

PUBLIC

**MINUTES** of a meeting of **COUNCIL** held on Wednesday, 1 December 2021 in Members Room, County Hall, Matlock.

### **PRESENT**

Councillor T Ainsworth (in the Chair)

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

#### **75/21 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors R Ashton, D Collins, S Hobson, N Hoy, J M Innes, T A Kemp, W Major, D Murphy and B Woods.

#### **76/21 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)**

There were no declarations of interest.

#### **77/21 CHAIRMAN OF THE COUNTY COUNCIL'S ANNOUNCEMENTS**

Following comments received at the last meeting in respect of the Minutes and the recording of responses to questions, the Chairman reported that he had held meetings with the legal team to discuss issues raised regarding the content of minutes. The minutes of the meeting captured what happened within that meeting; therefore it had been confirmed that written responses should not be included in the minutes. They were, however, published on the Derbyshire County Council website and arrangements would be implemented whereby all members would be sent the relevant link by email after the meeting. In addition, officers were currently looking at ways to make the responses more prominent on the website for ease of public access.

Kate Evans (Head of Service, Derbyshire School Catering Service) and Jo Rinkevicius had been welcomed to the meeting by the Chairman. This was because Kate had been awarded the Best Use of Technology Award at the 2021 Foodservice Cateys. The Service won the award for their implementation of an IT management system which allowed the Service to meet the needs of the free school meal eligible and vulnerable families

more efficiently during the pandemic. Congratulations had been given on achieving the award and continued thanks had been shared for the work that the team had been doing to provide excellent meals to the schools of Derbyshire.

Jo had been awarded the Apprentice/Trainee of the Year Award at the 2021 LACA Awards for Excellence. During his internship Jo ran a food waste initiative across several Derbyshire primary and junior schools, in one school successfully reducing waste by 12%. He had since gone on to work within the catering team as a Business Services Administrator Level 3 Apprentice. Congratulations had been given on being awarded the accolade. The Chair had stated that it was wonderful to see the Apprenticeship Scheme producing such excellent members of staff.

Kate and Jo came forward to receive a presentation.

The Chairman also congratulated Paige McMahon who was unable to attend the meeting. Paige's worked as a social worker and had been recognised when she became a finalist in the recent Leaving Care Service Social Worker Awards in the Social Worker of the Year category. Congratulations had been afforded to Paige who was unable to attend the meeting and Thanks had been were given to her Paige and all her colleagues for their continued commitment and dedication to the residents of Derbyshire.

The great work that had been carried out by the Council's teams on the roads and highways during the recent storms and more recently with the snow were recognised.

The Chairman sadly announced the recent deaths of Councillors Eric Lancashire MBE and Kath Lauro.

Councillor's paid tribute as appropriate and a minute's silence was observed.

**78/21 TO CONFIRM THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 15 SEPTEMBER 2021**

On the motion of Councillor T Ainsworth, duly seconded, it was

**RESOLVED** that the minutes of the meeting of the Council held on 15 September 2021 be confirmed as a correct record.

**79/21 TO CONSIDER THE REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS ON THE REPORT**

Councillor B Lewis shared thanks to the crews across the county who had helped out in the aftermath of Storm Arwen and the snow over the previous weekend. Thanks were also conveyed to the relevant teams

from within Corporate Services who were out cutting down trees in the aftermath of the storm and had remained on standby for the entire period.

His thanks of course extended to the social workers who were out and about across the county supporting elderly and vulnerable in the treacherous and challenging conditions.

He reported that the Council was aware that there were residents still in High Peak who were without electricity. Calls to Electricity North West were being made to get that resolved as quickly as possible and particularly to liaise with the Local Resilience Forum further.

A few members had attended the Verges Conference on 30 November 2021, this was the Conference of green verges across the county and what could be done about managing them for biodiversity in the future. It had been held as a hybrid Conference, to talk about management techniques from across the UK. Some of them absolutely startling in the way that one, they could bring about a biodiversity recovery through the verge management processes, but also with the potential to reduce revenue spend as well into the future, so it really was a win if Derbyshire could get it right. The Verges Conference was a first step, nonetheless an important one and Derbyshire would be endeavouring to embed some of the practices and lessons learnt as quickly as possible.

**80/21 TO CONSIDER PUBLIC QUESTIONS (IF ANY)**

It was reported that as Councillor N Hoy was currently unwell she was not in attendance at the meeting and therefore residents who had submitted questions for her would receive a written response.

**a) Question from Elizabeth Honeybell to Councillor N Hoy, Cabinet Member for Adult Care**

Why is the council not allowing more residents at Goyt Valley House, New Mills when there are so many people waiting in hospital and blocking much needed hospital beds?

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

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

In response to a recent Freedom of Information Request (4-21) and following an Internal Review it was communicated that data relating to complaints made against senior officers may not be shared with the Advice and Support Team within HR and in turn not reported under any Freedom of Information Requests.

The Internal Review was requested following 3 known complaints made against senior officers within CCP not being reported within the data provided under this particular Freedom of Information Request.

A report relating to complaints and compliments presented to the Governance, Ethics and Standards Committee on 20-10-21 included metric information associated with complaints made against council employees associated with behaviour and the use and storage of data – these were the grounds upon which the complaints had been made against the 3 senior officers.

On the basis of the response contained within the Internal Review the simple question I would like answering, as officers have not answered to date, is whether or not the 3 complaints associated with the Internal Review response to FOI 4/21 were included within the data and report presented to the Governance, Ethics and Standards Committee – a report which is available to the public.

Councillor S Spencer responded as follows:

I know this has been an ongoing issue for some months. In answer to the specific request, in the final part of your question those figures were not included in the overall figures that were presented at that particular meeting and I would also say that those three particular instances were part of an employment process.

Mr Ingham asked the following supplementary question:

I am appreciative of the fact you have done that and taken on board the response. My request is obviously a question with regards to what the Council now proposes to do around that because that situation has resulted in an incorrect report being presented to the Governance Committee and it has under-represented the number of complaints.

The Council also has an issue in relation to the Freedom of Information request because currently at this moment in time the situation is that complaints regarding senior officers is unlikely to be included within any FOI. FOIs are initiated by members of the public to get reassurance as such of what is actually happening within Authorities. At the moment figures which would be provided for a Freedom of Information request would not reflect the true situation so I would ask what is it the intention of the Council to do with regard to that, the action? Who will be involved? Timescales?

Councillor S Spencer responded as follows:

I note your point. I can't give you a specific answer to the full detailed question you have put before me today. What I can say to you is I don't believe the figures were incorrect because the issues you have raised

were dealt with in another process which is external to the figures.

I am fully aware there are a number of FOIs with regard to this particular case in the system. You have made your point with regard to those FOIs. Officers are present and taking notes and I assume you will receive a response in due course through the normal mechanisms available to you.

**c) Question from Catherine Swainson on behalf of her mother, Dorothy Bleakley to Councillor N Hoy, Cabinet Member for Adult Care**

Re Simon Steven's recent letter, how can you justify the big drop in demand for care home places when:

- The pandemic is a singular event and will have distorted the demand figures
- You have deliberately suppressed demand by not allowing care homes to admit long-term residents
- You have disregarded future demand when Baby Boomers, a large demographic, will pass away
- You have disregarded the fact that people are living longer and the very elderly are not able to live independently even with support
- Care in the community is under resourced and not able to meet the needs of the elderly living independently - especially those which arise during the night, the failure of which causes the greatest injury, distress and discomfort when accidents occur

The Council is deliberately massaging the demand figures to produce the outcome they require to pursue their objective of homes closures despite their previous agreement not to ..... close any of its homes unless a local care home or alternative suitable provision was available.

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

Councillor E Fordham raised the availability of answers to questions as a point of order that the Chairman responded to.

**d) Question from Frank Lane to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport**

I am a resident of Matlock Green and I regularly walk alongside and cross the A615, often with two toddlers; I also see many pedestrians attempting to cross this road, many of them young children on their way to and from school. I often fear for their safety due the excessive speed of many vehicles through Matlock Green.

