

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 15 May 2019 at County Hall, Matlock

PRESENT

Councillor G Wharmby (In the Chair)

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

22/19 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors S Brittain, J E Dixon, W Major, A Stevenson, B Ridgway, J A Twigg, and Ms B Woods.

23/19 **DECLARATIONS OF INTEREST** There were no declarations of interest.

24/19 **MINUTES OF THE ORDINARY COUNCIL MEETING** On the motion of Councillor G Wharmby, duly seconded,

RESOLVED that the minutes of the meeting of the Council held on 6 February 2019 be confirmed as a correct record.

25/19 **TO APPROVE THE MEMBER ROLE PROFILE FOR THE CHAIRMAN OF THE COUNTY COUNCIL, CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL AND VICE CIVIC CHAIRMAN OF DERBYSHIRE COUNTY COUNCIL** At its meeting on 12 April 2019, the Standards Committee considered the revised Member Role Profile for the Chairman of the County Council and the newly created Member Role Profiles for the Civic Chairman of Derbyshire County Council and the Vice Civic Chairman of Derbyshire County Council.

These Member Role Profiles were appended to the report.

Subject to the approval by full Council, these Member Role Profiles would be fully incorporated into the Council's revised Constitution which was the subject of a separate report for Full Council.

Full Council was advised that in the event of the Chairman of the County Council being unable to preside over a meeting of Full Council, the Civic Chairman of Derbyshire County Council would act formally as the Vice Chairman.

The Independent Remuneration Panel had considered these Member Role profiles as part of its assessment of Members Allowances for the forthcoming Municipal Year. These details were the subject of a separate report for Full Council.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to (1) approve the revisions to the Member Role Profile for the Chairman of the County Council;

(2) approve the new Member Role Profiles for the posts of Civic Chairman of Derbyshire County Council and Vice Civic Chairman of Derbyshire County Council; and

(3) note that these Member Role Profiles would become effective from 15 May 2019, and the Member Role Profiles would be incorporated into the Council's revised Constitution.

26/19 **APPOINTMENT OF CHAIRMAN** On the motion of Councillor B Lewis, duly seconded,

RESOLVED that Councillor T Ainsworth be appointed Chairman of the County Council for 2019-20.

Councillor T Ainsworth (In the Chair)

27/19 **PUBLIC QUESTIONS**

(1) Question from Rachel Purvis to Councillor A Dale, Cabinet Member for Young People

We've now suffered nearly 10 years of Tory austerity. Nationally, this has resulted in:

- School budgets being cut by 8% in real terms (Institute for Fiscal Studies).

- Budgets for early intervention and children's centres being decimated (decreases of 26% and 42% respectively Action for Children)
- Hundreds of children have been left waiting more than a year for mental health support and half of the more than 11,000 children waited more than 18 weeks after their initial assessment with CAMHS (Young Minds).

We are a school in Boythorpe, Chesterfield. Our area is one of the most deprived in England (highest 15% of indices of deprivation).

Even though we supposedly 'gained' when the fairer funding formula came out, our gains have been capped. This year, I had to cut more than 131 teaching assistant hours each week (the equivalent of 5 posts) and make our Children and Family Support Worker redundant just so that I could set a balanced budget.

Despite losing so many staff, we are still expected to provide Early Help for our struggling families, Speech & Language support for our poorest communicators, intensive academic interventions for our SEN children and emotional support for our damaged children.

How are you able to support us in our hour of greatest need?

Councillor Dale responded as follows:

I recognise the significant challenges that many schools are facing in relation to funding and I agree that despite some of the steps forward from Government in recent years much more needs to be done.

As you are aware the Government has introduced the National Funding Formula which is a significant step towards a fairer system of funding and has seen Derbyshire schools on the whole gain. The Government has put an additional £1.3bn into the funding system in each of the past two years and while this is encouraging you know, and I know, that it is simply not enough.

The recent additional £125m put into the High Needs' block, the £400m and capital monies for schools announced in the budget and the extra resources towards the teachers' pay awards and towards teachers' pension contributions are again all welcome but not enough.

What I would say is that these more recent announcements are evidence that the Government is recognising, or at least beginning to recognise, the challenges that schools are facing and they have indicated they will be looking more widely at the issue of school funding within the Comprehensive Spending Review.

You ask how the Council can support *you* at this challenging time? Well since coming into post two years ago I have always made clear my support for the campaign for increased school funding and a fairer system to distribute it. I regularly go out and visit schools across the county and talk to teachers and governors about some of the challenges that they face so I am fully abreast and can feed this back to national politicians. Both I personally and as an administration we have written countless letters to Ministers to make the case for more funding and a fairer funding system. I have also held a meeting with the then Secretary of State when I put forward a strong case on behalf of Derbyshire schools.

The Council is also an active member of the F40 Group and I am proud of the fact that we were one of the founder members of this Group. F40 represents the 42 worst funded local authorities in terms of allocations to schools. It is a cross-Party group which is working constructively with MPs of all shades and colours to make the case to Government both for additional funding within the pot and for Government to go even further in terms of making the system fairer by phasing out some of the historic inequalities which still sadly exist in the funding system. To be clear the Group is campaigning for the caps on gains to be lifted; for the Government to follow an activity led and index linked funding formula which better reflects the very local circumstances each school faces, and for a longer term settlement lasting at least three or four years to help schools better plan for the future. In monetary terms we are campaigning for an additional £2.3bn to be put into the national schools' funding pot and £3.2bn the following year. We are also asking the Government to put an additional £1.4bn into the High Needs' block. I am on the Executive Committee of the F40 Group and as it happens I was in London yesterday for a meeting of that Group and supported them to make a case to MPs with a briefing in the House of Commons.

While doing what I can to support the national campaign for more and fairer funding at a local level we have sought to move as close as we can to the National Funding Formula to ensure schools have as much certainty as we can provide for the future. Putting a hopefully temporary cap on gains is a somewhat necessary evil both to reduce the turbulence for those schools who do not fare as well and to ensure that we keep within the funding envelope we are provided by Government. I am pleased to say that this coming year we have been able to lift the cap on gains from 3% to 4% which I hope you will agree is a positive step forward.

I have also looked at the allocations for your school and while the core per pupil funding is increasing I recognise that you are facing some

very significant challenges primarily in relation to falling numbers on roll. I am very happy to come out and meet with you to discuss these issues and any others you may wish to at some point in the future if you feel that would be useful.

The following supplementary question was asked:

I do feel that would be really helpful if you are able to come out to school and meet with us. I am sure I am not alone in feeling that Brexit has completely dominated the agenda and it is really what happens while all this farce is going on and we are all just left yet we are at the coalface managing some very challenging children in really challenging circumstances and the impact that is having on my staff. I am constantly told about staff well-being and how I am supposed to be taking care of my staff, who is taking care of me? I am sorry but I am looking to you to do that because Derbyshire County Council are my employers so I am looking to them. I am not looking to the governors because they get all the responsibility but they have no rights and no teeth when it comes down to it. I do hold Derbyshire County Council responsible for my well-being. I would really appreciate your support on that.

