational strategy and plans that translate a vision into reality. • Proven experience of balancing strategic advice, governance and guidance in a political setting. • Experience of leading and delivering transformational and cultural change, and politically sensitive programmes within a large complex organisation. • Establishing a strong performance culture including effective performance measures, evaluation of service quality and the improvement of service delivery to achieve the Council's strategic aims and priorities.

Skills and knowledge	<ul style="list-style-type: none"> • Excellent interpersonal, communication, persuading and negotiation skills that will inspire the confidence and trust of elected members, employees, residents and other stakeholders. • Ability to create a unified, collaborative and partnership based corporate leadership approach for the whole organisation. • Ability to convey a clear vision and demonstrate an entrepreneurial mindset with outstanding organisational and leadership skills, providing inspirational leadership to the workforce, motivating, empowering and developing employees to create a positive culture of mutual trust. • Proven commercial acumen and ability to lead the strategic delivery of services to obtain best value for money in a complex public sector (or similar) environment. • Ability to maintain a strategic overview of the issues affecting the Council and provide accurate and timely advice to the Leader and Elected Members, keeping them informed of relevant issues, establishing and sustaining positive relationships. • Ability to establish, develop and sustain effective team, partnership and multi-agency working through strong effective advocacy, influencing and negotiating skills. • Inspires commitment and results but able to lead, inspire and motivate people with respect and empathy, track and manage performance in a large organisation and hold employees to account for the delivery of objectives. • Provide creative solutions to complex problems together with high level analytical, presentational and communication skills. • Able to influence and negotiate at a strategic professional and political level, locally, regionally and nationally. • Extensive knowledge of the statutory framework governing local government. • Sound understanding of the challenges of organisational and cultural change and being a catalyst for change. • Substantial and demonstrable knowledge of commissioning strategies.
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Personal Effectiveness	<ul style="list-style-type: none"> • Personal and professional demeanour and credibility which commands the confidence of elected members, senior managers, employees, external partners and external stakeholders. • High standards of probity, performance and integrity. • Demonstrable commitment to achieving the Council's vision and key objectives and passion for improving services to and outcomes for communities. • Leads by example with an empowering, open and collaborative style, with a demonstrable commitment to continuous self-improvement. • Highly motivated with high levels of sensitivity, humility, judgement, energy, enthusiasm and flexibility. • Demonstrable commitment to improving equality, diversity and inclusion, openness and respect, promoting high standards of behaviour and professionalism for self and others.
Qualifications	<ul style="list-style-type: none"> • Degree equivalent and/or relevant professional qualification and/or relevant experience. • Evidence of continuing management and personal development.

Appendix 4

	Local Councils	County Councils	Councils with Comparable Functions	Average with population between 600- 900K	Chief Executive (or equivalent) Pay	Number of Residents
Buckinghamshire Council		x			£200,000	505283
Cambridgeshire County Council		x	x	x	£169,999	859830
Devon County Council		x	x	x	£160,346	810716
Dorset County Council		x			£168,300	378510
Durham County Council		x			£201,742	530100
East Sussex County Council		x	x		£192,153	555110
Essex County Council		x	x		£196,960	1477764
Hampshire County Council		x	x		£224,929	1882340
Herefordshire County Council		x			£150,873	192800
Hertfordshire County Council		x			£184,950	1195700
Kent County Council		x	x		£207,884	1589100
Lancashire County Council	x	x	x		£206,728	1171300
Leicestershire County Council	x	x	x	x	£200,000	698268
Lincolnshire County Council	x	x		x	£187,077	751200
Norfolk County Council		x			£158,047	914039
North Yorkshire County Council	x	x	x	x	£179,431	604900
Nottinghamshire County Council	x	x	x	x	£185,386	828200
North Northants Unitary	x				£170,000	354477
East Northamptonshire Unitary	x				£170,000	393145
Northumberland County Council		x			£190,000	316000
Oxfordshire County Council		x		x	£199,910	696900
Shropshire County Council		x			£140,278	323136
Somerset County Council		x	x		£166,851	562225
Staffordshire County Council	x	x	x	x	£180,000	870825
Suffolk County Council		x		x	£149,627	761246
Surrey County Council		x			£220,000	1185300
Warwickshire County Council		x			£168,545	563535
West Sussex County Council		x		x	£190,000	843765
Wiltshire County Council		x			£180,388	470981
Worcestershire County Council		x	x		£183,960	587929
Oldham Council	x				£185,169	233759
Kirklees Council	x				£166,984	439787
Sheffield City Council	x				£195,000	575400
Barnsley MBC	x				£179,812	246866
Doncaster Council	x				£168,755	311890
Rotherham MBC	x				£172,753	265411
Derby City	x				£169,810	258746
Nottingham City	x				£175,000	331297
Average Pay by category	£180,744	£183,727	£188,817	£180,178	£181,517	