I note that in your response to a question from Olivia Ramsbottom on 14th

July 2001 that you rightly prioritise areas for speed mitigation in areas “where there is the greatest need and where most benefits can be achieved” with “the use of identifiable known hard facts and figures provides robust and transparent justification for the investment”.

I also note that in Derbyshire Highways response to a planning application to DDDC (21/00547/OUT) it was stated that “the A615 Matlock Green is not considered to be a slow speed situation” (even though it is supposed to be a 30mph zone) and the results of a speed survey showing that many vehicles were exceeding the speed limit were accepted.

Given this, what plans are there are to reduce speed of traffic through Matlock Green and provide crossing facilities to ensure the safety of pedestrians?

Councillor K Athwal responded as follows:

In most built-up urban areas that are divided by a main road with substantial levels of traffic there will always be public demand for facilities to make it easier to cross the road. Unfortunately it is not practical to locate facilities frequently through the entire length of any road so they are targeted where there is the most pedestrian footfall. This is usually close to local shopping facilities, bus stops, or perhaps where another popular route intersects the road. This is indeed the case at Matlock Green with a signal crossing already present close to the junction with Lime Tree Road and Church Street.

The comments that Mr Lane makes are in a reference provided by a Highways team in a recent planning application in response to the size of visual displays needed for traffic merging on to the main road. These simply state that this is not a speed situation which is simply in the context of it being a through-route in comparison with for example a cul-de-sac. There is no inference that there are casualty or speed concerns that are disproportionately high compared with other similar A Class routes in Derbyshire.

There was no supplementary question.

**e) Question from Kath Mulligan to Councillor N Hoy, Cabinet Member for Adult Care**

Once again DCC is claiming that a vast amount of money needs to be spent on rewiring Goyt Valley House, even though we proved last year that the premises were fully rewired in 2008.

I believe it is also claimed that a new boiler is needed. This also is untrue. Shortly before the first lockdown in March 2020, staff were frantically buying up large numbers of space heaters for bedrooms and lounges when the old boiler failed. I was a tally visiting my mother on the day when

a replacement boiler was being fitted

It is very disturbing to see the same misleading claims being touted again.

If you claim the fabric of the building cannot be economically renovated, can you give a cast iron guarantee that, should the existing building be demolished, a replacement residential home will be built on the same site or elsewhere in New Mills? Moving residents away from their local area is simply not acceptable for all the same reasons we gave you last year.

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

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

I want to ask for a promise about the four trials that the council is proposing for Demand Responsive Transport, or DRT.

Your Derbyshire Connect trial should have told you whether the minibuses were good value because they were typically carrying several people to similar destinations, or running around like very expensive taxis. However, you didn't collect the right data to allow anyone to work this out. (But it looks like bad news from the data that you did collect).

So I agree that we do need more trials, but this time the trials need to be done properly.

That means being clear about what it is you aim to find out, and how you will decide what the answer is. And doing that before you start, in consultation with interested parties. It means collecting, keeping and sharing comprehensive data. And it means committing to publish a review of the outcome of the trials, with a chance for sceptics or critics to check what they think the data shows before any decisions are made about the future use of DRT by the council.

Will the Council promise to do that, please?

Councillor K Athwal responded as follows:

Derbyshire Connect Demand Responsive Transport, a trial undertaken in the Ashbourne and Wirksworth area since 2017, has shown this type of service can generate more passenger journeys than conventional supported scheduled routes in certain circumstances. However, we do recognise that this trial service has operated in a very rural area with particular characteristics. We are also aware that things have changed significantly since the trial began as a result of the pandemic with demand for bus travel currently standing at approximately 65%-75% of pre-Covid levels.

The Department for Transport's National Bus Strategy published in March this year means the end of the old model under which bus services have operated in England since the 1986 Transport Act. Bus Service Improvements Plan, the BSIP, and the associated announced partnerships offer a real opportunity to revitalise the bus industry which has been in decline nationally for at least a decade. However, these new arrangements mean we need to change as we cannot continue to do things in the same way we have over the last 35 years.

More Demand Responsive Transport is an example of the kind of change the Department for Transport want to see and we must therefore be willing to explore whether this kind of service could operate on a larger scale in Derbyshire. The precise nature of the trial proposed in the BSIP has yet to be finalised and will depend to a significant extent on how much funding is allocated by the Department for Transport.

However, subject to the proposal it is to undertake the trials in a variety of different markets and geographical areas including potentially a town service; feeder services linked to core schedule routes, and a service in a more mixed rural/urban area to understand if people will use DRT to a greater or lesser extent than the conventional scheduled bus services. A final decision on what happens following the trials will be made by this Council in conjunction with bus passengers who use the service and our bus operators.

Mr Geddes asked the following supplementary question:

Satisfaction among those who use your service if you ask them that it is a little bit like asking National Lottery winners whether they think their ticket was good value. You are only asking the people who manage to use it and enjoy it. I think you are going to find the people who used it find it very satisfactory. The risk is that by making a service that is actually very expensive (because it will turn out to be a bit like a taxi but in an expensive vehicle) what you are going to see is a small number of people do really well and a lot of people unable to make rides because this vehicle has been scheduled for a number of other trips that their needs can't fit into, so can I ask for your promise that all your research will not be limited to the happy people on the bus but that you will extend it to make sure you are picking up the people who ought to be able to travel but perhaps can't?

Councillor K Athwal responded as follows:

I have to say, as I have said in my previous answer, that we are going through this Bus Improvement Partnership at this moment in time and we are in the process of our enhanced partnership working with Community Groups so at this point in time it is all up in the air. We are, as I said earlier, looking to consult far wider with both urban/rural areas to find a workable solution that works for all.

As to your point about a small number of vehicles going round the countryside etc, we as an Authority are here to try and meet the needs of all our residents and we need to look at the best way forward in order to do that. I assure you that when the consultation is completed from the findings of that we will know which way to go and how to plan.

**g) Question from Sue Rodrigues to Councillor N Hoy, Cabinet Member for Adult Care**

Please can you tell Council Taxpayers how much DCC spend on community care package for elderly in the catchment area and how many hours of human contact this provides? We all know how mental and cognitive health decreases when living in isolation and therefore residential care has far more to offer than just practical support. Explain why money going to care business profits could not be better spent building a care hub at Goyt Valley House. This could offer a range of supports including day care, respite and rehabilitation/earlier discharge from hospital. Why does this amazing resource have to be restricted to support for the elderly? I know of families in New Mills caring for younger people with complex physical needs, requiring the skills set of the amazing staff at GVH, who would greatly benefit from respite care. And once we are out of the current Covid restrictions there are so many ways that cross generational projects that could enhance the lives of those that live in and around New Mills. Why is DCC thinking about the future so narrow?

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

**81/21 TO RECEIVE PETITIONS (IF ANY)**

There were none received.

Councillor S Burfoot asked when answers to questions would be published on the website as a point of order that the Chairman responded to.

**82/21 TO RECEIVE QUESTIONS FROM ELECTED MEMBERS (IF ANY)**

**a) Question from Councillor S Burfoot to Councillor C Renwick, Cabinet Member for Infrastructure and Environment**

Given the inevitable loss of millions of Ash trees on public owned land throughout the country, as a result of the dreadful Ash dieback disease, can the Council explain what measures are being taken to fell dead and dying Ash trees on our land and verges; and can we ensure we are in dialogue with all Local Government bodies in Derbyshire and that we are informing all neighbouring landowners with diseased Ash trees all of which

are potentially in danger of falling onto roads and into rivers?

And can we make public our plans to handle this disease in the context of our biodiversity and climate change strategies?

Councillor C Renwick responded as follows:

Ash dieback will kill around 80% of ash trees across the UK. The effects will be staggering. It will potentially change our landscapes locally forever and threaten many species which rely on ash. I believe at least 40 plus insects rely alone on the ash trees and the cost of dealing with this will be in the millions locally and billions nationally.

Just by way of a quick background. Ash dieback is a fungal disease thought to have originated in Eastern Asia and imported into mainland Europe in the 1990s. It is a vascular wilt fungus that blocks the water transport vessels within the tree, firstly causing the leaves to die then lesions in the wood and bark leading to dieback of the twigs, branches and ultimately the whole tree.