Councillor Dale responded to the supplementary question as follows:

Just to say I am very happy to come out and meet you and obviously I take on board all those comments. The issue around Brexit - I wondered how long it would take before we mentioned the 'B' word at this meeting - but just to be clear the additional money the F40 Group is lobbying for isn't predicated on the Comprehensive Spending Review, we are asking for an urgent £2.3bn not several months down the line after a Comprehensive Spending Review. We will keep that campaign going.

(2) Question from Nigel Saul to Councillor A Dale, Cabinet Member for Young People

How much has Derbyshire spent on SEND during the last 5 years? Please state an amount for each year. This should include both the costs allocated to schools as well as for Central Services relating to SEND.

For each of these years, how many children in Derbyshire have had an Educational Health Care Plan to support their learning?

Councillor Dale responded as follows:

Over the last five years Derbyshire has spent a total of £62.3m in 2014-15; £68.7m in 2015-16; £67.2m in 2016-17; £68.2m in 2017-18

and £69m in 2018-19. Now that figure includes the costs allocated to schools from the High Needs' budget, the High Needs block of the Dedicated Schools Grant, and the cost of central services from the Council's own budget. There is also a notional SEN budget allocated to schools through the Schools Block of the Dedicated Schools Grant and the low prior attainment multiplier. At Primary this equates to £43.2m or 18% of the Primary Schools Block and at Secondary it is £27.7m, which is 14% of the Secondary Schools Block. Because of the changes in the National Funding Formula and the introduction of that I am not in a position at present to present the previous figures for those notional SEN budgets but I hope that provides a snapshot and is useful.

In terms of the number of children with an Education, Health and Care Plan or SEN statement as they were previously known, in 2014-15 we had 3,705; in 2015-16 we had 3,684; in 2016-17 we had 3,606; in 2017-18 we had 3,686 and in 2018-19 we had 3,761.

The following supplementary question was asked.

Firstly I would like to thank you for visiting us at Brampton twice and offering us some support. However, because schools have to fund close to £6,000 for every SEN child on roll, inclusive schools like Brampton are being financially punished. That fact has not changed. I am extremely concerned SEN children will be discriminated against because it will be harder for those children to get a place in a local school. What does Derbyshire County Council intend to do so that schools like Brampton can remain inclusive?

Councillor Dale responded to the supplementary question as follows:

I am aware obviously there was the team around the schools meeting that we referred to at the last. I hope you found that useful and there were some actions off the back of that to go back to the Schools Forum with. As I say I recognise the challenge there is, the notional funding for the £6,000 that schools are required to contribute with the low prior attainment multiplier, but in respect of all the other challenges and funding issues you have it is not always easy to find those amounts. I do recognise the situation with Brampton in terms of being a victim of its own success in that sense and having such an inclusive approach, which needs to be praised and valued by the county, and how that has actually impacted on your funding. I do recognise all those things.

I have already referred to some of the work we are doing on a national picture around the F40 Group and the need for more money in the system, more money in particularly the High Needs' block. I am

encouraged by the fact that Treasury Ministers have already said that SEND will be a priority in the Comprehensive Spending Review but as I say that needs to be sooner. Again I am happy to come out and meet again if that is required and look at what we can do further to try and support wherever we can.

(3) Question from Sharon Davis to Councillor A Dale, Cabinet Member for Young People

With regard to SEND tribunals, how many were there in 2018 and what was the total cost?

So far in 2019, what is the number of SEND appeals and the costs so far and is this a good use of public money?

Councillor Dale responded as follows:

In 2018 there were 138 tribunals registered and the cost of the legal support over the financial year was £54,587. So far in 2019 there have been 45 tribunals registered and so far the cost of the legal support has been £2,150. We recognise the strain on families of making an appeal to the tribunal and our aim is always to try to avoid the need wherever we can. Officers work very hard with families to try to reach an agreement about their child's educational provision. However, unfortunately there are times when we are not able to reach an agreement and this requires a tribunal to help make that final decision. The local authority has a duty to ensure we make efficient use of public funds in order to benefit all children who need support.

When a case goes to tribunal it is often relating to a disagreement about the educational placement the Council has secured for a child or young person and in that situation the Authority has to carefully consider whether to agree to a family's request for their child to attend another establishment that is often significantly more costly, or to stand by the original decision of a placement that is felt to be just as suitable and to offer the same appropriate level of support. Independent provision can also be at a considerable distance from the county and we also have to weigh up whether it is in the best interests of the child to be so far away from their family and support networks. We also have to carefully consider the long-term interests and aspirations of our children and ensure that where appropriate the provision is setting a child up as well as possible for independent living in adult life. There is a range of evidence that a more inclusive approach where children with special educational needs and disabilities are taught in mainstream schools in those cases where it is appropriate can have significant benefits for both the child and society as a whole. As an Authority we

have to carefully consider and weigh up all those factors and try to reach an objective position about the placement for the child.

In 54% of the cases that were lodged with a tribunal last year the local authority were able to reach an agreement with the parents before the actual hearing which demonstrates our commitment to continuing to work with parents and trying to resolve issues throughout the process and certainly before it gets to a tribunal.

It is fair to say that our position in Derbyshire reflects the national picture and it was certainly one that was echoed yesterday when I met several other Cabinet members from around the country and the challenge that they as Authorities are facing in one of our most sensitive and complex areas of work. We are committed, however, to continuing to work with families to secure the best possible provision for all our children.

The following supplementary question was asked.

The Department of Education states that since 2015 there have been 390 tribunals in Derbyshire and 94% of those were won by parents. It also estimates that in Derbyshire these tribunals have cost the taxpayer £1.25m. A tribunal can cost a family around £4,000. I know this because I have been to one so obviously many families are put off by that cost even if their child's EHCP does not meet their needs. Many SEND pupils, if they get the right support at school, are able to get a job and fully contribute to society when they are adults. However, without this support their self-esteem plummets and they can become frustrated and angry or anxious and withdrawn. The Prison Reform Trust states that 25% of people in prison have special educational needs. As a local authority you have a duty to ensure that you make the best use of taxpayers' money in order to benefit all the children who need your support yet you choose to spend money, over £1m bailing out Academy chains which are in debt. You also choose to spend £220,000 on award ceremonies. This is more than twelve times the national average and, finally, you also choose to spend £100,000 on festivals and over £1m renovating County offices. You have a choice, you can invest in the education of our children so they can get a job or you can fail to educate them resulting in them depending on the State for the rest of their life and possibly ending up in prison.

My question to you is not supporting SEND children at school only saves money in the short-term. It will result in far greater amounts of money being spent on them as adults as they will be prevented from gaining the skills they need for employment. Do you think this is a good use of taxpayers' money?

Councillor Dale responded to the supplementary question as follows:

The figure of 309 from the Department of Education I notice that went back to 2015 but I only gave you figures for 2018. The cost to the taxpayer I don't doubt is more than the legal cost that we as the local authority pay and there is cost to the families absolutely. We do have to keep an eye on the efficient use of public funds. As I say an independent alternative provision sometimes at great distance from the county can cost almost double more than local provision so we do have to keep an eye on ensuring absolutely that the placement for that child is the right one for that child but if there is a local alternative we feel can offer that then we do have to make the case that that is the right thing for that child.