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

15 September 2021

Report of the Director of Legal & Democratic Services and Monitoring Officer

Decisions taken as a matter of Urgency and Key Decisions and Special Urgency

1. Purpose

- 1.1 In accordance with the provisions of the Constitution, to report to Council those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived.

2. Information and Analysis

- 2.1 Members of Council will be aware that on occasion there is a necessity for decisions to be taken urgently, most recently predominantly as a result of the covid-19 pandemic and the need to respond to changing government guidance in a timely fashion.

Key decisions – Cases of special urgency

- 2.2 Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, before the Council makes a key decision certain information needs to be published 28 clear days in advance. This is usually known as the 'Forward Plan'. The Regulations recognise that in the case of urgent decisions, this is not possible. As a result:

- a) where a key decision needs to be taken and publication of the information is impracticable, the decision can be made as long as five clear days' notice of the decision is given to the relevant Improvement and Scrutiny Committee Chairman; and
 - b) in cases of special urgency, a key decision can be taken with less than five clear days' notice if agreement is obtained from the Improvement and Scrutiny Committee Chairman that the making of the decision is urgent and cannot reasonably be deferred.
- 2.3 The Regulations require a report to Council at least once a year detailing each key decision taken where it was agreed that the special urgency provisions apply. The Access to Information Procedure Rules included in Appendix 6 to the Constitution requires this report to be submitted on a quarterly basis to full Council.
- 2.4 In accordance with the above requirement, Appendix 2 sets out the key decisions taken where special urgency provisions were agreed since the last report to Council.

Waiver of Call-in provisions

- 2.5 Members will be familiar with the Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution which sets out the call-in procedure. The call-in procedure does not apply where the executive decision being taken is urgent: that is where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. In such cases call-in can be waived if the Chairman of the appropriate Improvement and Scrutiny Committee agrees both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.6 The Improvement and Scrutiny Procedure Rules require such urgency decisions to be reported to the next available meeting of the Council, together with the reasons for urgency.
- 2.7 In accordance with the above requirements, details of urgent decisions where the call-in process was waived since the last report to Council and the reasons for urgency are set out in Appendix 3.

3. Alternative Options Considered

- 3.1 Not to consider those executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in has been waived; however, this is not recommended as this would not be in accordance with the Council's Constitution.

4. Implications

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

5. Consultation

- 5.1 Not applicable.

6. Background Papers

- 6.1 None.

7. Appendices

- 7.1 Appendix 1 – Implications.
- 7.2 Appendix 2 – Key decisions taken where special urgency provisions were agreed.
- 7.3 Appendix 3 - Details of urgent decisions where call in procedure was waived and the reasons for urgency.

8. Recommendations

That Council notes:

- a) the key decisions taken where special urgency provisions were agreed as detailed in Appendix 2; and
- b) the urgent decisions taken where the call-in procedure was waived under the Improvement and Scrutiny Procedure Rules as detailed in Appendix 3.

