

PUBLIC

**MINUTES** of the Annual Meeting of **COUNCIL** held on Wednesday, 25 May 2022 at Council Chamber, County Hall, Matlock.

## **PRESENT**

Councillor T Ainsworth (in the Chair)

Councillors D Allen, R Ashton, K S Athwal, N Atkin, B Bingham, S Bull, S Burfoot, A Clarke, D Collins, C Cupit, A Dale, C Dale, J Dixon, R Flatley, M Ford, E Fordham, A Foster, M Foster, R George, K Gillott, A Gibson, N Gourlay, D Greenhalgh, L Grooby, C Hart, A Hayes, G Hickton, S Hobson, N Hoy, R Iliffe, J Innes, T Kemp, T King, G Kinsella, B Lewis, W Major, R Mihaly, P Moss, D Muller, D Murphy, G Musson, J Nelson, 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, B Woods and M Yates.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director - Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Peter Handford (Interim Executive Director - Corporate Services and Transformation), Chris Henning (Executive Director - Place) and Helen Jones (Executive Director - Adult Care).

### **33/22 APPOINTMENT OF THE CHAIRMAN OF THE COUNTY COUNCIL FOR 2022-23**

The Director of Legal and Democratic Services opened the meeting to seek nominations for the Chairman of the County Council for the ensuing year.

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

#### **RESOLVED:**

To elect Councillor T Ainsworth as Chairman of the County Council for 2022-23.

Councillor Ainsworth joined the meeting.

On taking the Chair, the Chairman spoke to reflect on some of the highlights and achievements over the past year.

### **34/22 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors J Barron, A Griffiths, P Niblock and J Woolley.

**35/22**     **DECLARATIONS OF INTEREST**

None received.

**36/22**     **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that in order to reflect the recently approved changes to the constitution, Members questions would be dealt with further down the agenda after item 16.

**37/22**     **TO CONFIRM, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 23 MARCH 2022**

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

**RESOLVED:**

To confirm, as a correct record, the minutes of the meeting of Council held on 23 March 2022.

**38/22**     **APPOINTMENT OF THE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2022-23**

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

**RESOLVED:**

To elect Councillor D Wilson as Civic Chairman of the County Council for 2022-23.

**39/22**     **APPOINTMENT OF THE VICE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL FOR 2022-23**

On the motion of Councillor P Moss, duly seconded it was

**RESOLVED:**

To elect Councillor D Taylor as Civic Vice-Chairman of the County Council for 2022-23.

**40/22**     **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader of the Council spoke about the current cost of living crisis being felt by Derbyshire residents and he mentioned the various support available including the Derbyshire Discretionary Fund, Feeding Derbyshire and the Welfare rights team. He also mentioned the £5.4m Household Support Fund allocated to Derbyshire and the arrangements put in place to ensure that officers are able to quickly target those in need.

The Leader mentioned the ongoing work being done to resettle Ukrainian refugees in Derbyshire. He paid tribute to the work of the Resettlement Team and partners who were working in a very challenging environment to welcome refugees as quickly as possible and that over time it was hoped that over 700 arrivals could be accommodated.

The Leader next spoke about Derbyshire County Council signing up as a UK100 signatory in the quest to be a net zero Council. More information would follow in this in the near future.

Finally, the Leader touched upon the Queen's Platinum Jubilee celebrations that would be taking place in June and showed members the souvenir book that was being distributed to schools. There were celebratory banners as well as a number of events planned across the county, and he wished Her Majesty a wonderful weekend.

In response to a question from Councillor Fordham in relation to the anniversary of the Kinder Scout trespass incident, the Leader advised that announcements on the Glover report are expected shortly and he would be happy to talk to Councillor Fordham on the detail.

## **41/22     PUBLIC QUESTIONS**

**Question from Vicky Raynes, Tansley Parish Council to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change.**

"Your own website states 'Prior to commencement of construction, developers are requested to submit full construction drawings for approval and enter into Section 38 agreement, with a Bond to cover full construction costs. Without such an agreement in place developers will be required to deposit monies with us under the Advanced Payment Code'.

Legislation Highways Act 1980: 'If work is done in contravention of Subsection 1 the person undertaking the erection of the building is guilty of an offence, and is liable to a fine'. Please could Cllr Lewis explain

WHY his Officers are not following Legislation in Tansley, and allowing development to proceed, when DCC have a statutory duty to ensure all new roads are financially secure ... in the first instance I refer to development at Whitelea Lane, Tansley?"