In terms of the money that we spend on various things I have already quoted in the previous response that we spend several millions of pounds on this and we are pushing for more money to be able to spend more money on this area.

In terms of the figures for tribunals, the DfE figure that we have lost 90% of tribunals, if you take the breakdown from the 138 tribunals we had last year 50 at the time had not yet been before a hearing; 22 had been withdrawn before because we had agreed with parents prior to that date; 25 had been withdrawn by us because we had agreed with parents at that date. There were 30 that were upheld in favour of the parents and there was one upheld in favour of the local authority. As I say there are several cases there where we are reaching agreement with parents before it goes to the tribunal so I don't recognise that 94%.

The following supplementary question was asked.

But if you stayed lawful within the Children and Families Act you would not have all the tribunals.

Councillor Dale responded to the supplementary question as follows:

As I say we are working very closely with parents. We always try to avoid the need for a tribunal and we do always have an eye on public expenditure and if ever there was a feeling within this administration that that was not the case then we would change things, but at the moment I feel we are trying to proceed with the best possible policy that both balances the best interests of the children and has an eye to public expenditure and value for money whilst also lobbying the Government for more money because I actually recognise that this is an area where we need more.

(4) Question from Sharon Smith to Councillor A Dale, Cabinet Member for Young People

Nationally, SEN children often end up being home educated as they struggle to find an appropriate school place.

In Derbyshire, how many children are awaiting a school place (perhaps due to a school exclusion or other reasons), how many children are currently being home educated and what percentage of these children, who do not have a school place, have special educational needs (SEN)?

Councillor Dale responded as follows:

In the first instance to differentiate between those children who are electively home educated and those children who are awaiting a school place. In order to be home educated parents and carers need to inform the school that their child attends that this is their wish and the local authority then liaises with the parents and carers in terms of what is required. When they exercise their right to do that they take full responsibility for their child's education and therefore children who are electively home educated are not technically awaiting a school place.

Where a child has an Education, Health and Care Plan the Authority will work with the parents and carers to ensure that the arrangements are able to meet the needs as identified within the Plan, so in terms of the numbers there are currently 852 pupils who are electively home educated and 59 of those pupils have an Education, Health and Care Plan which is 6.9%. We have a duty to monitor that suitable education is provided and where parents wish for their child to return to school the Authority works to support those families and ensure that this is done in as timely a way as possible.

Then we have a second category. Children who arrive new to Derbyshire and who apply mid-year for admissions for a school place can sometimes spend a little bit of time waiting for that place to be agreed. Currently there are 17 children in the primary phase who are waiting to be allocated and 8 children in the secondary phase. Usually those situations are resolved within a few weeks so that gives you a snapshot of the current figures, then when a child is permanently excluded the local authority provides a full-time blended learning programme until a place at another school is assessed to be appropriate. The Authority then works with the setting and the young person to support successful integration. There are currently 86 pupils receiving provision following exclusion and 19, so 22% have an Education, Health and Care Plan or are undergoing a statutory

assessment.

The following supplementary question was asked:

Yes, because we are talking about children. For example, there is a boy called Daniel. He lives in Derbyshire. He is 5 years old. He gets 90 minutes education a week from a tutor. He does not have a place in a school.

Callum, an 8 year old, he has hearing difficulties. He has had no education for 16 months.

Lucy, a 13 year old girl. She is clever. She has cerebral palsy. She has been out of school for 14 months. Her family has spent £8,000 on assessment to try and support her getting a school place.

These children aren't straightforward, they are complicated. Special educational needs' children are the most vulnerable in our society. They are children who need protecting. They are entitled to an education.

Nadhim Zahawi has repeatedly said in Parliament it is up to the Local Education Authorities to fund special educational needs' children but Derbyshire at the moment is *not* fully funding these children.

Schools like Brampton that have an enhanced resource and welcome children with autism, with cerebral palsy, have had really really savage cuts. At Brampton we have lost 500 hours a week in staffing over two years. We lost £130,000 in the budget last year. Schools which have traditionally welcomed special educational needs' children no longer have the money to do so. That is the only reason I am here today. I care about fairness.

Alex Dale said the Government has a Fair Funding Formula. I say that that formula is not fair. It is going to result in schools that have extra special educational needs' children and welcome them, those schools are going to be forced to become extinct.

At the moment when a child wants to join a school the school knows that roughly £6,000 needs to come from that schools' general budget not just once, every year that that child attends the school.

A report by the Strategic Director for Children's Services, Jane Parfremment, states that if a child moves from one LEA to another the £6,000 is guaranteed to go with that child yet it does not get guaranteed to go to the school where a child attends.

In September 2016 the statutory guidance called 'Children Missing Education' says every child is entitled to an education. What are you going to do to ensure that every child gets the education and support that they deserve? I am passionate because I care.

Councillor Dale responded to the supplementary question as follows:

Absolutely. I respect that and welcome it. You quoted me as saying there is a Fairer Funding Formula. The National Funding Formula is in theory fairer but I have said in answer to the previous question it is not fair enough and there are some historic inequalities within that that need to be addressed. As I say I am absolutely committed to doing everything we can as an Authority to support that campaign.

In terms of the notional SEN budget and the amount that goes to schools to try and cover the £6,000 that has significantly increased. It is called the Low Prior Attainment Funding under the National Funding Formula. For example, the Low Prior Attainment Funding in primary schools' budgets in Derbyshire was only just over £1m in 2017-18 and that has gone up to £15.2m in 2019-20 so there is a significant increase there. I don't doubt that it is offset by various other costs that schools have to face. The cap on gains, as I say a necessary evil but that is limiting some schools being able to realise the full benefits of a Fairer Funding Formula. There are limitations with the existing Fairer Funding Formula that we are campaigning to try and address.

As I have said I am happy to come out again to Brampton School. I recognise that you are passionate about the subject. I am too, I genuinely am, and I would be happy to discuss that further at a future meeting.

(5) Question from Maurice Neville to Councillor T King, Cabinet Member for Economic Development and Regeneration

'From: Local Resilience Forum 2017 Interviews - UK Committee on Climate Change: Adaptation Sub-Committee. Preparing for climate change.

A common theme among the responses was the need for positive action to manage the risk to the UK from the impacts of climate change. Several interviewees suggested that climate change adaptation planning is needed and should be prioritised. The need for communities and the wider public to be aware of the long term risks of climate change was highlighted.

What conclusions has the Council, and/or its partners in the Derbyshire Local Resilience Forum, reached about the balance of cost and risk between climate change preventative measures and climate change adaptation measures and why is there no mention of climate change on the Derbyshire LRF Risk Register?’

Councillor King responded as follows:

I think we ought to start by saying it is important to understand that the Local Resilience Forum is a multi-agency partnership made up of representatives from local public services, including the emergency services in local authorities, the NHS, the Environment Agency and others. The forum’s role is to plan and prepare for localised incidents and catastrophic emergencies. It works to identify potential risks, as you say, and then produce emergency plans to either prevent or mitigate the impact of any incident on the local community. It is chaired by the Assistant Chief Constable and is independent of the County Council but we, of course, are a key partner in the forum so we are aware of what goes on.