9. Reasons for Recommendations

- 9.1 In order to comply with the provisions in the Council's Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Report Author: Helen Barrington

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Implications

Financial

1.1 None.

Legal

2.1 As set out in the report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 None.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

**Appendix 2. Key decisions taken where special urgency provisions were agreed
2 July 2021- 3 September 2021**

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Outline Business Case to Create an East Midlands Freeport	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change 3 September 2021	To approve support for the submission of an Outline Business Case (OBC) to the Ministry of Housing, Communities and Local Government (MHCLG) to create a freeport in the Derbyshire, Nottinghamshire, Leicestershire area. To delegate authority to the Executive Director - Place, in consultation with the Leader of the Council, to endorse the final Outline Business Case, ahead of submission to	All partners are required to affirm support for the Freeport to meet a key Government criteria for bid submission of the Outline Business Case	The timescales for preparing the Outline Business Case and submitting it to Government are extremely challenging. This has impacted on the time available for the Council to formally consider and endorse the proposal.

		<p>Government by 10 September 2021.</p> <p>To agree that a further report to consider the Full Business Case and any implications for the County Council be submitted to Cabinet for consideration, should the Outline Business Case bid be taken forward by Government.</p>		
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Appendix 3:

Urgency decisions taken under the Improvement and Scrutiny Procedure Rules where call-in was waived

2 July 2021 - 3 September 2021

Subject of Decision	Decision Taken by and Date Taken	Decision Taken	Reason for Decision	Reason for Urgency
Outline Business Case to Create an East Midlands Freeport	Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change 3 September 2021	To approve support for the submission of an Outline Business Case (OBC) to the Ministry of Housing, Communities and Local Government (MHCLG) to create a freeport in the Derbyshire, Nottinghamshire, Leicestershire area. To delegate authority to the Executive Director - Place, in consultation with the Leader of the Council, to endorse the final Outline Business Case, ahead of	All partners are required to affirm support for the Freeport to meet a key Government criteria for bid submission of the Outline Business Case	The timescales for preparing the Outline Business Case and submitting it to Government are extremely challenging. This has impacted on the time available for the Council to formally consider and endorse the proposal.

		<p>submission to Government by 10 September 2021.</p> <p>To agree that a further report to consider the Full Business Case and any implications for the County Council be submitted to Cabinet for consideration, should the Outline Business Case bid be taken forward by Government.</p>		
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NOTICES OF MOTION – COUNCIL 15 SEPTEMBER 2021

(i) Motion received from Councillor Natalie Hoy:

This Council:

- is concerned about the number of cases reported to the RSPCA each year regarding pets given as prizes at fairgrounds, and notes the issue predominantly concerns goldfish.
- is concerned for the welfare of those animals.
- recognises that numerous cases of pets being given as prizes may go unreported each year.

The Council agrees to:

- ban outright the giving of live animals as prizes, in any form, on Derbyshire County Council land.
- write to the Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

(i) Motion received from Councillor Mick Yates:

“Pensions Acts of 1995 and 2011

Recently the Parliamentary and Health Service Ombudsman has found that the Department of Work and Pensions maladministered the communication of changes to the State Pension Age.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little or no personal notification of the changes. Women on average had 1 year and 4 months’ notice of up to six-years’ increase to their state pension age.

Many women in Derbyshire born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Their circumstances have been worsened by the Covid-19 pandemic. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that

communication about the rise in the women's state pension age was too little too late leaving women with no time to make alternative arrangements.

If compensated around 65000 women in Derbyshire will benefit. The majority of the money will be spent in Derbyshire bringing a much needed financial boost to the local economy.

Derbyshire County Council calls upon the Government to accept the Parliamentary and Health Service Ombudsman findings and compensate all women born on or after 6th April 1950, who have unfairly borne the burden of the increase to the State Pension Age with now proven lack of appropriate notification.“