The disease is usually fatal for most young ash trees and can kill saplings within one growing season. Larger mature ash with the infection are thought to be more tolerant or decline at a slower rate of several years. The rate of decline in individual trees is highly variable and may be affected by pre-disposing factors such as genetic variation, concurrent disease, pests and climate. Since 2018 there has been a marked increase in the rate of infection and decline.

Estimates for the number of trees in Derbyshire have been based on data from the Tree Council, the Forestry Commission and Derbyshire Lowland Biodiversity Action Plan. The data suggests there are about 8.6 million ash trees within woodlands or wide linear features in Derbyshire. This doesn't include individual trees in hedgerows, fields or urban settings so therefore the total is probably estimated to be more in the region of 9 million.

In Derbyshire as a whole ash is the second most common tree after oak but in the limestone areas of this county, they are the more dominant species. Ash is the dominant tree in the woodlands of the limestone dales where it may comprise of up to 99% of tree cover. These limestone dales of Derbyshire and the Peak District contain the largest areas of ravine woodlands in Great Britain and are the best examples of this habitat in the UK and one of the most important areas in Europe for ash-dominated landscapes and habitats. In fact 21% of the UK's ravine woodland are protected by a Special Area of Conservation which covers about 900 hectares across Dovedale, Monsal, Lathkill, all the way to Matlock Dale.

Our officers have identified ash dieback as a significant risk and added it to the risk register in 2019.

The Countryside Service has been tasked with leading the response to ash dieback and there has been initiated an action plan. We have a dedicated project officer. An initial budget of £265,000 was set aside in the action plan to identify:

- Quantity and scale of the problem.
- Plan an inspection regime for roadside tree issues, including mapping and entry in an asset register.
- Train all site-based countryside staff and establish escalation procedures.
- Carry out desk-based assessment of the location of ash trees utilising detailed site knowledge of staff, with subsequent confirmation on site as required.
- Use latest research to assess individual trees and make management decisions.
- Make preparations to provide advice to other County Council departments.
- Create cross-departmental ash dieback officers' working in groups to develop the Authority's approach.

The Officers' Working Group has been in operation since February 2020 and has assisted the project officer in the development of the Derbyshire Ash Dieback action plan.

The objectives of the Derbyshire action plan are to:

- (1) Provide an overarching plan to identify, communicate and address the risks of ash dieback across Derbyshire.
- (2) To set out how the County Council will identify and manage the risks, particularly with regard to public safety from falling trees and branches and across infrastructure roads, rail and utilities and the wider environment which includes landscape, ecology and ecosystem services.
- (3) Prioritise actions based on agreed timescales and risk level with public safety being a major risk in the short to medium term with environmental risks being a longer-term issue that will require long-term planning and resourcing.
- (4) Identify the likely costs of responding to the disease and identify where extra resources will be needed.

Nationally there is uncertainty about the extent to which ash dieback will impact the ash population. The report, the actual plan which will be produced in the next couple of weeks is based on two scenarios: a worst-case scenario of 90% of ash dieback within a ten-year period and a best-case scenario where around 50% of non-woodland ash are affected.

So apologies, Councillor Burfoot, the action plan report is being presented

to Cabinet this month and without pre-empting the report before it is official I can probably confirm that the plan will require substantial resourcing going forward and depending on the two scenarios we are potentially looking at between £17m and £30m over the next ten to 20 years.

The ash dieback project officer is in regular contact with tree officers in the District and Borough Councils as well as private landowners and statutory agencies such as the Forestry Commission and Natural England.

The inspection regime of the main road network, all major roads of course are annually inspected. The secondary road network and unclassified roads will be inspected over two years instead of the usual five-year rolling basis.

The most effective inspection period to identify ash dieback unfortunately is in the summer when trees are in leaf so that gives us really only a three to four-month survey window annually.

Identified trees are inspected and risk assessed and a decision taken on the appropriate management. Where felling is recommended this is actioned as quickly as possible through the Council Tree Teams or possibly longer term with private contractors too.

I was on site in Shipley and I have seen some felling just last week at Shipley Park. Private landowners are informed of identified trees and the recommended course of management and risk assessments.

In the months ahead we are going to be producing a public information document and "report it" facility to increase awareness of the disease more widely in advance of the next inspection season.

An essential element of the action plan is to minimise the long-term impacts of the disease on biodiversity and climate adaptation. Actions will include identifying and safeguarding trees that exhibit a natural resistance to ash dieback and sensitive management of veteran trees or trees of high ecological value and replanting with alternative tree species that have similar ecological characteristics to ash for species populations associated with ash. Building in resilience to threats from climate change and pests and disease will also be addressed through the new tree planting programme that will increase the diversity of tree species across the county in the years ahead.

Just to add to that, as part of this Council's one million tree planting scheme all our trees will be procured from British nurseries with the approved appropriate health plans.

So our priority in response is protecting life and limb first and foremost and yes, we will be announcing shortly some more engagement strategy. Unfortunately there is no cure or clear method of stopping the spread.

There is some hope though of a natural tolerance for some trees meaning the population could eventually recover letting nature taking its course from the disease. Ash decline could improve future disease and climate change and then increase the genetic diversity planting and mix of native tree species. Just to let you know there are over 900 species of ash.

Finally, in terms of next steps around addressing long-term impacts of diversity there is no silver bullet. We will be taking a lot of advice from the main agencies who have engaged across this nationally.

There was no supplementary question.

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

The public consultation concerning the proposed East-West Cycle Route has been proved to have been woefully inadequate especially along the Chatsworth Road section where many households did not receive the letter which was allegedly sent to all affected residents. Will the Council now reopen this consultation and properly assess the concerns of the residents of Walton and West about this scheme?

Councillor K Athwal responded as follows:

A comprehensive public consultation was carried out as required in law. This was consistent with what the Government recommended to all local authorities throughout the pandemic. Therefore there are no further plans to reconsult, but you have stated very clearly in your question that this Authority's consultation has "proved to have been woefully inadequate". To me, your allegation is totally baseless. On what grounds do you make this statement? You may want to answer that in your supplementary question.

Councillor P Niblock asked the following supplementary question:

The Department for Transport will only fund schemes which meaningfully alter the status quo on the road. At one end of a perfectly sensible off-road route there is an arbitrary road closure, at the other end an unnecessarily complicated and dangerous segregated section. Is this why these have been incorporated in the scheme merely to justify and obtain the funding?

Councillor K Athwal responded as follows:

I don't think our officers in any way can pick a particular route. This was all based on what are the Government's requirements, it was based on the safety of the people of Chesterfield, and the route proposed has been the best possible route that was looked at after detailed analysis of what is available in Chesterfield. I think that is my answer at this moment in

time.

**c) Question from Councillor E Fordham to Councillor Carol Hart, Cabinet Member for Health and Communities**

Rightly, the Council is supporting measures to ensure that PrEP (Pre-exposure prophylaxis) is available across Derbyshire at no direct cost to the patient within the NHS. Given this is an important step in the battle against isolation, stigma, and prejudice within and across the LGBTQ+ communities, will the Council undertake to work with Derbyshire LGBT+, with Derbyshire Community Health Trust and all other NHS trusts who operate within the county to promote this availability and roll-out of PrEP within Derbyshire and will the Council provide regular structures updates to all members on progress?

Councillor C Hart responded as follows:

I believe this was probably something that you wished to discuss with the Director of Public Health and myself some time ago. We did arrange a meeting and you accepted. Unfortunately something happened and you didn't attend but I am quite happy to tell you of all the work that is going off.

The Council is already working with a range of partners to promote the availability of PrEP within Derbyshire. Provision of PrEP in Derbyshire is commissioned as part of the integrated Sexual Health Service provided by the Derby Community Health Services NHS Trust and the Council monitor the availability of PrEP against contractual and national requirements.

The Council and DCHS are working together to ensure that those who would benefit from PrEP are able to access it.

Action is already underway to promote its availability, including working with organisations specific to the population groups eligible for PrEP including Derbyshire LGBT+, also to deliver targeted sexual health and HIV prevention work.