Under the Civil Contingencies Act 2004 the forum has a duty to assess the risk of any emergency occurring within its geographical area and to publish the results of risk assessments in the Community Risk Register. An emergency is defined in the CCA as an event or situation which threatens serious damage to human welfare or to the environment in a place in the United Kingdom. The event or situation must be of sufficient scale and nature that is likely to seriously obstruct a Category 1, eg police responder, in the performance of its functions or require a Category 1 responder to exercise its functions and undertake special mobilisation. The first step in the risk assessment process is to produce a list of hazards which may lead to an emergency as defined above.

Though the Derbyshire LRF risk register does not expressly identify climate changes as a risk it does identify its consequence and to this end the LRF has appropriate plans in place to deal with flooding, severe weather etc, together with capability plans to cover the wider impacts.

In answering the question posed by yourself I have to advise that rather than being considered a single hazard, climate change is the source of a number of hazards which appear on this list. In fact the majority that are listed under the ‘natural hazards’ category on the Community Risk Register could potentially occur as a result of the impacts of climate change. Flooding; severe weather; drought and their consequences on the highway network; community and business resilience etc.

The same approach to assessing the potential risk of climate change is used for the National Risk Assessment, the process for which LRFs are obliged to follow.

Turning now to Derbyshire County Council. I would like to advise that DCC has specifically identified adapting to climate change on its strategic risk register, along with nominated lead officers and appropriate mitigation adaptation measures. This includes contributing to a Comprehensive Risk Assessment of the effect of projected future climatic changes.

The following supplementary question was asked:

I am well aware of the stated purpose of the LRFs. What I was referring to was the fact that in many parts of the country the distinction between the notion of an 'emergency' under Local Resilience Forums and the climate emergency used to be something like pandemic flu could happen next week and is regarded in Derbyshire and many other places as the worst possible risk at the moment and the most imminent, but something like climate change can be pushed out a couple of decades and something that has not got to be addressed in any great detail within the LRF framework. As we now know from the international studies this distinction is not real. We have a climate emergency already.

For example, Surrey County Council has created a Committee which has surveyed the relationship between strategic climate change and the Local Resilience Forum in the county. They have published a comprehensive document for the public about that issue of climate change and emergency resilience.

I would like to ask the Council and Leader of the Council will Derbyshire be prepared to follow the example of Surrey County Council and make it absolutely clear in public, and in detail, that a climate emergency means just that and the Local Resilience Forum is part of addressing that across the whole of the Council's function, including all its partners? Could we have that assurance that this Council will look at the example of Surrey and follow that example and particularly importantly engage with the public? In all the studies of resilience engaging with the public, being honest with the public and open with the public is considered to be vital. That is what needs to happen in Derbyshire.

Councillor King responded to the supplementary question as follows:

Obviously I cannot comment on what other Councils do. This Council is taking great steps to address climate change. We have produced a new policy today that we will follow. Quite clearly I take your point. However, the risk register we do hold within the Council does cover all the emergencies that I think you will want to cover and of course climate change will be further considered as we move on. Quite clearly our Scrutiny Panel will also look at the risk register and ensure we do cover everything that we need to do at this stage.

(6) Question from Anne Thoday to Councillor T King, Cabinet Member for Economic Development and Regeneration

Large areas of North Derbyshire have been licensed for shale gas exploration and one company has been given permission for exploratory drilling in Marsh Lane despite strong objections from the council and residents.

Hydraulic fracturing for shale gas or “fracking” is incompatible with any efforts to achieve the internationally agreed targets set for climate change temperatures to stay below 1.5 degrees Celsius. Fracking essentially produces methane as both an end product and through the escape of fugitive emissions, in addition methane gas is roughly 30 times more potent as a heat trapping gas in the atmosphere than Carbon dioxide. Many studies have estimated that leaks from oil and gas production particularly fracking are the major driver of rising global methane emissions.

Can the council explain whether and how their policies and plans will be revised to reflect the need to prevent the development of any further fossil fuel industry including fracking in Derbyshire in order to achieve the required target of net zero carbon emissions?

Councillor King responded as follows:

I know there have been huge concerns about the proposals for fracking in Derbyshire and we are well versed with the processes that have taken place.

Just as a bit of a preamble, all aspects of the development process in the UK is heavily regulated, as I am sure you know, primarily through the National Planning Policy Framework and associated guidance such as the National Planning Practice Guidance. This suite of documents provides the basis of all planning policy and confirms the need to secure sustainable developments. The National Planning Policy Framework, the NPPF, makes numerous references to the need for Local Planning Authorities to plan positively or support proposals for various forms of development. Inevitably this means the developing of

local plans and policies such as Derbyshire County Council have to reflect on a balance of issues, usually between supporting growth and development whilst encouraging sustainability and minimising the detrimental impacts on the proposed development.

In this case the development of such as hydraulic fracking and related hydrocarbon policies where inevitably there is a need to balance fuel energy security and sustainability of supply at a national level with other environmental ecological impacts is taken into account.

I will put this down and get down to where Derbyshire County Council is and has been. I have to say I believe this Authority has been incredibly consistent in its approach to dealing with fracking applications and I am extremely proud of the way the Local Planning Authority here in Derbyshire County Council has dealt with previous planning applications. It is our view that these decisions should be taken locally by locally elected members and local politicians and to that end we have made strenuous efforts to make representations with regard to fracking proposals into the future.

I have also written to the Secretary of State expressing my concerns about any changes that may take away local democratic process because I believe it is a local decision which should be made by local councillors.

This Authority has a duty under quasi-judicial legislation to determine applications in a proper, sensitive and open and transparent way. We cannot afford to fetter that process in any way, shape or form by taking a position with regard to a particular type of application. To enable this Authority to deal with those applications in an open and transparent way we must look at each application in its own right and on its own merits as we did with the previous application on Marsh Lane, which unfortunately was taken out of our hands. I will continue as the Lead Member on Planning to make representations in the way I have just articulated.

Just out of interest we are in the process of producing a new Local Plan, Mineral Plan for Derby and Derbyshire and there will be ample opportunity for you and your colleagues to make representation during that consultation period and contribute to how that plan is formed into the future. I hope that answers your question.

The following supplementary question was asked:

I am aware that the Local Mineral Plan is undergoing development and I appreciate there are local people involved in discussing particularly fracking or fossil fuel production within that. I

would also like to say I welcome the publication yesterday of the Climate and Carbon Reduction manifesto and in particular the pledges within it to support renewable energy generation, but I would say I am concerned to see within that it does not mention fossil fuel production and generation specifically. Given that that is one of the major drivers of climate change I would think surely that manifesto should be much more specific about the need to end production of any fossil fuel in Derbyshire?

Councillor King responded to the supplementary question as follows:

Ms Thoday, your comments are noted. I am sure this particular document will be a living document. I am sure over the coming months and years it will develop and change to reflect the needs of the residents of Derbyshire.

Please be assured that the Planning Authority of Derbyshire County Council will act in a proper way in dealing with applications. The only way in which this Authority can have a proper and appropriate voice is to behave in a proper and appropriate way and this Authority will continue to do so.