As this related to her portfolio, Councillor C Renwick, Cabinet Member for Infrastructure and Environment responded as follows:

"I was just going to inform Councillor Raynes that the Highways Authority Team is in active discussions with the developer regarding the Section 38 application signalling the developer's intentions to have the internal estate roads adopted by Derbyshire County Council. I was going to also add to that a has gone out to the relevant Local Planning Authority to remind them of their duty to notify us in a timely manner. I can forward a fuller response."

As the questioner was not present, there was no supplementary question.

#### **42/22     PETITIONS**

None received.

#### **43/22     COMMITTEE MEMBERSHIPS, SCHEDULE OF MEETINGS AND OUTSIDE BODY APPOINTMENTS FOR 2022/23**

The Director of Legal and Democratic Services introduced a report, which was circulated in advance of the meeting, seeking approval for appointments to the Committees of the Council, including Chairmen and Vice-Chairmen, the schedule of Council, Cabinet and Committee meetings and appointments to outside bodies for the ensuing year.

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

#### **RESOLVED to:**

- 1) Appoint the Chair, Vice-Chair and Members of the Council's Standing Ordinary Committees, Sub-Committees and Improvement and Scrutiny Committees as set out at Appendix 2 to the report;
- 2) Approve the schedule of meetings, attached at Appendix 3 to the report, for the 2022/23 Municipal Year; and
- 3) Appoint representatives to outside bodies as detailed at Appendix 4 to the report.

**44/22**      **NOTIFICATION OF PORTFOLIO HOLDERS AND MEMBERSHIP OF THE CABINET**

Consideration was given to a report of the Leader of the Council which notified Members of the identities of Cabinet Members, Cabinet Support Members and their respective portfolios and set out amendments to the Constitution to incorporate Cabinet delegations.

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

**RESOLVED to:**

- 1) Note the information, provided at Appendix 2 to the report, in relation to Cabinet and Cabinet Support Members for the ensuing year; and
- 2) Approve the record of delegations to be included in the Council's scheme of delegation at Appendix 1 to the Constitution.

**45/22**      **APPOINTMENT OF THE EXECUTIVE DIRECTOR FOR CORPORATE SERVICES AND TRANSFORMATION AND RECRUITMENT OF THE DIRECTOR OF PUBLIC HEALTH**

The Managing Director introduced a report, which had been circulated in advance of the meeting, notifying Council of the appointment to the post of Executive Director, Corporate Services and Transformation as well as seeking approval from Council for the salary package for the role of Director of Public Health.

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

**RESOLVED to:**

- 1) Note the appointment of Joe O'Sullivan to the role of Executive Director Corporate Services and Transformation with effect from 4 July 2022; and
- 2) Approve the salary package for the role of Director of Public Health salary as Grade 18 and therefore, up to £103,169 per annum.

**46/22**      **COUNCIL PERFORMANCE MONITORING AND BUDGET MONITORING/FORECAST OUTTURN 2021-22 AS AT QUARTER 3 (31 DECEMBER 2021)**

The Interim Executive Director Corporate Services and Transformation introduced a report, which had been circulated in advance of the meeting, providing members with an update of Council Plan performance and the Revenue Budget/forecast outturn for 2021-22, as at 31 December 2021 (Quarter 3).

In response to a question from Councillor Fordham in relation to funding provided to Buxton Crescent Limited, the Executive Director advised that the funding provided came from government allocated Covid grant funding, which was designed to offset the costs associated with the pandemic, and not from any "Levelling up" funding.

On the motion of Councillor S Spencer, 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 31 December 2021 (Quarter 3); and
- 2) The position on General and Earmarked Reserves.

**47/22 DECISIONS TAKEN AS A MATTER OF URGENCY AND KEY DECISIONS AND SPECIAL URGENCY**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, reporting executive decisions taken as a matter of urgency where 28 days' notice of the decision could not be given and where call-in was waived.

On the motion of Councillor B Lewis duly seconded it was

**RESOLVED to note:**

- 1) The key decisions taken where special urgency provisions were agreed is 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.

**48/22 ELECTED MEMBER QUESTIONS**

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

“How many parking tickets issued by DCC have been overturned due to the driver being engaged in a visit for necessary health or care purposes in the last financial year?”

Response from Councillor Athwal:

“I have been advised that our PCN processing software relying for this on numerous reports does not produce a cancellation report based on specific reasons as to why we have overturned a penalty charge notice. As such the data requested by Councillor George is not available.