NHS organisations across Derbyshire, including NHS Trusts; GP practices; community pharmacies and other Sexual Health Services are also involved in this work and a PrEP Awareness Event was recently held for all the sexual health professionals.

Further training on PrEP is also being developed. A grant scheme has been established to allow organisations to apply to deliver PrEP promotion and HIV prevention work with their client groups. Availability of PrEP in Derbyshire is advertised on local and national websites, including during the PrEP Awareness Week. Roll-out of PrEP in Derbyshire is happening alongside supporting communities at risk of HIV to access a wider range of sexual health services, support and advice.

As for keeping members involved, I am very happy to keep members involved and they can actually sign up to our public health updates. Any member can sign in for that and also, we can include the information on the Public Health website.

Councillor **E** Fordham asked the following supplementary question:

I ask the question today because it is of course World Aids Day. I am sure the portfolio holder is aware of the epidemiological report which shows the East Midlands' figures? If you look at Derbyshire 50% of HIV diagnosis is diagnosed late. We are the second worst county.

Will she join with me in re-approaching the Community Health Trust? Their promotion of this has been very very slow, and would she be willing to visit the Sexual Health Clinic, certainly in Chesterfield, where promotion of PrEP is entirely absent from every single one of their 17 notice boards? Would she be willing to visit those centres with me in order to chase up the responsible Health Trust and point out that we are investing a considerable amount of money in this and they are not respecting that?

Councillor **C** Hart responded as follows:

It is very difficult for me to comment on things that I don't actually know the truth about. I am quite happy to visit, I am quite happy to listen, but I will say that we do work well with DCHS so I am very disappointed that you seem to be questioning that. Certainly we will follow it up. I will have a conversation with my director and we will see what we can do.

**d) Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care**

Given the pandemic can I ask the Portfolio Holder for Adult Care to detail the measures taken by the County Council to ensure that all Adult Care and Nursing Homes have improved their resilience in the event of a resurgence of the pandemic or indeed a new and different situation. Given we have a role in working with the private health and care sector - how is this monitored, reported and checked by the County Council to ensure it is both effective and thorough?

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

**e) Question from Councillor E Fordham to Councillor S Spencer, Cabinet Member for Corporate Service and Budget**

To ask the Council to make available a list and schedule of properties owned by the County that are currently vacant, not occupied, nor in regular staffed use and to provide a metric for their value and worth and purpose within our portfolio? And to compliment this with an insight into

listed and historic buildings that the Council owns to which we have a responsibility for maintenance? Given the volume of business we have I am happy for this to be a written question only and I am happy to hold it off if you wish to progress further.

Councillor Fordham confirmed that given the volume of business he was happy for this dealt with as a written question.

There was no supplementary question.

**f) Question from Councillor G Kinsella to Councillor S Spencer, Cabinet Member for Corporate Service and Budget**

Many residents in my area are frustrated at the length of time it takes to assess and deliver service requests, particularly Highway's requests. The position is exacerbated by a lack of updates, followed by months of delay. These delays have on occasions been so significant, I have had to ask a Cabinet member to intervene. I understand this is partly because of critical staff shortages, due to recruitment and retention problems.

What is the Council doing to address these issues and when will residents see an improvement in services as a result?

Councillor S Spencer responded as follows:

Let's start with the ETE or Highways Department enquiries list to start with. As you will be aware the Highways Department or the Place Department receives about 90,000 enquiries per annum. A vast majority of these are dealt with within the pre-requisite timeframe but unfortunately some of them are not because they happen to be complicated requests that need considerable investigation to come forward with a clear and definitive answer, but I too share your concern that we should have a structure in place to at least acknowledge receipt of those emails in a suitable timeframe and give a holding response to the member of the public or whomever raises those enquiries. That is why last year we heavily invested in the new CRM System, the Customer Relationship Management System that will come on-stream in the summer of next year which I hope will go some way to address the issues and concerns you have. I think it is fair to say that on occasion some of the enquiries have taken a period of time that I would prefer not to see.

With regard to the retention and staff vacancies we have within the organisation we are not unique in this circumstance. Many Authorities and many organisations across the country are having great difficulty obtaining staff and people with the pre-requisite skills to carry out those duties, particularly in structural engineering areas, engineering works areas and engineering management areas.

We have put in our people strategy which is hopefully going to streamline

the process of recruitment, speed the process up and make the roles that we are advertising more attractive to the people out there with the skills sets required. This does not happen overnight. We are trying our best. We have used interim engagement in some cases, we have used external resources in others, but I must pay tribute to the ETE Department or Place I should say sorry, pay tribute to the implementation of the capital programme that we delivered last year. We introduced a capital programme of £40m last year which is double what it usually has been in previous years and we have two more years of £40m investment in highway infrastructure over the coming two years. That has not been an easy task with the resources and the staff we have available. I pay tribute to those staff who have gone the extra mile to deliver those capital programmes. That should have some impact on the maintenance programmes because our capital investment into infrastructure and assets of the organisation delivers an improvement in the network as a whole and we are I think next year investing £58m in the highways' network in totality. That is a huge undertaking for an Authority of this size with a network and geography the size of Derbyshire, but I do pay tribute to those efforts. I recognise there are issues with regard to the responses that you have mentioned. I am fully onboard with your ambition to improve that but I do pay tribute to the work that has been done.

Councillor G Kinsella asked the following supplementary question:

Just this morning I spoke to a manager within a Service who described his position as being "swamped" with work and being overwhelmed with requests and tasks. He did talk about the mental health impact on another member of his team so clearly this is a serious issue.

Councillor S Spencer spoke about streamlining recruitment and making roles more attractive. Can you give me some examples about how that streamlining in recruitment is taking place and what are the Council doing to make roles more attractive?

Councillor S Spencer responded as follows:

Let's start with the member of staff you have been speaking to, Councillor Kinsella. I would certainly recommend that that member of staff speaks to his line manager and discusses the issues that he has articulated to you and then we can do something about addressing it. I am sure his line manager is in a better place to address it than you are.

Having said that, I would suggest we do need to streamline and enhance the package offers we have available to staff. That is why we are going through the process and the Modern Ways of Working which will bring about significant changes in the way the County Council delivers its services and the expectations placed on those individuals to deliver those services.

You will be fully aware we are going through a process of senior management review at this moment in time. There is myself and two other members on that Committee, including the Leader of the Opposition Group. We are reviewing senior management pay group and we are looking with regard to the Modern Ways of Working at all aspects of service making sure we have the contingencies in place to address the needs of the public whilst recognising the needs of the individual also, giving them the flexibility to work in a place that is convenient for them; giving them the flexibility to deliver the services in the most cost effective, most environmentally friendly way we can do, so there is an awful lot of work going on at the moment, Councillor Kinsella.

I am sure you will see on the Committee you sit on the impact of that work on the environmental footprint of Derbyshire County Council. I hope to see that programme developed over coming weeks and become very clear and apparent to all concerned within the Council, including the staff, the members and the public in general.

**g) Question from Councillor G Kinsella to Council Leader, Cabinet Member - Strategic Leadership, Culture, Tourism and Climate Change**

Derbyshire Pension Fund has over £145 million invested in oil and gas companies which are fuelling climate change and represent a serious financial risk to the Fund.

Globally, more than 1,300 institutions have made a divestment commitment, which equates to a value of around \$14.5 trillion in divested assets. This includes a number of Local Authority pension funds (e.g. Southwark, Islington, Waltham Forest, Merseyside, South Yorkshire, Oxfordshire, Hackney and Haringey).

Boris Johnson has said that “Glasgow has sounded the death-knell for coal power.” In the light of the COP 26 statements about the need for financial organisations and pensions to disinvest from fossil fuels, will the pension fund urgently consider doing this?

Councillor B Lewis responded as follows:

I know you have asked this question in various different guises in various different forums. It is a worthwhile question and it is worthwhile just spending a moment or two going through quite a comprehensive answer.

The Pension Fund invest in a wide range of investment assets on behalf of its participating employers. There are over 330 which includes Derbyshire County Council as the largest of those to support the payment of pension benefits to its members, which cover fiduciary responsibility.