(7) Question from Dave Wells to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

The minerals industry in Derbyshire, including cement making, makes a significant contribution to CO2 emissions across the county due to its energy intensity. Derbyshire County Council are bound by the legal duty set out in section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, which means local plans should demonstrate how policies contribute to meeting Climate Change Act targets. How will Derbyshire County Council's new Mineral Local Plan policies help deliver these targets?

Councillor Spencer responded as follows:

As I said earlier to a previous question on a similar subject you will be fully aware that the planning process is heavily regulated through the National Planning Policy Framework. As a result a Local Plan for an area must be consistent with section 19 1(a) of the Planning and Compulsory Purchase Act 2004 which requires a Local Planning Authority to address climate change in preparing, developing plans and documents. Specifically it is required to develop plans that must be taken as a whole, including policies designed to ensure that the development and use of land contributes to the mitigation and

adaptation to climate change, so we have a legal responsibility to take that into account.

Through the construction of the new Local Plan, which I have already mentioned, I hope that representations from all Groups, such as your own, will be received during the consultation process. I do not wish to pre-empt what that decision will be and what those findings are, but we will welcome comments and issues raised by every Group within Derbyshire as a whole (and further afield I might add) and we will take due consideration of those representations that are made in a final publication of that document.

As I have already made people aware, the Derbyshire Climate and Carbon Reduction manifesto which was published recently will also reflect what the outcomes of that particular consultation document are.

The following supplementary question was asked:

I know that Derbyshire Climate and Carbon Reduction manifesto actually does not mention the minerals industry. An understanding of baseline carbon dioxide emissions is key for a successful mitigation policy. Has the Council compiled data on CO2 emissions from the mineral sector across the county?

Councillor King responded to the supplementary question as follows:

I believe we do have statistics on obviously CO2 emissions from both quarrying and cement work. I don't have them with me now but I would be happy to communicate those to you if they are public knowledge. That is all I can say, I think.

The following supplementary question was asked:

Do you think the minerals industry will be included then in the new manifesto?

Councillor King responded to the supplementary question as follows:

I am absolutely positive it will be.

**(8) Question from Lisa Hopkinson to Councillor T King,
Cabinet Member for Economic Development and Regeneration**

About a third of Derbyshire's carbon emissions under Local Authority control are from transport and there has been almost no

reduction in those emissions in the last 10 years. While we support a faster transition to electric vehicles, that won't be sufficient by itself. To meet carbon targets there will also need to be significant reductions in all road traffic. What is the county doing to reduce the need to travel by car and have they done a detailed and quantitative carbon audit of its transport strategy to show the carbon impacts of its planned transport schemes and whether those are compatible with a net zero carbon budget?

Councillor King responded as follows:

Firstly, can I say the Council takes very seriously its responsibilities in terms of tackling climate change and reducing harmful emissions. I have mentioned on many previous occasions that as Cabinet portfolio holder for the Economy and Regeneration and in my working life I am personally committed to the low carbon agenda and ensuring good growth in Derbyshire.

However, before we go on let me say for the purpose of clarity you have made a statement regarding 30% of emissions under local authority control come from vehicles. I am assuming that this reference is Council vehicles and what we term the 'grey fleet' which is the total of what we are responsible for, and on that basis I must correct you and say I am advised that the emissions from the Council's core fleet and grey vehicles is 19% of the Council's emissions.

The following supplementary question was asked:

Sorry, my question is not referring to the fleet within Derbyshire it is referring to the traffic in Derbyshire County Council which Derbyshire has influence over.

Councillor King responded to the supplementary question as follows:

Can I say in terms of the Council's core fleet and grey fleet our emissions account for 19% of the total carbon emissions of the Council and that under Council guidance and control has reduced by 40% over the last eight years, 5% a year. We think we have set a good example for that. We also plan to reduce in future by 5% per year, year on year the Council's grey fleet as well. I do however agree that electric vehicles will not satisfy current demand, not as things are. The role of the transport sector across the country is a significant contributor to carbon emissions and we all know that. Therefore decarbonisation of the transport sector will be key in helping reduce these emissions.

Our commitment to the agenda is demonstrated through the various plans and strategies we have in place and are developing. We have an Energy Strategy currently in draft with a target to reduce emissions from the Council estate and operations by 55% by 2022 from a 2010 baseline our low emission vehicle infrastructure LEVI strategy and action plan which has been subject to wide consultation with partners and has secured support from the transport industry.

A draft air quality strategy. A draft good growth strategy will set out how the Council and partners will secure a sustainable economic growth ensuring jobs, houses and transport and digital infrastructure are integrated to reduce energy consumption, reduce the need for travel and create more sustainable and prosperous communities. That is what we are talking about.

Our Local Transport Plan is making an assessment of Derbyshire's transport emissions of carbon dioxide. It also identifies those measures the Council can bring forward which deliver high impact on lowering emissions at a local level to support the decarbonisation of the transport sector.

Through the Council's Sustainable Travel Team we provide advice, guidance, support to schools and workplaces and the wider community on how to reduce the need to travel by car. Our work on developing a key cycle network, KCN, to encourage safe and accessible low carbon modes of transport is essential in supporting this agenda and the KCN is due to be published later this year.

Also the Council's Digital Derbyshire programme is helping to ensure all homes and businesses across the county have access to supervised broadband which ultimately means more choice for workers and employers in helping people work remotely and reducing the need to travel. The Council's own HR policies support this modern method of employment.

Of course the Council does not act alone on this agenda. Our plans and policies sit within a wider context and are supported by the D2N2 draft energy strategy and the D2N2 draft infrastructure investment plan which set out long-term ambitions for low emissions and carbon neutral infrastructure projects.

I totally recognise that we do need to do more and I do agree with you not just as a local authority but as individuals as well. The strategies and plans and projects I have outlined provide the structure that will help the Council, together with its stakeholders, implement a range of measures to help meet our obligation to this incredibly important agenda.

The following supplementary question was asked:

While I welcome all the measures that the Council is taking to try and support sustainable travel - and I would urge you to do more - I note in your manifesto you mention support for low emission vehicles, which is good, but nothing on reducing car travel. Although DCC is doing things like building cycle routes or supporting sustainable travel, as the statutory Highways Authority you are helping to approve plans for developments all over Derbyshire which not only have very poor provision for walking, cycling and public transport but in actual fact interfere with existing walking and cycle routes. I know this is the primary responsibility of the District Councils, but you as the statutory Highways Authority have a role and your Development Control officers in approving those developments, so what will you do to ensure that your Development Control teams take a much more proactive role in promoting low carbon travel in new developments across the county so we don't get landed with hundreds of car dependent developments as we have at the moment?

Councillor King responded to the supplementary question as follows:

Let me just talk a minute about obviously new developments etc. We talked about the cycling network. We are well aware that cycling is very important and walking is very important to Derbyshire. Those considerations will weigh heavily on anything we do in terms of highway development.

