

PUBLIC

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 15 September 2021 at County Hall, Matlock, DE4 3AG.

**PRESENT**

Councillor T Ainsworth (In the Chair)

Councillors R Ashton, K S Athwal, N Atkin, J D Barron. B Bingham, S Bull, S Burfoot, A M Clarke, D Collins, C Cupit, A Dale, C Dale, J E Dixon, D Du Celliee Muller, R Flatley, M Ford, E Fordham, A Foster, M Foster, R George, A Gibson, K Gillott, D Greenhalgh, A Griffiths, 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, R Mihaly, P Moss, D Murphy, G Musson, P Niblock, R A Parkinson, J E Patten, L Ramsey, R Redfern, C Renwick, P Rose, J Siddle, P Smith, S A Spencer, A Stevenson, A Sutton, S Swann, D H Taylor, D Wilson, B Woods, J Woolley and M Yates.

**63/21** **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors D Allen, N Gourlay, L Grooby, J Nelson, and J Wharmby.

**64/21** **DECLARATIONS OF INTEREST** There were no declarations of interest.

**65/21** **CHAIRMAN'S ANNOUNCEMENTS** There had been scenes of devastating floods sweeping across parts of Europe in July and dreadful news that dozens of people had lost their lives. Parts of Germany had been particularly hard hit by these floods caused by days of very heavy rainfall and as well as the tragic loss of life considerable damage had been caused to infrastructure, including people's homes.

On behalf of the Council, Councillor Barry Lewis wrote to the President of Germany and other Regional Leaders to offer deepest condolences and support.

Congratulations had been offered on behalf of the Council to the amazing Paralympians who took the world by storm in the Paralympic Games in Tokyo. Following on from an impressive show of the GB Olympic team, the Paralympians gave twelve days of amazing sport, coming second in the medal table to China and bringing home 124 medals overall. That was 41 golds, 38 silvers and 45 bronze. What a fantastic achievement by all involved with all our athletes showing true

grit, passion and determination and dedication in what was clearly quite a challenging games due to the continuing prevalence of Covid-19.

There had been a recent stunning victory at the US Open Tennis Championship by Emma Raducanu. Congratulations had been given to Emma on behalf of the Council on her amazing win.

The Chair expressed the pleasure of working with Jane Parfremment, the Executive Director of Children's Services who would leave the Council on the 23 September. On behalf of the Council, enormous thanks had been given for the outstanding work that Jane had done for Derbyshire and the children over the last four years.

Jane had taken over Children's Services at a time when there was a degree of turbulence. She had shown that she had made a huge amount of improvement working with the team within Children's Services in really driving through some improvements and standards and helping the county to improve and pick back up. A huge thank you had been given to Jane for all her efforts from the Cabinet Member for Education.

Derbyshire County Council's HR function had been awarded the 2021 Team Award for Service Superstars by the Public Services People Managers Association. This award was in recognition of the dedication and commitment to all HR colleagues across the fantastic HR function in the response to the Covid pandemic. HR colleagues had also remained focused on deploying the new HR operating model and delivering the organisational priorities acting with true professionalism and integrity throughout.

HR Colleagues had worked hard over the last two years to not only transform and progress as a function and a team, but also to enable the organisation to successfully continue to meet the needs of residents and communities during what had been an unprecedented time.

As a winner of this award Derbyshire was in the running for the overall gold award for 2021 which was due to be announced on 15 September 2021.

The Public Health Team at Derbyshire County Council had reached the final of the National Municipal Award in the category of Public Health Improvement. The team had been shortlisted alongside five other Councils specifically for its work in tackling the Covid-19 pandemic. The outstanding achievement recognised the skill, hard work and dedication of the Public Health Team and teams across the Council in supporting the people of Derbyshire through such an unprecedented time. The Chair wished Dean Wallace, the Director of Public Health and his team the best of luck for the announcement and thanked him and the

staff, partners and communities for all the work they had done over the last 18 months.

**66/21**            **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 14 July 2021 be confirmed as a correct record.

Councillor Fordham requested that his vote against approving the minutes be formally recorded for the reason that the verbatim record of the meeting was shorter than the minutes.