Climate change is considered as part of the evaluation of all those investment risks associated with the fund's diverse portfolio. The Pension Fund's climate strategy was approved last year following consultation with the stakeholders which involved writing to the fund's members and asking for their views. The strategy sets out support for the Paris Agreement and includes clear targets for reducing the carbon emissions of the whole investment portfolio and for increasing investment in low carbon and sustainable investments, very much a position that has been set out by our Government and many governments globally which has set that ball rolling to which industry will ultimately bend.

The Pension Fund's climate related disclosures published in March 2020 report the steps being taken by the fund to manage climate related risks. Updated disclosures are due to be presented at next week's Pensions and Investments Committee and will report on the good progress that has been made against the climate strategy targets.

Over the last few years the fund's exposure to fossil fuel production has been reduced significantly to around 2.5% of the portfolio. At the same time the fund has made commitments of over £275m to renewable energy funds representing around 4.5% of total fund assets. The assets in these funds will include investments in offshore/onshore wind, offshore wind, solar, hydro and battery storage. New investments amounting to around £1 billion have also been made in global sustainable equities representing investments in global companies that are sustainable in financial, environmental, social and governance terms and, where appropriate, that provide solutions to sustainability challenges.

A responsible investment framework was approved at the same time as the Climate Strategy and sets out the fund's approach to engaging with companies to influence their behaviour and enhance their value. This influence would be lost through a divestment approach and any shares sold could be acquired by investors with differing views on responsible investment. Collaborative and coordinated engagement with other like-minded investors has the potential to drive positive changes to companies' business models as they adapt for the transition to a low carbon economy.

Engagement with companies whose products are expected to remain an important part of the energy mix for many years to come, and which are amongst some of the largest developers of renewable energy solutions, forms an important part of the Pension Fund's engagement activities with its engagement partners. It remains vital for the fund to be able to continue to access the widest possible investment universe of investment opportunities and, as a long-term investor, the Pension Fund is well placed to provide support to companies during the energy transition as the Pension Fund progresses towards a portfolio of assets with net zero carbon emissions by 2050.

Councillor G Kinsella asked the following supplementary question:

No doubt those arguments can and are made in the Pensions and Investment Committee. So given that, I just wonder whether the Council Leader and the Chair of the Pensions and Investment Committee would support the facilitation of a presentation to the Committee by an independent and respected financial organisation and think-tank carbon tracker in order to balance those arguments with arguments around the issues to do with the financial risk of continuing to invest in fossil fuels so a fair hearing and a balanced perspective can be taken by that Committee?

Councillor B Lewis responded as follows:

I think I have answered the question in full as to around why we are embarking on the approach we are doing but I am sure if you write to the Chairman of the Pensions Committee, he will consider your request.

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

Cabinet recently decided to move to consultation on the closure of seven of our care homes throughout Derbyshire. In the Conservative Manifesto there was a pledge that “no care home will close without replacement provision.” Can you outline what plans have been made by the County Council to provide replacement provision should any of these homes close?

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

**i) Question from Councillor M Yates to Councillor N Hoy, Cabinet Member for Adult Care**

One of my residents that has a parent living in the East Clune Care Home in your division Clowne commented to me that the “Consultation on future accommodation for older people was not a real consultation”. In his opinion the decision was already made to close the care homes and the council were not really consulting, they were just going through the motions.

Is the consultation a genuine consultation and if the result is the same as the consultation in 2020 will Derbyshire County Council keep all the care homes open as they did in 2020?

Councillor N Hoy would provide a written response as she was unwell and not in attendance at the meeting.

**j) Question from Councillor Gillott to Councillor K Athwal, Cabinet**

## **Member for Highways Assets and Transport**

In June 2021, the Leader of the Council announced that he was initiating a survey inviting people to give their views on the current speed limits for the A61, Derby Road, south of Chesterfield.

In September 2021, the Leader of the Council announced that he was initiating a survey inviting people to give their views on his short, medium and long-term plans for the A61, Derby Road, south of Chesterfield.

Could the Cabinet Member for Highways Assets and Transport give me an update on how these two surveys are progressing and what, if any, initial conclusions his department has drawn from the responses to them?

Councillor K Athwal responded as follows:

We fully recognise the issues with the flow of traffic on the A61 south of Chesterfield and have been working closely with partners, particularly North East Derbyshire District Council, to address them.

At the Cabinet meeting on the 6 December, next Monday, we will consider a decision to launch a public consultation exercise on traffic issues on the A61 south of Chesterfield. Subject to Cabinet's approval we will undertake this consultation during the current financial year. This will enable the Council to engage with the public over short, medium, longer term plans for this stretch of the A61 and the issues that they are currently facing, including the speed of traffic.

Councillor K Gillott asked the following supplementary question:

It is roughly what I expected. My concern with all of this is as the local member I am finding out things by social media and/or the local press. I don't think that is an appropriate way for an Authority to work and as the local member this is clearly an issue that is of great concern to my community, which is why I keep raising it, so I would ask you today would you give an undertaking that assuming the Cabinet goes ahead with that consultation - and again I found out about that by accident, the Authority didn't tell me the paper was there I just happened to read it when I was reading the Cabinet papers - but if the consultation does go ahead would you give me an undertaking that you will at least involve me in that so I get a briefing as to what the outcome is and I don't have to read it in the paper?

Councillor K Athwal responded as follows:

My understanding is you are not really the "local member", that is first and foremost and, secondly, you are not finding information out from the local media you have had a detailed briefing from one of our senior managers on the A61 and the issues that are on there.

I have already mentioned there is a paper going to Cabinet next Monday. If Cabinet approves that then there will be a further consultation and then the results of the consultation will be shared to how to improve the A61 but it seems to me with yourself, Councillor Gillott, it is a case of do as I say not as I do because I believe you were party to all these issues that have happened as a longstanding member of the North East Derbyshire District Council, also as a County Councillor, also as a previous Assistant PCC for four years, so you could have dealt with these issues yet you leave it to this administration to sort the issues out, the mess that you left. We are endeavouring to do that. There is a paper going to Cabinet next week and I will endeavour to sort these things out.

**k) Question from Councillor M Ford to Councillor S Spencer, Cabinet Member for Corporate Service and Budget**

Would Cllr Spencer please comment on the recent issues raised in the media concerning appropriate Council employees assisting members with their e-mail correspondence?

Councillor S Spencer responded as follows:

You will note I have moved to the front of the room so I can look directly at the person I am referring to.

It has been custom and practice at this Authority to provide secretarial support for all elected members and before I go any further, I want to pay tribute to those members who dedicate their lives to delivering a service that we can be proud of. I have to say in all the time I have been on this Authority those staff do everything they can to accommodate the needs of us all from whatever Political Party, whatever badge we wear, whatever requests we make. As far as I am concerned it is a sad day when I have to stand here and say this because I say it often enough to them, those individuals concerned.

On a personal level I will say it will be nigh on impossible for me to carry out my duties without the secretarial support that I receive from my colleagues in the office and I want to pay tribute to that individual in her own right.

It was brought to my attention that the Leader of the Liberal Democrats, Councillor Fordham, made an allegation to the Head of Legal Services and the Head of CCP at the time about his emails being accessed illegally and his emails being tampered with by members of staff. Following that allegation the Data Protection Officer was immediately requested to carry out a review, which she did in a two day period and reported back to Cabinet and to Councillor Fordham that no breach of GDPR had taken place, but to make sure we have total transparency this Authority submitted itself to the Information Commission to clarify that position,

which the Information Commission has done.

I think the only issue I could raise is within that process our staff have access to our emails, that has been custom and practice for many years. Perhaps the paper trail can be improved and that will be reviewed, but my biggest concern, colleagues, is that Councillor Fordham instead of allowing an opportune period of time for our officers to investigate this went immediately to the press and made allegations that our staff here in County Council were illegally accessing his emails, tampering with them, altering them, and he was ably assisted by the *Derbyshire Times* in this allegation.

Well I for one find it totally unacceptable that a member of this Council can attack a group of officers within our organisation when they have no recourse or no defence for themselves. Pick on me by all means, councillor, but don't pick on the staff.