However, the Government’s NHS Covid-19 parking permit was made available throughout the pandemic. This allowed essential healthcare and volunteer workers free access to Council owned car parks and on-street parking facilities such as limited waiting and pay and display bays to assist these workers in carrying out their duties. This national concession was formally removed on 21 June 2021 after 14 months, although in line with Government guidance Derbyshire County Council extended the use of the permit open till 19 July 2021.

Councillor George asked the following supplementary question:

“A care worker who lives close to me, Susan Ball, in February was charged £70 for having to park on a single yellow line in Buxton to make an essential care visit. This is becoming an increasing problem for care workers who are very low paid, as we know, but carry out essential tasks now just as they did during the pandemic. Our parking schemes are administered by Nottinghamshire County Council who do have a parking permit for care workers to enable them to park on single yellow lines when they are engaged in necessary duties. I wonder whether Councillor Athwal would be prepared to consider this for care workers in Derbyshire who really can’t afford those £70 fines but also need to carry out their duties?”

Councillor Athwal responded as follows:

“The Government scheme as I alluded to earlier on ended in July last year. The scheme we had last year was Government funded. It was in many ways administered by the NHS and we were a party to that. It is something other Councils may decide to do these schemes but we also have to look at our own budgets, our own finances etc and we need to look at affordability as to what we can and cannot do, but having said that the care worker in question is still able to appeal against this issue of the PCN and it will be considered on its individual merits. We would give due consideration to any mitigating circumstances and decide in accordance with our policy whether an appeal would be upheld or not

and would depend on the nature of the parking and specific circumstances put forward by the appellant.

Really what I am saying is if the care worker has not appealed perhaps they should consider appealing and going forward as the scheme, which I have already answered, its affordability is something which we will consider but I can't promise you that."

**b) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care**

"How many families of people with a Learning Disability in Derbyshire have expressed a wish for their family member to use a DCC Day Centre when they do not currently have a place at a Day Centre, how many people with a part time place at a Day Centre for Learning Disability have requested to increase their attendance, and when will these requests be responded to?"

Response from Councillor Hoy:

"We recognise that some people would like to return to the Derbyshire County Council Day Centres now that the pandemic restrictions are lifting or due to the change in their circumstances. Whilst we don't currently have a waiting list of people wanting to return we have had a handful of people approach us in the past few weeks requesting this and we are working with them to ensure they have the support in place."

Councillor George asked the following supplementary question:

"May I ask whether that support is the support of a Day Centre or the support of some alternative provision that they deem to be less viable than the Day Centre, which is what they were requesting please?"

Councillor Hoy responded as follows:

"We haven't received any complaints of the support we have put in place. We have been very clear with our commitment that we will support people if they want to go back to a building base Day Centre and this Authority is committed moving forward. I would request if anyone does contact Councillor George that they point them to officers who will be happy to support them."

**c) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care**

"Why has the Branching Out Garden Centre at Alderbrook been closed?"



Response from Councillor Hoy:

“Branching Out, which is an extension of Alderbrook is not closed. Currently we have a lack of demand for this activity, therefore it is not being used. Colleagues have been temporarily redeployed to work within the Day Centre itself so that we can support more people to attend as we emerge from the Covid restrictions.

Should demand increase, and staff will be active in the Garden Centre again, I look forward to you publishing your public apology for the unnecessary upset and distress you have caused with incorrect and misleading information that you have circulated via the media. Yet again another elected member that craves the Facebook hits, shares and headlines with eyes fixed on nothing more than a headline on winning a seat back at Westminster with no consideration for the hurt and distress you have caused to the people and staff in Derbyshire. Next time you are hunting for a headline show some compassion and consideration to the people of Derbyshire and try, if at all possible, in speaking the truth when you are dealing with the media.”

Councillor George asked the following supplementary question:

“Considering that what I posted on social media was a post that was taken from the Alderbrook Branching Out Garden Centre’s own Facebook page posted by the staff there then I would request an apology from the Executive Member for that slanderous declaration. If she has any comment and claims that anything I state is not true because the Branching Out Garden Centre is closed, it is not open to the public, it has had a sign on it to say that it is not open it is therefore per se closed, be it temporary or be it permanent I have not said that, I have said it is closed. If she is trying to claim that I have had said something else then she should state so instead of making unfounded allegations claiming things about me which she knows absolutely nothing at all.”