**67/21**            **REPORT OF THE LEADER**    The Leader had confirmed that it had been lovely to be back in County Hall for a full Council meeting after such a long absence. Allied to that, of course, it had been seen that there were still some system pressures around Covid-19 across the country but that would also bound to be in Derbyshire as well. It had been important to recognise that Derbyshire still needed to do their bit to ensure that we do what we can to tackle Covid-19, not just as an organisation and within the organisation, but within our communities as well. The pressure came not particularly - although it was significant - just from Covid-19 but from other pathogens that may occur across the season as well. That was something we needed to be mindful of. It was still just a matter of good basic hygiene at this moment in time that was still important, as we heard from the Prime Minister's and the Chief Medical Officers' announcements yesterday.

The Climate Change Strategy would be coming through the various mechanisms of the Council before the end of this year. Not least of all it would be going to pre-Scrutiny which was something relatively new in the organisation to be done in this way as before it would go through Cabinet and Council and be considered in that forum. The Leader looked forward to bringing that to Council after it has been through that process because that is important to what we do as an organisation to tackle climate change not just as an organisation but also the County's economy as well is tremendously important.

Very recently we saw the distressing images from Afghanistan and how quickly it fell after the withdrawal of American and allied troops from the region. We were doing our bit as a local authority working with our District and Borough colleagues. There was quite a considerable amount of work around what we could do to support the Afghan LES refugees coming to the UK around benefits, education and social care support. We had a lot of experience of this through the Syrian refugee processes and of course we would make sure that all that experience

was put to good use to ensure we could support those families as they come to our communities in Derbyshire.

Over the summer period there was much activity going on with Government around the issue of “County deals” and “Levelling Up”. The Prime Minister made an announcement in July on County deals and gave some thought as to how they were going to be fleshed out. He and the Secretary of State invited pilot authorities from across the country to become pathfinders, potentially pathfinders of the new County deals process. Derbyshire had put themselves forward as one of those pathfinders and we were, we believe, one of a number of around 20 local authorities across the UK to do so. It was an interesting process and promised to bring devolution like powers to counties based on ceremonial footprints, so that would include ourselves and potentially Derby City as well. We had opened a constructive dialogue with Derby City around that potential. We had already been exploring some synergies around this through the Vision Derbyshire approach and we would continue to do that as part of however these County deals might evolve over time. That was not to say we would definitely become a pilot and therefore a pathfinder, that was a long drawn out process potentially that may go on some years if we were not called forward as a pilot in the early phase. That was likely to be announced around the time of the Levelling Up White Paper and pathfinders announcement in the spring budget. It was to our benefit if we could become a pilot and pathfinder because potentially that was where there may be more money upfront for County deals.

Reassurance had been given that this was not local government reorganisation this was working collaboratively with colleagues in the Districts and the City to pull together a potential deal around County deals. We were working through a Vision Derbyshire approach with local authorities across Derbyshire and we would keep members informed.

Derbyshire Day was coming up on the 22 September. There would be some activity going on in Derbyshire. Part of that process was around extending the season for Derbyshire as we moved into the autumn. We still wanted to have a vibrant tourism economy going through autumn and winter particularly to help the recovery from the Covid situation faced during the last 18 months or so. County Hall would be illuminated green and we would be illuminating and hopefully encouraging others to illuminate buildings around the county in a similar colour. It was being led by Radio Derby, as we know.

Another thing which was allied to this had been the Shine a Light which was another scheme to extend the tourism season. That would be a light show, wrapped around Chatsworth House and Cromford Mills

starting in October. All members had been encouraged to go and enjoy the sights and sounds of Derbyshire in the autumn and winter.

Councillor George noted the importance of the economic recovery which would indeed be vital across Derbyshire and hopefully a key part would be the funding that the Council was bidding for, including the Community Renewal Fund. The area that Councillor George represented, Whaley Bridge, was apparently one of the six market towns on whose behalf a bid had been submitted for funding that had to be spent by the end of March, Councillor George had not been supplied with any information about that bid, nor had other elected members in areas that were affected. Town councillors had been fully briefed yet County councillors had been refused information even after raising with the relevant director who had informed that a briefing for members had been prepared but had not been permitted to be circulated. Councillor George had asked the Leader to elucidate to why this has not happened and why elected members had been excluded. The leader would discuss with the Executive Director and provide an answer in due course.