As far as I am concerned, Chairman, Councillor Fordham had a motion in this afternoon. Now I understand, unbeknown to me, that he organised a meeting this morning with those staff that he is alleged had acted inappropriately to apologise.

Well, Councillor Fordham, an apology behind closed doors and not in front of the media and this Council is not acceptable to me because you owe the whole of Derbyshire County Council staff an apology making these allegations.

Today Chairman I am angry, as you can probably tell, because I find it utterly abhorrent that an elected member can go about his business and use our staff in such a way to gain political momentum.

So, Councillor Fordham, you have pulled your motion for this afternoon, you have got cold feet and I understand why because I know there are more than 60 members in this room who were looking forward to debating with you this afternoon. I know those members would have been very much in my camp as far as the way you have behaved. I for one am not finished with this particular issue yet because I expect a public apology from you to the public, to the Council, through the press if you like because you seem to be able to dictate to *Derbyshire Times* what is printed. They don't even print the response that came from the County Council in full but they gave you three pages. So Chairman, in all I have made my views clear and if you can't do that and be big enough to step forward and give an apology to those individuals in a public fashion, I will take matters into my own hands.

Councillor M Ford asked the following supplementary question:

Like Councillor Spencer, and I am sure like many others, I was appalled to see the attack on our staff in the mail by a member who has been on

here five minutes. I have been on here since 2005 and I know others who have been on here a lot longer than me and I wouldn't have a clue how to do my job without the help and assistance of our excellent, excellent support staff. I will go a bit further, not just the support staff but every member of staff I have come across in this Council has been professional and have worked with me with complete openness and complete honesty.

For Councillor Fordham to go to the press, as Councillor Spencer said to attack them in the way he did was abhorrent. It was crass and it was puerile, so would Councillor Spencer agree with me that all our staff, *all* our staff, but especially the support staff who operate using sensitive data operate in the most open, honest, sensitive and secure way possible?

Councillor S Spencer responded as follows:

Chairman, I expect high standards from our staff, as I expect high standards from our colleagues and myself as well for that matter. What I will say to you, Councillor Ford, is that I believe our staff who act in our best interests are dedicated to what they do in serving the public and their roles are so diverse. Councillor Fordham surely knows that when he shortly after the election was in and out of our office asking advice on numerous issues of numerous members of staff he was given as much assistance as he could possibly be given, that has always been the case with the individuals concerned, but the trouble with the media expression that took place it undermines not just those individuals it undermines a process in which our staff are suspected of doing something they have not done and I will say today, Chairman, I have every confidence in the measures that are in place. I will look at them and I will enhance them if required and I will also carry out a review of whether secretarial support is needed for all members of this organisation.

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

Having seen the recommendations of officers that the school walking routes from Whaley Bridge and Chinley to Chapel High School are both currently safe for children, I am very grateful to the cross-party group of councillors who formed the Walking Route Assessment Panel for their impartial views on the routes.

When will the Council be issuing the results of these assessments and will the Executive Member confirm that a panel of democratically elected and accountable councillors will continue to assess all school walking routes where communities have justifiable concerns for children's safety?

Councillor A Dale responded as follows:

I just want to start by offering a bit of clarity in relation to your first point around officer recommendations.

The current process that we follow is that Panel members conducting the assessment receive background paperwork which reminds them of the criteria they need to follow as well as route information, some officer comment, and information around previous recordings of accidents. The paperwork does not specify a recommendation from officers for whether or not the route is safe, that is left open to members on the Panel to determine. That is not to say though that officers who accompany members on the walks to provide technical advice are not entitled to their own professional opinion but I would just like to be clear that the two things are obviously quite different.

In relation to the two specific assessments you have highlighted my understanding is the reports are being finalised this week and are therefore due for a decision imminently within the next few weeks.

Finally in regard to your latter point I can confirm that we are currently reviewing the process in relation to the route assessments and that is because we are mindful of the time it takes from a request being made to a decision being taken. It can be quite prolonged which clearly isn't in the best interests of children and parents involved. Often some of the challenges are in arranging the Member Panels themselves. They can be quite a task because of the need for volunteers to come forward, the distances involved in terms of some members having to travel, and also the coordination of diaries. It is important that we also consider the use of technology now and how it might be able to assist us in moving forward. I would add, though, that no decisions have been taken as yet and we will consider various options but I can absolutely assure Councillor George that democratic accountability and the participation of elected members will continue to be a key feature within any new process which is agreed.

Councillor R George asked the following supplementary question:

I am glad to hear that the assessments will shortly be coming forward. They are much awaited by those parents.

I am concerned at the review of the process that you have just announced because actually going and walking a route alongside a road with heavy vehicles with traffic in all sorts of weather is a key part of what we expect children to do and therefore it should be something that we expect our councillors to be able to do. Actually the councillors on that Walking Route Assessment Panel I found on both those routes to be remarkably versatile, they were really accommodating. They came out to both routes very quickly as soon as it was announced that they could go ahead. I think the Council needs to take that into account and not try and downgrade that important role of elected members from across the county by claiming that there is an issue with diaries because that simply hasn't been the case.

Councillor A Dale responded as follows:

I am not sure if it was a question, but I will attempt to just come back because I did feel I ought to clarify a little bit.

I want to be absolutely clear that I myself have attended a number of these walks over the past four years so I fully appreciate and fully accept the role that elected members play and fully value it as well. What I was saying there around the review was not in any way - and I did make it pretty clear in my final remarks - that democratic accountability and participation of elected members will continue to be a key feature with any new process. I did make it pretty clear I think that that was going to continue to be the case. There wasn't any expectation that the walks wouldn't necessarily happen.

I would just add though that part of the reason behind the review actually is we have looked back at the policy itself and it doesn't include the mention of elected members. If you go by the policy alone it refers to officers undertaking the review so at the moment, we are doing something based on convention which has made the review necessary. I just thought that point is pretty important to add, I didn't want her to think it was a review that was completely unnecessary.

I think the point she is making around them not being that difficult to organise I would like to put her in the shoes of my own secretary who does have to organise these routes and I know she pulls her hair out virtually every time because it is quite difficult to get members to come forward. I would encourage all members, including Councillor George, to put their names forward to do more of these routes. If they want to see elected members doing them and walking them then we need councillors to come forward so I would encourage all members, including her, to put themselves forward for doing them.

**83/21 APPOINTMENT OF THE MANAGING DIRECTOR - DIRECTOR OF LEGAL & DEMOCRATIC SERVICES AND DIRECTOR OF ORGANISATION DEVELOPMENT & POLICY**

*Ms Alexander left the room while this item was considered*

Council gave consideration to a report that confirmed on 15 September 2021, Council had approved a new role of Managing Director to its structure. Council had also agreed that the role should be advertised internally and externally and appointed to through an open and competitive process, supported by an external recruitment partner.

As permitted within the Council's constitution, an Appointment Panel consisting of Councillors Lewis, Spencer and Dixon had been formed to participate in the recruitment process and consequently the Panel had made recommendations to Council in respect of the appointment. The

panel were supported in the recruitment and selection process by the Director of Organisation Development and Policy with Penna PLC awarded the contract as the external recruitment partner.

Details of the full recruitment process were contained in the report.

Following the recruitment and selection process, the Panel had agreed to recommend that Emma Alexander should be appointed as Managing Director with effect from 6 December 2021. Council agreed on 15 September 2021 that the Managing Director would fulfil the statutory role of Head of Paid Service upon taking up post.

Given the appointment of an internal candidate to the role of Managing Director, the role of Executive Director Corporate Services and Transformation would as a result become vacant. It had been proposed that this role was appointed to on a temporary basis to enable the Managing Director role to be implemented as soon as possible.

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

**RESOLVED to:**

- 1) Approve the appointment of Emma Alexander to the role of Managing Director, with the role formally designated as Head of Paid Service, with effect from 6 December 2021;
- 2) Authorise the Head of Paid Service to appoint to the role of Executive Director Corporate Services and Transformation on a temporary basis of no more than 6 months, in consultation with the Chair and Vice-Chair of the Appointments and Conditions of Service Committee, and approve the salary for the role at the bottom salary point of Grade 20, currently £117,869 per annum; and
- 3) Note the renaming of the former CCP department to the Corporate Services and Transformation department.