Let me talk about the Low Emission Vehicle Strategy that we are pursuing. Can I say you ain't seen nothing yet. The number of electric vehicles we have in Derbyshire is very very small and it is my personal crusade to increase that. On top of that it is my belief that cars are not the problem in terms of carbon emissions. Very much so commercial vehicles, very much so even more the juggernauts that thunder through our lanes etc. Are you aware, for instance, that one of those emits as much carbon as twelve passenger cars? If you stand on the motorway or any road and watch them thundering past it is a constant stream. I know very well that the Government is working very hard to provide solutions for heavy goods vehicles. Quite clearly they are not going to happen in the next year or two but certainly, can I use the pun, they are coming up the road at us. That will be factored within our carbon manifesto to ensure that what you talk about in reducing car journeys, as I have set out, will go in our manifesto and be used towards climate control.

(9) Question from Kate Heasman to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

A significant number of councils along the proposed HS2 route have written to the Government urging Ministers to halt all work on HS2 amid warnings of the destruction being caused to communities. I have attached a letter from Buckinghamshire County Council for your information.

They have requested that HS2 be banned from carrying out further work, including ground investigations, demolitions and construction of access roads until the end of the year when ministers are due to decide on issuing a formal 'Notice to Proceed' to HS2 Ltd. (which was previously due to be issued in June).

It is important that for the residents of Blackwell parish and indeed the county, that the Council seek written assurances that no preliminary works, removal of trees, hedgerows and demolitions of properties by HS2 or their contractors takes place until such time as formal 'Notice to Proceed' has been given to HS2 Ltd. by the Government.

To this end, would the Leader write to the Secretary of State for Transport, the Secretary of State for the Environment and HS2 Ltd asking to gain written confirmation of such assurances for its residents and in support of fellow councils?

Councillor Spencer responded as follows:

I know the residents of Blackwell are very concerned about the proposals of HS2 and the way in which things are moving forward. I would say comparing Derbyshire with Buckinghamshire with regard to this particular case is very different. I have to indicate that to you from the point of view that Buckinghamshire has the rail track on Phase 1 running through it, I don't think it stops, and Derbyshire's cases and scenarios are very very different to those circumstances, but I do wholeheartedly agree with you that the preparatory work by HS2 should be carried out in a coordinated way after we have a consultation process and have followed the appropriate processes to get to that point.

What I can tell you today - you know that I am Chair of the East Midlands Mitigation Board - I can give you an assurance that the issue you have raised about preparatory work being carried out by HS2 will be put on the agenda for the next meeting of the Mitigation Board which I think is due to take place in about two weeks' time. That will give an opportunity for all the Councils who are represented on that

Board to express their view and concern, whatever they may be, on the issues you have raised this afternoon.

I am also very keen to point out my frustration as Chair of that particular Board. I have had two meetings with the Chair of the HS2 Board in the last three months. On every occasion I have expressed my concern about the way in which HS2 have responded to our representations with regard to mitigation. As you will know the initial paper proposed (I think it was 11,000 pages that we as an Authority and every other Authority were expected to respond to within twelve weeks) and we did so. We provided HS2 Ltd with 500 pages.

Now HS2's Strategic Board in the East Midlands represents approximately 3.5 million people and I do expect to be treated slightly different to an individual who is making representations with regard to a particular issue that they have. I have expressed my concern to the Chairman twice now that I am very unhappy that I have not had a formal response as yet. I have also written to him strangely enough today. I will continue to pursue the issue.

Just so you are aware, Derbyshire County Council have commissioned the services of an individual who will deal with presenting the case when this goes to Parliament on behalf of the Council, so the petitioning process is already put in place.

I hope we don't have to reach that point on all the issues we have raised in the 500 page representation because it will be timely, it will be costly, it will be unnecessary. I hope we can come to some resolution prior to that process taking place, but I take on board your representations and be assured that discussion will take place at the Mitigation Board in approximately two weeks' time.

The following supplementary question was asked:

I am aware of the amount of time that was spent on the Council's response to the environmental consultation, so from your response is it a 'yes' or is it a 'no' that you will write to the Secretary of State for Transport, the Secretary of State for the Environment and HS2 Ltd with our request?

Councillor Spencer responded to the supplementary question as follows:

What I am prepared to do, Mrs Heasman, I will have a discussion with my colleagues on the Mitigation Board in approximately two weeks' time and if it is the wish of the Board that we write to the Secretary of State, I want a coordinated approach. I do not want a fragmented

approach. I have pointed out to your husband and other representatives from Blackwell on numerous occasions please make your representations through your local Borough who sit on the Mitigation Board. Let us work together in a unified way and make unified representations to Government. I have already written to the Chair of HS2 and I am quite happy to write to him again. I have asked him on numerous occasions to give me a single point of contact so that I can speak to them when needed, but please be assured your considerations will be discussed and hopefully after that meeting we will be in a position to decide when we take it forward and how we take it forward.

(10) Question from Tony Mellors to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

An amended High Speed Rail route has been prepared by Civil Engineers Expedition Engineering Ltd and is being discussed with Department for Transport and the National Infrastructure Commission. In this plan Phase 2b of HS2 from Birmingham to Leeds would be scrapped, and the existing lines from Birmingham, through Derby, Chesterfield, and Sheffield to Leeds would be upgraded to High Speed. Since this would satisfy the criteria of the current Phase 2b route in terms of serving Derbyshire with High Speed Trains and increased capacity, and avoid the laying waste of thousands of acres of countryside, and the demolition of hundreds of Derbyshire homes, would DCC support this amended route? Or are there other criteria of greater importance to DCC?

Councillor Spencer responded as follows:

You will have to have a seat with a badge on to save you coming backwards and forwards.

There have been numerous ideas put forward with regard to HS2 and about the Phase 2b arm of the project, many of them driven by the Northern Powerhouse I suspect because there is a lot of talk about the benefits that can be gained by changing the approach that has been put in place to-date.

I am not aware that the Government or HS2 Ltd have come forward with any changes in their proposals and until that point I will not be taking any of them as seriously as some areas of the county choose to do.

What I can say to you is it is my job, as I keep referring to this particular programme, to obtain the best economic outcome we can out of the scenario but giving very serious consideration to the mitigation issues related to it.

As I said to your colleague from Blackwell only a few moments ago we continue to pursue HS2 and the Department for Transport on taking our representations seriously. I have given you personal and ongoing assurances and that will continue to be the case because we are going to end up in a bidding game if we are not very careful.

When HS2 was brought about initially I think it was supported by nine out of ten members of Parliament. As I said at your public meeting in Blackwell (I don't think it was supported by your Member of Parliament but he doesn't support anything so that doesn't matter) what I would say to you is nine out of ten MPs supported the proposals for HS2 and all the way through the process there has been a continual message and if HS2 is to be the economic success it was pledged to be it had to be completed in its entirety and a part of it would not do the job. That was the message we have been continually receiving.

My position is quite clear: until Government and HS2 make a public statement of change in direction, change in proposals, I will continue to work on the programme - along with my colleagues in other Authorities across the East Midlands - on the programme that has been presented to me to deal with. I am unhappy about the way in which we have been dealt with. I will continue to make the case. I will pursue an honest and straightforward answer on all the issues that have been raised by local groups across the whole of the East Midlands because one thing I think the public do deserve is an honest answer about their concerns and an honest answer on how they are going to address mitigation issues that affect the livelihoods, the environment and all the other issues related to the provision of an infrastructure scheme of this nature. You have my assurance on that, Mr Mellors.