Councillor Fordham took the advice of the Leader after the last Council meeting and checked with all members of the minority groups who were all of the view that climate change was a scientific and real crisis. Councillor Fordham had asked the Leader what progress he had made on checking with members of his own Group. The Leader had confirmed he had not come across any particular views at this moment in time that had any cause for concern.

## **68/21      PUBLIC QUESTIONS**

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

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?

Councillor Athwal responded as follows:

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.

The following supplementary question was asked:

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?

Councillor Athwal responded to the supplementary question as follows:

I will ensure you get a written answer to that.

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

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?

Councillor Athwal responded that as Anne Wake was not present at the meeting, an answer would be provided in writing.

Councillor Fordham raised a point of order requesting that written answers be circulated to all elected members, which the Chair agreed to address.

**69/21**            **PETITIONS** There were none received.

**70/21**            **ELECTED MEMBER QUESTIONS**

**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?

Councillor Athwal responded as follows:

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.

Councillor Bingham asked the following 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.

Councillor Athwal responded to the supplementary question as follows:

I will get officers to check here and investigate the issue and you will be given a written answer.

In light of the number of questions on the agenda, Councillor Burfoot asked permission of the Chair to ask question (d) and receive written responses to the other questions.

**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?

**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?

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

The Cabinet member for Highways and the controlling group have

agreed two trial areas in the County for 20mph 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, pinch points, properties on the road edge and narrow or no footways, so does the Cabinet member agree that this would be an ideal location for a trial 20mph zone ?

Councillor Athwal responded to all of Councillor Burfoot's questions as follows:

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.

Councillor Burfoot asked the following 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?

Councillor Athwal responded to the supplementary question as follows:

Again I will be happy to provide a written answer to that question.

**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?

Councillor Athwal responded as follows:

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.

Councillor Niblock did not have a supplementary question.

**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?

Councillor Athwal responded as follows:

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.

Councillor Fordham asked the following 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.

Councillor Athwal responded to the supplementary question as follows:

A written answer will be provided to the supplementary question.

**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?

Councillor Athwal responded as follows:

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.

Councillor Fordham asked the following 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 uncosted, 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.

Councillor Athwal responded to the supplementary question as follows:

Councillor Fordham, thank you for bringing that anomaly up for myself. I apologise for any mistake that has been made there but in answer to your supplementary question yes indeed I will ensure that it is investigated properly and you have a detailed response shortly.

**h) 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?

Councillor Athwal responded as follows:

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.

Councillor Yates asked the following supplementary question:

Yes, 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?

Councillor Athwal responded to the supplementary question as follows:

A written answer will be provided to the supplementary question.

**i) 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?

Councillor A Dale responded as follows:

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.

Councillor Gillott asked the following 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?

Councillor A Dale responded to the supplementary question as follows:

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.

**j) Question from Councillor L Ramsey to Councillor J Patten, Cabinet Member for Children's Services and Safeguarding**

We understand that there is pressure on Kent County Council to find suitable placements for unaccompanied child refugees arriving in their County. We therefore urge Derbyshire County Council to offer to help with this situation.

We recall that, in the past, many people of goodwill in Derbyshire expressed a willingness to help such children and therefore suggest a public appeal is launched by the Council. To that end, we would like to ask how many unaccompanied children are being supported at present in Derbyshire and what can be done to increase capacity?

Councillor Patten responded as follows:

Derbyshire is part of the National Transfer Scheme where local authorities across the UK agree to take unaccompanied asylum seeking children. A specialist UAS social work team was set up here in Derbyshire along with support from the virtual school to support

education and employment opportunities.

The National Transfer Scheme is a voluntary scheme. However, we believe it is a moral duty for Councils to sign up to the scheme. Sadly, not all Councils have done so, including some within our region.

The National Transfer Scheme works on a rota basis and currently Derbyshire support 64 UAS care leavers who are aged between 18 and 21 and since September we have taken four children who are settling in well.

Derbyshire takes one of the highest numbers of unaccompanied asylum seeking children and we are proud of our commitment.

You suggested there was a willingness from people in Derbyshire to help and I would ask that you and all members of this Council support and help promote the need for foster carers for all our children in care including unaccompanied asylum seeking children.

Councillor Ramsey asked the following supplementary question:

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.

Councillor Patten responded to the supplementary question as

follows:

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.

**k) 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"?

Councillor Athwal responded as follows:

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.