**84/21 PERFORMANCE MONITORING AND BUDGET MONITORING/FORECAST OUTTURN 2021-22 AS AT QUARTER 1 - MANAGING EXECUTIVE DIRECTOR AND DIRECTOR OF FINANCE & ICT**

Council gave consideration to a report that presented both Council Plan performance and financial budget monitoring and forecast outturn data as at 30 June 2021.

The Performance Summary set out the progress the Council was making on delivering the Council Plan with a focus on the achievement of the Council Plan priorities.

The Revenue Budget Position and Financial Summary provided an overview of the Council's overall budget position and forecast outturn as at 30 June 2021.

Appendices to the report summarised progress on Council Plan deliverables and the controllable budget position by Cabinet Member Portfolio for 2021-22 as at 30 June 2021. Further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

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

**RESOLVED** to note:

- 1) The update of Council Plan performance and the Revenue Budget position/forecast outturn for 2021-22 as at 30 June 2021 (Quarter 1); and
- 2) The position on General and Earmarked Reserves.

**85/21 ANNUAL REPORT OF THE CHAIRMAN OF THE GOVERNANCE, ETHICS AND STANDARDS COMMITTEE - DIRECTOR OF LEGAL & DEMOCRATIC SERVICES & MONITORING OFFICER**

Council gave consideration to a report that confirmed the terms of reference for the Governance, Ethics and Standards Committee as outlined at Article 11 of the Constitution required the Chairman to provide an Annual Report to full Council. The report outlined the work done by the Committee over the last year and provided an indication of the work programme for the next municipal year.

The report of the Chairman of the Governance, Ethics and Standards Committee had been attached at Appendix 2 to the report and was presented by Councillor R Flatley.

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

**RESOLVED to** receive and note the report of the Chairman of the Governance, Ethics and Standards Committee.

**86/21 REVISIONS TO THE COUNCIL'S CONSTITUTION - DIRECTOR OF LEGAL & DEMOCRATIC SERVICES & MONITORING OFFICER**

Council gave consideration to a report setting out proposed amendments to the Constitution that had been considered by the Governance, Ethics and Standards Committee at its meeting on 20th October 2021 and the Committee resolved to recommend those amendments to Council. A copy of the report to the Governance, Ethics and Standards Committee

detailing the specific changes proposed had been included at Appendix B to the report.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to approve the proposed amendments to the Constitution as set out in the report and as recommended by the Governance, Ethics and Standards Committee.

**87/21 DERBYSHIRE YOUTH JUSTICE PLAN 2021-22 - EXECUTIVE DIRECTOR - CHILDREN'S SERVICES**

Council gave consideration to a report which sought approval of the Youth Justice Plan prepared in accordance with Section 40 of the Crime and Disorder Act 1998, as part of the Council's Policy Framework.

Section 40 of the Crime and Disorder Act required the local partnership to produce an annual youth justice plan. It stipulated that the Local Authority, in consultation with the partner agencies, formulated and implemented an annual youth justice plan, setting out:

- how youth justice services in their area were to be provided and funded;
- how the youth offending service would be composed and funded, how it would operate, and what functions it would carry out.

The plan had been drawn up in conjunction with YOS strategic partners, in accordance with the detailed Youth Justice Board guidance and was submitted ahead of the Youth Justice Board deadline of 30th June.

The Youth Justice Plan was a plan required by legislation. It was also one of the plans making up the Policy Framework. As the Plan related to an executive function, it was formally approved by Cabinet on 9th September 2021. However, as part of the Policy Framework, it also required approval by full Council.

On the motion of Councillor J Patten, duly seconded, it was

**RESOLVED** to

- 1) Note that Cabinet had approved the Youth Justice Plan; and
- 2) Approve the Youth Justice Plan as part of the Policy Framework.

**88/21 CHANGES TO COMMITTEE MEMBERSHIP - DIRECTOR OF LEGAL & DEMOCRATIC SERVICES & MONITORING OFFICER**

At the Annual Meeting of Council on 26 May 2021, Council approved the

appointments to Committees including the Governance, Ethics and Standards Committee. Council considered a report proposing changes to Committee membership and outside body representation which needed to be approved as detailed below:

- Councillor Stuart Swann be appointed as Chairman of the Governance, Ethics and Standards Committee; and
- Councillor Robert Flatley be appointed as Vice-Chairman of the Governance, Ethics and Standards Committee.

Cabinet appointments and portfolio responsibilities were determined by the Leader of the Council. Councillor Robert Flatley had replaced Councillor Nigel Gourlay as the Cabinet Support Member for Education and the Council had been notified of the following amendments to the County Council's representative on the outside bodies associated with that position, which Council was requested to approve with immediate effect:

- Councillor Robert Flatley to be the County Council's representative on the Derbyshire Information Advice and Support Service for SEND;
- Councillor Robert Flatley to be the County Council's representative on the Derwent Valley Mills World Heritage Site Education Trust (Trustee);
- Councillor David Muller to be the County Council's representative on Derbyshire Healthcare NHS Trust Foundation Trust Partner Governor.

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

**RESOLVED**, that with effect from 2 December 2021, to:

- 1) Approve the appointment of Councillor Stuart Swann as the Chair of the Governance, Ethics and Standards Committee and Councillor Robert Flatley as Vice-chair; and
- 2) Note the change to the Cabinet Support Member for Education and agree that Councillor Gourlay is replaced by Councillor Robert Flatley as the County Council's representative on the Derbyshire Information Advice and Support Service for SEND and the Derwent Valley Mills World Heritage Site Education Trust (Trustee); and Councillor David Muller as the County Council's representative on Derbyshire Healthcare NHS Trust Foundation Trust Partner Governor.

Council gave consideration to a report outlining that the Derbyshire County Council Independent Remuneration Panel comprised of five members, none of whom were members of the Council or any of its committees, nor an employee of the Council. Panel members were appointed for a period of four years and no member may serve for more than two terms of office of four years.

Members would recall that Council approved the proposal to recruit two members to the Panel on 24 March 2021 to fill two vacancies.

Following a public advertisement, interviews were held on 17 and 20 September 2021. Two of the three candidates interviewed were considered suitable for appointment to the Panel; namely Mr Peter Clay and Peter Clifford.

Satisfactory references had been received for both candidates and it had been proposed that Council approve their appointment to the Independent Remuneration Panel for an initial four-year term.

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

**RESOLVED** to approve the appointment of Mr Peter Clay and Mr Peter Clifford to the Independent Remuneration Panel for a four-year period from 2 December 2021.

**90/21**    **DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY - DIRECTOR OF LEGAL & DEMOCRATIC SERVICES & MONITORING OFFICER**

Council gave consideration to a report setting out that 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 was usually known as the 'Forward Plan'. The Regulations recognised that in the case of urgent decisions, this was not possible.

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 the report to be submitted on a quarterly basis to full Council.

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

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED to note:**

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

A short adjournment took place between 4:04 and 4:10 pm.

**91/21 MOTIONS**

Council considered the Motions of which due notice had been given, as set out below:

**Motion submitted by Councillor E Fordham:**

Motion proposed by Councillor E Fordham, which was duly seconded:

Enhancing the Peak District National Park. This Council notes:

1. The 90th anniversary of the mass trespass of Kinder Scout on 24<sup>th</sup> April 1932
2. That the Peak District National Park - itself 70 this year - was the first created in the UK following the National Parks and Access to the Countryside Act in 1949
3. That the Peak District National Park Authority is a valued partner to the County Council and provides focus and function to the work of preserving and enhancing our environment
4. The publication of The Glover Report entitled Landscapes Review: National Parks and AONBs, and its significance for Derbyshire and our economy

This Council resolves:

1. To set up a cross Party Working Group comprising the Leaders of all political groups or their nominated representative, Cabinet Member for Infrastructure & Environment and the Chairs of the Improvement and Scrutiny Committees – Places, and Climate Change, Biodiversity and Carbon Reduction:
2. To engage with the Landscapes Review with the following principles:
  - a. Honestly reflecting our opinion in respect of the service the National Park Authority has provided
  - b. To consider carefully the new and enhanced powers being proposed

- c. That this is a good time to seek views within Derbyshire on the Park Authority and its role and powers
- d. To reflect positively on what will work best for the future for the Peak District, the people who live and work there, and the assorted local government authorities

After discussion Councillor Fordham agreed that this motion should not be put to the vote and be resubmitted at a later point in time where it would be more appropriate.