The following supplementary question was asked:

I am not sure about nine out of ten Members of Parliament because I think about nine out of ten members of the Cabinet are against it now. I would just ask you if you would raise the report in question at discussions at your relevant meetings, the mitigation meetings, and support it for the benefit of Derbyshire residents and support the probable reduction in cost for the benefit of the whole country.

Councillor Spencer responded to the supplementary question as follows:

Mr Mellors, I can assure you we will discuss every element of the proposals that come forward in the coming months but particularly I am very much focused on the mitigation issues.

Motion submitted by Councillor A Western

Climate change is an existential threat. Extreme weather events have caused damage and destruction in this country and have led to deaths and displacement of thousands of people worldwide. Natural habitats, wildlife and biodiversity are in peril. Scientists are warning that we have a little over a decade to implement urgent action to reduce CO2 emissions before we reach a global tipping point.

Action is required at international, national, local and individual level to achieve the carbon reduction levels needed.

This council recognises the work done by this and the previous administration and acknowledges the revised Corporate Environment Policy, Strategy and Action Plan recently agreed by Cabinet. Unfortunately, the current plans are not enough.

This Council pledges to:

- Declare a Climate Emergency
- Make Derbyshire County Council carbon neutral by 2030
- Call on the UK Government to provide the powers and resources to make the 2030 target possible
- Work with partners across the county and region to deliver this new goal through all relevant strategies

Report back to Council within six months with the actions the Council will take to address this emergency.

The motion was duly seconded.

An amendment to the motion was moved by Councillor B Lewis, duly seconded, that the motion be amended to read:-

Climate change may well become an existential threat. Extreme weather events have caused damage and destruction in this country and have led to deaths and displacement of thousands of people worldwide. Natural habitats, wildlife and biodiversity are in peril. Scientists are warning that we have a little over a decade to implement urgent action to reduce CO2 emissions before we reach a global tipping point.

Action is required at international, national, local and individual level to achieve the carbon reduction levels needed.

This Council recognises the work done by this and the previous administration and acknowledges the revised Corporate Environment Policy, Strategy and Action Plan recently agreed by Cabinet.

This Council pledges to:

- Urgently review its current Carbon Reduction Strategy
- Set out a plan and timetable to make Derbyshire County Council carbon neutral
- Call on the UK Government to provide the powers and resources to support this
- Work with partners across the county and region to deliver this new goal through all relevant strategies
- Report back to Council within six months with the actions and road map that the Council will take to address this.”

The amendment to the motion was duly seconded, voted upon and declared to be WON.

At the request of at least five Members, a recorded vote was taken and recorded as follows:

For the motion (29) Councillors T Ainsworth, R Ashton, K S Athwal, J Atkin, N Atkin, B Bingham, J Boulton, S Bull, L Chilton, A Dale, R Flatley, M Ford, A Foster, A Fox, L Grooby, C Hart, G Hickton, T Kemp, T King, B Lewis, G Musson, R Parkinson, J Patten, J Perkins, C Short, S Spencer, S Swann, D Taylor, and J Wharmby.

Against the motion (5) Councillors S Blank, S Burfoot, J Frudd, D McGregor, and B Wright.

Abstained (13) Councillors D Allen, N Barker, D Charles, J Coyle, C Dale, H Elliott, S Marshall-Clarke, R Mihaly, C Moesby, I Ratcliffe, P Smith, M Wall, A Western.

29/19 **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:

The Chairman:

- (a) invited the representatives from The Mining Memorial community volunteer group to receive the Markham Vale award;
- (b) asked all to partake in a minute's silence of remembrance for the attacks in Christchurch and Sri Lanka shootings;

(c) delivered his speech after his appointment as Chairman of the Council.

30/19 **APPOINTMENT OF CIVIC CHAIRMAN** On the motion of Councillor C Hart, duly seconded,

RESOLVED that Councillor R Parkinson be appointed Civic Chairman of the County Council for 2019-20.

31/19 **APPOINTMENT OF VICE-CIVIC CHAIRMAN** On the motion of Councillor J Atkin, duly seconded,

RESOLVED that Councillor Mrs J A Twigg be appointed Vice-Civic Chairman of the County Council for 2019-20.

32/19 **APPROVAL OF THE REVISED CONSTITUTION OF THE REPORT** In February 2018, the County Council launched its intention to be an Enterprising Council. To achieve this, a number of workstreams had been established and, with the support of the Standards Committee, the Systems and Processes Workstream had focussed on delivering a revised and refreshed Constitution.

On 6 February 2019, Full Council approved the revisions to the Constitution and acknowledged at that time that additional revisions were required to be considered by the Standards Committee. Further meetings of the Standards Committee had taken place with the result that at its meeting on 12 April 2019, the Standards Committee unanimously approved the final draft of the Constitution which was now appended to the report.

The Standards Committee had recommended that subject to the approval of Full Council, the revised Constitution should be fully implemented across Derbyshire County Council from 27 May 2019.

In recommending this revised Constitution to Full Council, the Standards Committee would like to highlight the following:

- a) Member Role profiles for the roles of Chairman of the County Council, Civic Chairman of Derbyshire County Council and Vice Civic Chairman of Derbyshire County Council had been considered and recommended to Full Council. These were the subject of a separate report on the agenda;
- b) The Council's Regulatory Licensing and Appeals Committee would cease to exist;

- c) A newly created Appointments and Conditions of Service Committee had been established and a detailed terms of reference for this new committee was incorporated into the revised Constitution;
- d) The Standards Committee would be re-named Governance, Ethics and Standards Committee;
- e) The Governance, Ethics and Standards Committee would undertake a six monthly review of the revised Constitution, once implemented, and an annual fitness for purpose test;
- f) That at the time of its meeting, namely 12 April 2019, it was noted that the Leader of the Council was undertaking a review of the Cabinet Member Portfolios and acknowledged that any amendments arising from this review would be reported directly to Full Council at its Annual General Meeting.

As previously reported to Full Council, the revised Constitution was now divided into two sections namely Articles and Appendices; the Articles set out the overarching functions and decision-making framework of the Council, whilst the Appendices to the Articles contained the details as to how the functions listed in the Articles would be carried out.

It should be noted that the Financial Procedure Rules and the Standing Orders relating to contracts had previously been approved by Full Council and came into force on 1 April 2019.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve (1) the revisions to the Council's Constitution as recommended by the Standards Committee on 12 April 2019; and

(2) that the revised Constitution would have an effective implementation date across the Derbyshire County Council of 27 May 2019.

33/19 APPROVAL OF THE SCHEDULE OF APPOINTMENTS

Cabinet appointments and portfolio responsibilities were determined by the Leader of the Council and were presented to the Council for information. Details were attached at Appendix 1 to the report.

The allocation of seats on Committees to political groups was determined in accordance with the principles of political balance and

nominations to seats on Committees was determined by the political groups.