Councillor Gillott asked the following 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?

Councillor Athwal responded to the supplementary question as follows:

I will consider a request thank you, yes.

Councillor Fordham raised a point of order regarding responses to questions asked of Cabinet Members, which the Chair responded to by providing a reminder about the rules of debate.

## **I) 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?

Councillor Athwal responded as follows:

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.

Councillor C Dale asked the following 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?

Councillor Athwal responded to the supplementary question as follows:

Yes we would obviously like to ensure safety of all residents and drivers etc so for this matter I will have officers investigate and find out what processes we can put in place to ensure this does not happen again. I can't guarantee anything but I will investigate.

**m) 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?

Councillor Athwal responded as follows:

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.

Councillor George asked the following 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 Yeadsley 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?

Councillor Athwal responded to the supplementary question as

follows:

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.

**71/21 EXECUTIVE DIRECTOR CHILDREN'S SERVICES - NOTIFICATION OF APPOINTMENT - REPORT OF OF THE MANAGING EXECUTIVE DIRECTOR**

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.

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.

It had been agreed that Council should receive a report confirming details of the successful candidate to the meeting on 15 September 2021.

Following a competitive recruitment process, of a strong field of applicants, the Panel agreed the appointment of Carol Cammiss and she would take up post on 6 December 2021. Carol had outstanding experience, 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.

As Executive Director, Children's Services, Carol would fulfil the statutory role of Director of Children's Services (DCS) under section 18 of the Children Act 2004.

Jane Parfremment, who was the current Executive Director for Children's Services, would leave the Council's employment on Sunday 3 October 2021. The Council was 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.

Consequently, expressions of interest had 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 took up the post. As permitted under the Officer Employment Procedure Rules, paragraph 3, paragraph (c) the Managing Executive Director as Head of Paid Service had the authority to appoint to such a role on temporary basis of no more than 6 months where the annual salary did not exceed £100,000. As the pay rate for acting up into the role is £ £117,869, which was the bottom point of Grade 20, Council were asked to approve the salary for the post in advance of the acting up appointment being made.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to (1) note the appointment of Carol Cammiss to the role of Executive Director Children's Services with effect from 6 December 2021; (2) approve the salary for the acting up role of Executive Director Children's Services; and (3) note that the Head of Paid Service had the authority to appoint to the role on a temporary basis.

**72/21      DERBYSHIRE COUNTY COUNCIL'S SENIOR OFFICER  
OPERATING MODEL - REPORT OF THE DIRECTOR OF LEGAL &  
DEMOCRATIC SERVICES & MONITORING OFFICER AND  
DIRECTOR OF ORGANISATION DEVELOPMENT & POLICY**

Following Full Council approval on 2nd December 2020, the Council adopted an interim operating model.

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 remained effectively positioned to operate in its changing landscape whilst maintaining the spirit and principles of the collective leadership model. It had been agreed that a review of this arrangement would take place during the 12-month period.

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.

The review had highlighted that the temporary arrangements had resulted in improved focus, pace of decision making and clarity for the organisation, and the introduction of the Managing Executive Director position was universally supported internally and externally. The review concluded that there was no desire to return to the collective leadership model by key stakeholders however there was a strong desire to retain, formalise and strengthen some of its associated principles. The review further highlighted that the MED model required permanency to bring further clarity and pace for the organisation recommending that the Council also needed to review and invest in senior capacity in line with any decisions around its future operating model to fulfil on its ambitious agenda. Feedback outlined that the collaborative culture and leadership style evident within the organisation needed to be maintained and embedded within the future operating model, with these being viewed as key strengths for current and future leaders. A summary of the feedback from the review could be found in Appendix 2 to the report to Council.

It was therefore proposed to introduce a new permanent role of Managing Director. This newly formed role would be the most senior officer within the Council, without any operational accountability. Four Executive Directors would 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 had been detailed in Appendix 3 to the report.

On the motion of Councillor Lewis, duly seconded,

**RESOLVED** to (1) approve the proposal to implement the permanent role of Managing Director and associated grade and pay scale; (2) approve the designation of Head of Paid Service to the role of Managing Director; (3) agree that the Executive Director for Communities, Commissioning and Policy post should be retitled Executive Director for Corporate Services and Transformation; (4) agree that the recruitment to the role of Managing Director would be advertised externally and note the intention to appoint an external recruitment partner to commence the recruitment process, that would be undertaken by a politically balanced Panel constituted in accordance with the Officer Employment Procedure Rules; (5) give 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 the report; and (6) agree 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.