**Motion submitted by Councillor T King:**

Motion proposed by Councillor T King, which was duly seconded:

Derbyshire County Council

(i) Acknowledges:

- the efforts that this Council has made over the last four years or so to reduce greenhouse gas emissions and promote renewable energy;
- the success of the Council's Green Entrepreneurs Fund in, amongst other things, encouraging community energy schemes and in enabling communities to potentially move towards self-sufficiency in supplying their own energy needs via 'green' methods;
- renewable energy installations will gain the support of local residents and other stakeholders when appropriately located and deliver genuine benefits to the communities they serve.

(ii) Further recognises

- that large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being near impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation could create opportunities for local companies, community groups, and Councils, where supported by local residents, to be providers of locally generated renewable electricity directly to local people, businesses and organisations, if they wished, and
- that revenues received by such local companies, community groups or Councils that chose to become local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local

greenhouse gas emissions.

- Notes that the Parliamentary Environmental Audit Committee, as a result of its 2021 Technological Innovations and Climate Change inquiry, recommended that a Right to Local Supply for local energy suppliers be established to address this.

Therefore, this Council resolves to

- support the Local Electricity Bill, which, if made law, would establish a Right to Local Supply which would promote appropriate local renewable electricity supply by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company,
- inform local media outlets of this decision,
- invite the Leader of the Council to write to local MPs, asking them to support the Bill, and write to the organisers of the campaign for the Bill, Power for People, expressing its support.

The motion was duly voted on and declared carried and Council:

**RESOLVED to**

- 1) Support the Local Electricity Bill, which, if made law, would establish a Right to Local Supply which would promote appropriate local renewable electricity supply by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company;
- 2) Inform local media outlets of this decision; and
- 3) Invite the Leader of the Council to write to local MPs, asking them to support the Bill, and write to the organisers of the campaign for the Bill, Power for People, expressing its support

**Motion received from Councillor G Kinsella:**

Motion proposed by Councillor G Kinsella, which was duly seconded:

Derbyshire County Council notes the following outcomes from the COP26 Global Summit:

Local government role:

That the Glasgow Climate Pact recognises a crucial role for communities and local authorities. By “recognising the important role of ... local communities and civil society, including youth and children, in addressing

and responding to climate change, and highlighting the urgent need for multilevel and cooperative action.” Furthermore, the Pact explicitly calls on us “to actively involve ... local communities in designing and implementing climate action.”

Active Travel:

That the COP26 declaration on accelerating the transition to 100% zero emission cars and vans states: “a sustainable future for road transport will require wider system transformation, including support for active travel, public and shared transport, as well as addressing the full value chain impacts from vehicle production, use and disposal.”

Sustainable production and consumption:

That the COP26 Glasgow Leader’s Declaration on Land Use, signed by the UK, commits to “facilitate trade and development policies, internationally and domestically, that promote sustainable development, and sustainable commodity production and consumption, that work to countries’ mutual benefit, and that do not drive deforestation and land degradation.”

UK Net Zero Forum:

That shortly before the Glasgow conference the UK government published its Net Zero Strategy, which includes the intention to establish a Net Zero Forum to coordinate the strategy with local government.

This Council believes:

That COP26 failed to provide:

- The national targets that could put the world on course for limiting global average temporary rise to 1.5C
- The carbon price mechanisms needed to shift the world economy away from fossil fuels
- The necessary finance for the less developed nations to develop without fossil fuels or to deal with the loss and damage caused to them by wealthier nations that are historically responsible
- Provision to outlaw all loopholes in ‘offsetting’ mechanisms
- Commitments to phase out fossil fuels

The chances for a strong outcome from COP26 were weakened by the UK Government’s mixed messages on climate action:

- The reduction in tax on internal flights
- The continued commitment to new fossil fuel extraction in Cumbria and the North Sea oilfields
- Cuts to overseas aid

That the Climate Change Committee is correct when it states that it is “crucial for the [Net Zero] Forum to promptly develop an agreed understanding of the role of local government in delivering Net Zero. Furthermore, Government must ensure that critical enabling processes, such as the planning system and appraisal methodologies, are properly aligned to these pathways. Coherent, predictable and long-term funding settlements will help realise effective local delivery that works across communities.”

This Council resolves, in line with the Glasgow Pact and associated declarations:

- To develop the ‘golden thread’ – the alignment of performance measures with the objectives of the Climate Change Strategy. These metrics are part of the Council’s performance framework and ensure that every Council service, teams and individuals are clear on the measures that are used to hold them to account on how they are contributing to the Council’s net-zero journey.
- To achieve the ambitions set out in the Climate Change Strategy and linked to team and individual performance, the Council speed up delivery of appropriate carbon literacy training for Council staff and members.
- To provide for genuine public engagement, that recognising the diversity of our community, in designing and implementing climate actions. Also, for this engagement to make a difference and not be a ‘rubber stamp’ on existing plans.
- To strengthen strategic partnerships with Districts, Parish and Town Councils and anchor institutions such as the local NHS Trust, schools, businesses and economic partners, the aim being to provide and regularly update plans for decarbonising both their own activities and their supply chains.
- To play our part in the wider transport system transformation, including support for active travel, public and shared transport.

The motion was duly voted upon and declared LOST.

## **Motion received from Councillor R George:**

Motion proposed by Councillor R George, which was duly seconded:

Resolution to become a Living Wage Foundation Council and to Make Flexible Working the Default

This Council recognises:

1. The vital work done by County Council staff across all grades of pay, including those in care, schools, maintenance and administration who have been on the frontline in person or by phone to support vulnerable residents during the pandemic and we thank them for the sacrifices they have made.
2. That our frontline services are suffering from a crisis of recruitment that is affecting our service delivery to those who most need us, in spite of the hard work and dedication of existing staff.
3. That a fair level of pay and flexibility over hours of work are essential to enable the Council to recruit and retain the skilled staff we need at all levels.
4. That over 70 Councils are already accredited by the Living Wage Foundation as Living Wage employers, as championed by the Prime Minister as Mayor of London, not only investing in their staff but supporting their local communities and economies.
5. That the real Living Wage, as set by the Living Wage Foundation is currently £9.90 an hour compared to Grades 1 and 2 in Derbyshire which apply to many catering staff are £9.25 an hour, Grade 3 which applies to many care staff is £9.43, Grade 4 is £9.62 and Grade 5 starts at £9.81 an hour.
6. That the Government has indicated they wish to see flexible working become the default and is running a consultation to put this into practice, stating, "Flexible working can be particularly valuable for those who need to balance their personal lives with their working lives, including those with caring responsibilities. It can also bring benefits to employers – attracting more applicants and increasing productivity and motivation levels among staff."

To recognise and support the valuable work of Council staff in all departments, and to aid recruitment to vital frontline roles, Derbyshire County Council therefore resolves:

1. To become a Living Wage employer, accredited by the Living Wage Foundation

2. To implement the recommendations of the Government's consultation, 'Making Flexible Working the Default', including giving serious consideration to flexible working arrangements for all staff and successful job applicants who request it, and making this clear in our recruitment.

The motion was duly voted upon and declared to be LOST.

**Council Procedure Rules - Standing Order 4.1**

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** that under rule 4.1 of the Council Procedure Rules within the Council's Constitution relating to the time meetings should end (5pm) Council agreed the meeting should continue for a period of 25 minutes to enable the remaining business on the agenda to be considered.

**Motion submitted by Councillor W Major**

As Councillor Major had submitted apologies for the meeting, the motion was not moved and therefore not considered

**Motion submitted by Councillor E Fordham:**

The motion was withdrawn by Councillor E Fordham.

The meeting closed at 5.10pm.