Attached at Appendix 2 to the report was the schedule of appointments for 2019-20 to committees. Proposed appointments to outside bodies were detailed at Appendix 3 to the report.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to (1) note the Leader's appointments to Cabinet and the portfolio responsibilities;

(2) note the appointments to Committees and Sub-Committees; and

(3) approve the appointments to serve on outside bodies.

34/19 APPROVAL OF THE SCHEDULE OF MEETINGS The schedule of meetings was presented for approval.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve the schedule of meetings.

35/19 TO RECEIVE THE REPORT OF THE INDEPENDENT REMUNERATION PANEL AND TO APPROVE THE MEMBERS' ALLOWANCE SCHEME FOR 2019-2010 Mr Ian Orford, Chairman of the Independent Remuneration Panel attended the meeting for the presentation of this report.

The Council was required to publish a Members Allowances Scheme and consider recommendations from the Independent Remuneration Panel.

The Independent Remuneration Panel had been meeting throughout 2018-2019 and had undertaken a thorough appraisal of the allowances and expenses paid to Elected Members. As part of its work, the Independent Remuneration Panel had considered evidence before reaching its conclusions, this included evidence from:

- A review of the existing Members Allowance Scheme;
- A review of the proposed revisions to the Council's Constitution and any potential implications upon the council's governance framework which may impact on Elected Members including impact on workload;
- Consideration of the Member Role Profiles, including the proposed profiles for the Chairman of the County Council, Civic Chairman of

Derbyshire County Council and Vice Civic Chairman of Derbyshire County Council;

- Oral submissions from the Leader of the Council; Director of Legal and Democratic Services and Director of Finance and ICT.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to receive the report of the Independent Remuneration Panel and approve its recommendations and to approve the proposed Members Allowance Scheme for 2019-20.

36/19 **TO CONSIDER THE REPORT OF THE LEADER OF THE COUNCIL** Councillor Lewis referred to the forthcoming 130th anniversary of the County Council.

County Hall now had new technology including screens and a new speaker system in the Council Chamber, but at the same time still valued those old traditions that they have as an authority and having the role of a Civic Chairman very much reflected that.

The National Fair Funding campaign/consultation had been on-going. Councillor Lewis and a number of officers had been to Westminster and talked to MPs there, on all sides of the House and did a tele conference call with others.

Councillor Lewis wanted to highlight that there were a number of key anniversaries in 2020 and 2021, not least the 70th anniversary of the National Park. It was also 20 years since the World Heritage site, the only one in the East Midlands, to name a few.

Holding a Derbyshire Festival was not just about the tourism economy, but it was also about inward investment as well, showcasing Derbyshire to the world to increase the potential for investors to come to Derbyshire, create businesses here and create jobs.

RESOLVED to note the report.

37/19 **COUNCILLOR QUESTIONS** There were no questions.

38/19 **PETITIONS** There were none received.

39/19 **COUNCIL PLAN 2019-21** The Council Plan set out the future direction of the Council, the outcomes that the authority was seeking to achieve and priorities to focus effort and resource. The revised Council Plan 2019-21, attached at Appendix A to the report, had recently been refreshed. The Council's ambition and outcomes had

been updated and a smaller number of focused priorities, supported by key deliverables, had been identified.

The Plan set out the Council's ambition to be "an enterprising and value for money Council enabling people and communities to thrive." Refreshed outcomes, outlining what the Council was working towards with partners and local people were highlighted.

Five new priorities, which were set out below had been identified. These were:

- Value for money
- A prosperous Derbyshire
- Empowered and self-sufficient communities
- A focus on prevention and early intervention
- High performing council services

For each priority, key deliverables for achievement over the next two and five years had been identified. The Plan was supported by a more detailed delivery plan, attached at Appendix B, which set out clear timescales and lead responsibility.

The refreshed Plan and delivery plan were recommended for approval by Full Council. The Council would assess progress through regular monitoring of key deliverables and performance against the key measures set out in the Plan.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve the Authority's Council Plan refresh 2019-21.

40/19 AMENDMENT TO THE COUNCIL'S SENIOR MANAGEMENT MODEL

In July 2017, the Council adopted a new senior management model, deleting the post of Chief Executive, and replacing the officer leadership of the Council with a new operating model. This new model required the four Strategic Directors in the structure to lead their designated functional areas of responsibility but also to take a collective lead in the overall leadership of the council.

The new operating model had now been in place for 18 months and had continued to evolve and develop. A number of initiatives were currently being developed to ensure that the Council's new operating model was understood locally (by the residents, partners and the workforce), regionally and nationally, in addition to officers promoting the operating model during the course of their normal work. As part of

this increased focus on raising the profile of the operating model, it also considered that Strategic Directors should be renamed to Executive Directors. The intention was that the name Executive Director reflected the executive element of the role which reinforced the wider corporate leadership role of that beyond their own functional area of responsibility. This renaming of the posts would not affect the terms and conditions of employment of the affected officers, nor change their existing roles or responsibilities. If approved, confirmation of the job title change would be formally communicated to the current Strategic Directors.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to rename the current Strategic Directors to Executive Directors, as described in the report.

41/19 DERBYSHIRE PENSION BOARD In April 2015, Council approved the establishment of the Derbyshire Pension Board, as required by the Local Government Pension Scheme (Amendment) Regulations 2015.

Council further agreed, in September 2017, to staggered terms of office for Board members, and to extending Board members' tenure to four years, in order to support continuity.

Further to Council's approval in June 2018 of the appointment of two new Employer Representatives, A Butler and N Calvert, to replace two outgoing members, and the reappointment of N Read as a Member Representative, the membership of the Board was as follows:

Role	Name	Start Date	Amended term	Expiry
Member Rep	N Read	June 2018	4 years	June 2022
Member Rep	K Gurney	June 2015	4 years	June 2019
Employer Rep	A Butler	Sept 2018	4 years	Sept 2022
Employer Rep	N Calvert	Sept 2018	4 years	Sept 2022

However, A Butler had left his employment at Derby City Council on 31 March 2019 and, consequently, resigned from his position as an Employer Representative on the Board on the same day.

The established process had, therefore, been undertaken to recruit to the vacancy and a panel comprising the Chair of the Board and officers of the Council had selected and recommended the following candidate for appointment to the Derbyshire Pension Board:

Role	Name	Start Date	Fixed term	Expiry
Employer Rep	O Fishburn	May 2019	4 years	May 2023

Oliver Fishburn had been nominated by Bolsover District Council (in alliance with North East Derbyshire District Council) where he was employed as the Payroll Manager responsible for both District Councils' payrolls as well as the payrolls of Rykneld Homes, North Wingfield Parish Council and Wingerworth Parish Council.

Council was also requested to note that a further recruitment procedure was underway to ensure that when K Gurney's tenure ends in June 2019, a replacement was promptly identified. Approval for this appointment would be sought from Council at the meeting of 17 July 2019.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve the appointment of O Fishburn to the Employer Representative vacancy on the Board for a fixed term of 4 years.

42/19 **WAIVER OF THE CALL-IN PROVISIONS** On the motion of Councillor B Lewis, duly seconded,

RESOLVED to note the report on the agreements to waive the call-in provisions.