**73/21      DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY - REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES & MONITORING OFFICER**

On occasion there had been 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.

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 were agreed since the last report to Council.

The Council's Improvement and Scrutiny Procedure Rules included at Appendix 5 to the Constitution set out the call-in procedure. The call-in procedure would not apply where the executive decision being taken was urgent: that was 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.

**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.

**74/21**        **MOTION**     Council considered the Notices of Motion, as set out below:

**Motion submitted by Councillor N 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.

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

To add an additional bullet point:

- ask all other Derbyshire local authorities to follow suit where they had not already

Councillor Hoy agreed to amend the original motion to include the additional bullet point and accordingly Councillor Fordham agreed to withdraw his amendment.

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

**RESOLVED** that:

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.
- ask all other Derbyshire local authorities to follow suit where they had not already

### **Motion submitted by Councillor M 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.“

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

#### Pensions Acts of 1995, 2007, and 2011

Recently, in stage one of a likely three-part investigation, 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. The Ombudsman has concluded that in an act of maladministration in 2005, the DWP failed to make a reasonable decision about targeting information to the women affected by changes to women's State Pension age, and related issues. The Ombudsman found further maladministration in 2006, when the DWP proposed writing to women individually to tell them about changes to State Pension age, but it failed to act promptly. The Ombudsman will now consider the impacts and what action should be taken to address them.

This Council notes significant changes to hundreds of thousands of women's State Pensions resulting from the Pensions Acts of 1995, 2007 and 2011, and has great sympathy for the women who received little or no personal notification due to decisions taken by the Department for Work and Pensions in 2005 and 2006.

As a result of the maladministration under the last Labour Government, many women in Derbyshire born in the 1950s are living in hardship with retirement plans shattered. A significant number of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, and their circumstances may have been impacted by the Covid-19 pandemic. Some women born in this decade are suffering financially.

These women have worked hard, raised families, and paid their taxes and national insurance with the expectation that they would be more financially secure when reaching the age of 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 decisions taken in 2005 and 2006 in respect of communicating the rise in the women's State Pension age left women with little time to make alternative arrangements.

Derbyshire County Council, therefore, calls upon the Government to accept the Parliamentary and Health Service Ombudsman findings in respect of the maladministration of 2005 and 2006 and in the interests of the women affected, trusts the Ombudsman to complete all investigations and issue the final report and recommendations as soon as possible.

A short adjournment took place between 4:05 – 4:10 pm for Elected Members to read the amendment to the motion.

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

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

**RESOLVED** that Council therefore:

Pensions Acts of 1995, 2007, and 2011

Recently, in stage one of a likely three-part investigation, 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. The Ombudsman has concluded that in an act of maladministration in 2005, the DWP failed to make a reasonable decision about targeting information to the women affected by changes to women's State Pension age, and related issues. The Ombudsman found further maladministration in 2006, when the DWP proposed writing to women individually to tell them about changes to State Pension age, but it failed to act promptly. The Ombudsman will now consider the impacts and what action should be taken to address them.

This Council notes significant changes to hundreds of thousands of women's State Pensions resulting from the Pensions Acts of 1995, 2007 and 2011, and has great sympathy for the women who received little or no personal notification due to decisions taken by the Department for Work and Pensions in 2005 and 2006.

As a result of the maladministration under the last Labour Government, many women in Derbyshire born in the 1950s are living in

hardship with retirement plans shattered. A significant number of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, and their circumstances may have been impacted by the Covid-19 pandemic. Some women born in this decade are suffering financially.

These women have worked hard, raised families, and paid their taxes and national insurance with the expectation that they would be more financially secure when reaching the age of 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 decisions taken in 2005 and 2006 in respect of communicating the rise in the women's State Pension age left women with little time to make alternative arrangements.

Derbyshire County Council, therefore, calls upon the Government to accept the Parliamentary and Health Service Ombudsman findings in respect of the maladministration of 2005 and 2006 and in the interests of the women affected, trusts the Ombudsman to complete all investigations and issue the final report and recommendations as soon as possible.

The meeting closed at 4:20pm.