Councillor Hoy responded as follows:

“I would like to stand by the comments I made in my opening statement and I would just like to add that a local member, Councillor Peter Smith, actually brought it to my attention shortly before we came into this meeting that some child-like taping had been put over the sign at the Branching Out Day Centre (this hasn’t been authorised by this Authority) and he intends to rip this tape off that is mentioned that this is closed on his way home today.”

**d) Question from Councillor R George to Councillor K Athwal,**

## **Cabinet Member for Infrastructure and Environment**

“When will the council act to ensure that Public Footpath 105 in Whaley Bridge is accessible for the elderly residents for whom it is their only means of access?”

Response from Councillor Athwal:

“After a recent enquiry from a local resident the inspection was undertaken of Footpath 105 in which a number of potholes were identified for repair. These repairs are now in the Council’s reactive maintenance schedule, and I am pleased to say that they are planned to be completed by early June. I hope Councillor George finds this acceptable.”

There was no supplementary question.

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

“When will the council bring forward a consultation on the use of the Safer Roads Fund for the A5004 Long Hill and will the options include a safe cycle route, as stated in the Key Cycle Network plan 2020?”

Response from Councillor Athwal:

“The intention is to commence the consultation on the A5004 Safer Roads proposal during June. I understand that this consultation process will be online via the Derbyshire County Council website. In regard to the Key Cycle Network Plan the answer is yes, the option will be included.”

There was no supplementary question.

## **49/22 NOTICES OF MOTION**

### **Motion one received from Councillor G Kinsella**

Councillor Kinsella proposed a motion, which was duly seconded, in the following terms:

This Council resolves to:

1. Update the out-of-date Derbyshire County Council webpage
2. Work with Vision Derbyshire and take a lead on developing and funding a Derbyshire ‘one stop shop’ that:

- Provides a comprehensive and trusted single point of contact, giving advice on reducing household energy costs, as well as providing a sign posting service.
  - Provides vulnerable residents with high energy costs, advise on how to make *affordable* energy saving improvements to their homes
  - Facilitates direct referrals into a host of other organisations to provide expert energy advice and information on accessing grants and funding for insulation and heating
3. Build on and go beyond the actions set out in the Climate Change Strategy by establishing a Vision Derbyshire Retrofit Taskforce. Working with the districts and other interested parties who can offer technical expertise to:
- Identify the most inefficient homes. Using GIS mapping identify the worst cases of energy loss and determine appropriate retrofit interventions as has been successfully done by other councils
  - Use the county and district councils' spending power to purchase loft insulation at a discount and administer a loft insulation scheme targeting the most inefficient homes
  - Replicates Cosy Homes Oxfordshire retrofitting advise website aimed at both householders (including landlords) and building professionals
  - Fund and coordinate an 'eco homes' events in virtual and 'roadshow' form.
4. Working in partnership with other agencies, such as Nottingham Energy Partnership to assist householders to:
- Provide independent advice on ways to reduce fuel poverty and improve homes energy efficiency
  - Access revenue and capital funding to make householders' homes more energy efficient
  - Provide contacts of reputable and trust marked installers.
5. To leverage the county council's financial strength to provide households with loans for retrofitting homes throughout Derbyshire.
6. Provide interest free or very low interest loans to householders for retrofits similar to Salix Finance who provides interest-free Government funding to the public sector to improve energy efficiency, reduce carbon emissions and lower energy bills.

7. Issue bonds (also known as Community Municipal Investment) to raise money from Derbyshire residents and community groups to fund retrofitting projects. Successful examples include Conservative county council West Berkshire's CMI. £1 million was raised through this bond issue. West Berkshire used the money to finance numerous rooftop solar installations, as well as funding a range of other initiatives, such as active travel infrastructure improvements.
  
8. In the light of these proposals refresh the Climate Change Strategy, setting out greater ambition, reflecting the climate emergency.

Following debate, the motion was duly voted on and declared to be LOST.

#### Motion two received from Councillor M Yates

Councillor Yates spoke to advise Council that he wished to move an amended motion, the text of which was circulated around the Council Chamber.

The Chairman agreed to an adjournment to give members the opportunity to read the revised motion.

The meeting adjourned between 3.46 pm and 3.56 pm

As the Council Procedure Rules only enable a Member to alter a motion of which they have given notice with the consent of Council, a vote was taken on whether to allow a revised motion to be proposed. This was declared to be LOST.

Councillor Yates then spoke to advise that he wished to withdraw his motion.

Councillor Renwick spoke to advise that the points raised in Councillor Yates's motion would be fed into the consultation on the Derbyshire and Derby Mineral Local Plan.

The meeting finished at 3.58 pm