

PUBLIC QUESTIONS TO COUNCIL – 30 NOVEMBER 2022

a) Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget (attending)

“I recently contacted Legal Services to establish why the Council, unlike other Councils, does not publish a disclosure log to view that contains EIR and FOI requests. I’ve been informed a log is not a statutory requirement but is something which may be addressed in the future as part of the overall data management strategy and continued commitment to transparency.

Given between July and December 2021 the Council received 58 EIR and 530 FOI requests it would strongly suggest that publishing a log would be extremely beneficial for those seeking information and the Council too – e.g. requests may not be submitted at all if something similar has already been responded to and published. I believe a log could only serve to reduce the number of requests and also potential Council processing costs.

Rather than may, can this be addressed and now as part of the data management strategy?”

Response:

“Thank you, Mr Ingham for your question. The Freedom of Information Act 2000 requires Councils to have a publication scheme approved by the Information Commissioner’s office detailing the information which is provided by the Council. Derbyshire County Council complies with this fully.

Publication of responses to the Freedom of Information Act 2000 requests are not a statutory requirement and the Council needs to carefully consider whether it is appropriate to devote resources to publishing and disclosing the log in the way you suggest, particularly given the backdrop of the budgetary pressures the Authority is facing.

In response to your specific request the Data Protection office and the Access to Information Team continually assess the information that is taking place moving forward, which we will continue to do, but I have no commitment at this time to publish those facts as you have requested.”

Supplementary question:

“Thank you for that response, Councillor Spencer. I would like to reaffirm in terms of the supplementary I am raising now my question is not posed to you directly I raise it via you, it is more for officers to address.

Since submitting my first question that you have responded to Democratic Services have been further advised by Legal Services on the 2 November that they are looking of ways to improve the handling of information requests. This is due to an oversight of not responding to a request from myself made last year within a statutory one month period. It was an eleven month oversight and was only picked up when the Information Commissioner's office got involved in September.

Ironically on the 2 November, on the very same day, Councillor Lewis was kind enough to engage with me in this Chamber regarding the devolution deal consultation process to help ensure people aren't missed and forgotten.

Obviously I have made my private thoughts known relating to this apparent oversight to Emma Alexander, Helen Barrington and Councillor Lewis this week. Clearly this helps to reinforce why Legal Services would benefit from a disclosure log to free up staff time to ensure that statutory response times are adhered to.

As you said in February Councillor Spencer to me in full Council, it is not everybody's cup of tea to come here and ask public questions. It is not really my cup of tea to be honest either but at least everybody knows what my questions are, along with those from other members of the public I am pleased to join today. Hundreds may have no alternative but to submit FOIs and yet nobody in this room knows what all the questions are, the issues that society are interested in and in the responses provided by this Council. I would therefore be grateful, Councillor Spencer, if you could add these additional points to those already raised as reasons why I consider a disclosure log would be hugely beneficial and in the meantime I will try to be a little bit more charismatic and interesting so ---

THE CHAIRMAN: Mr Ingham, could I just ask if you are going to read out a list of things that you would like to happen there is no question in that at all and you have veered a little bit away from the actual log, which is what you are asking for. Could I ask, you are supposed to have 150 words per question and it is supposed to be a question. This is more of a dialogue than a question.

MR INGHAM: Well my question was to take these points, Chair, and add them to my original question in order to consider it collectively."

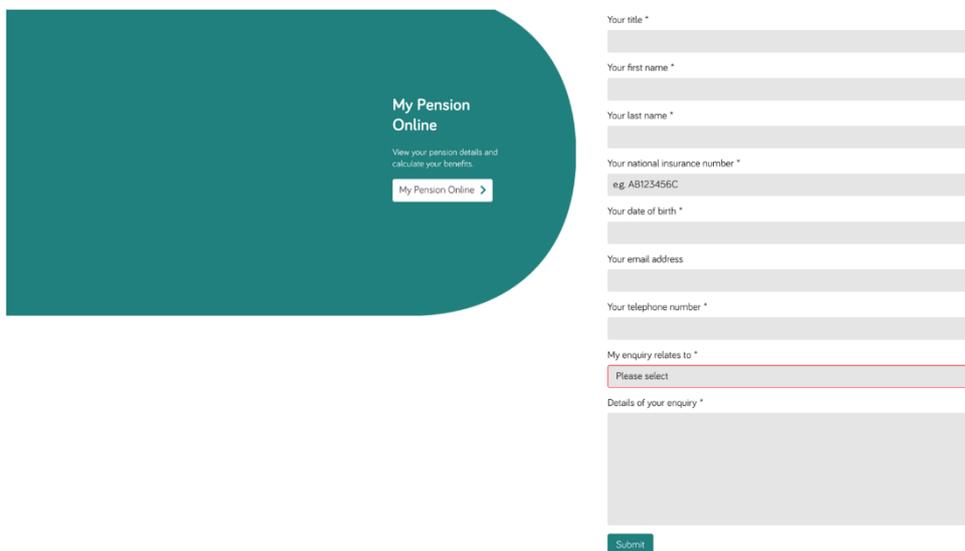
Response:

"Mr Ingham, look I acknowledge your integrity with regard to the questions you are asking and I also acknowledge it is always the ambition of the Council to be as transparent and open as it possibly can but we have to consider all the implications of those decisions moving forward, cost not being least of them, and with the technological advancements in the way we record information that

may change in the future. All I can assure you is that that will be under continual review as those technological advancements take place and the comments you have raised will be noted.”

b) Question from Michael Pomerantz to Councillor S Spencer, Cabinet Member for Corporate Services and Budget (attending)

“For several years Derbyshire employees and pensioners have awaited the arrival of a proper “forum” where we might explore the various options about investment and divestment in the fossil fuel industry. We were lead to believe that there were some delays for technical reasons but that eventually a forum would be available. Below is what we find on the Derbyshire Pension website.



The image shows a screenshot of the 'My Pension Online' website. On the left, there is a teal banner with the text 'My Pension Online' and a button that says 'My Pension Online >'. On the right, there is a registration form with the following fields: 'Your title *', 'Your first name *', 'Your last name *', 'Your national insurance number *' (with an example 'e.g. AB123456C'), 'Your date of birth *', 'Your email address', 'Your telephone number *', 'My enquiry relates to *' (a dropdown menu with 'Please select'), and 'Details of your enquiry *' (a large text area). A 'Submit' button is located at the bottom right of the form.

This comment box does not match our aspirations for a public conversation where participants exchange opinions, questions and we can all learn from a democratic procedure. In the process the Pensions and Investment committee would learn more about how their decisions affect those who contribute to or who benefit from the Pension Fund. Our original request was designed to allow for wider participation.

Does the Pensions and Investment Committee have any plans to expand this discussion? Absence of a public forum conveys the impression alternative views are not welcomed.”

Response:

“Thank you, Mr Pomerantz, for your question. Let me just give you some words of assurance. Your views are always welcome and you are able at this moment in time to express those views on the portal that is available, as I am sure you are fully aware, but I can give you an assurance that we are looking at the way

in which we can improve our engagements with stakeholders and we will hopefully, all being well, be able to consider delivery of a forum in 2023.

As I am sure you can appreciate through Covid there have been other priorities for this Council to focus on and that is no disregard for the question you ask, but of course it did get delayed as a consequence of that, and other issues. I can give you an assurance today that we are considering your request and will hopefully be in a position to give you more information in 2023.”

c) Question from Bridget Edwards to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change (attending)

“2022 has been a year of devastating climate warming related events. Derbyshire County Council is clearly signed up to the reduction of fossil fuels and is producing The Journey to Net Zero newsletter. Public opinion polls show that climate change is the 2nd most important issue after the cost of living crisis.

The financial industry bears a heavy burden of responsibility for the climate emergency by continuing to invest in fossil fuel industries. Derbyshire Pension Fund climate risk strategy doesn't take into account the increasing speed of the climate changes that are taking place, and that tipping points are dangerously close. Many councils have ambitious and much earlier divestment and net zero plans.

Will the council ask the Pension Committee to reconsider its climate strategy and bring forward the dates for changing their investments away from fossil fuels and into renewable energy and green investment?”

Response:

“Thank you for your question, Ms Edwards. You may have been buoyed by recent announcements of Local Government Schemes announcing that they aim to divest their pensions by 2030 in line with their own organisational targets. These are Councils like Hammersmith and Fulham, South Yorkshire. However, it does have to be said that they are outliers in the way that they have operated this and their schemes may have very different investment briefs than do the organisations themselves. In each instance it went against the sort of local professional advice and it does have some potential to put those particular pensions at risk. We all understand that the green technology market at the moment is quite an overcrowded marketplace with the Russian investors clambering to invest in particular areas of that market and that can create some short to medium term risks which need careful consideration and thinking.

Our own Pension Fund here in Derbyshire's primary objective is to pay members' benefits, as you probably understand, whilst they fall due and seeking

as far as possible to protect local taxpayers and employers from unsustainable increases in pension costs as well. The Pension Fund's assets of over £5.7bn are invested in a return seeking investment strategy to generate income and capital returns to support the payment of those members' benefits. A long-term investment strategy is agreed by the Pensions and Investments Committee that aims to maximise the returns from investments within acceptable levels of risk. In order to balance out risk and reward the Pension Fund invests in a wide range of asset classes and in a wide range of sectors and industries and, of course, geographical areas.

The Pension Fund's Climate Strategy was approved in November 2020 and it sets out the funds approaching addressing climate related risks and opportunities for the whole investment portfolio. It includes support for the ambitions of the Paris Agreement and the aim of achieving a portfolio investment asset with net zero carbon emissions by 2050 in line with National Government ambitions. The Climate Strategy also includes a target for reducing the carbon footprint of the fund's list of equity portfolio by 30% and for investing at least 30% of the fund's assets in low carbon and sustainable investments, both to be achieved by 2025. The development of a credible climate related target takes into account the availability and quality of climate related disclosures and the availability of suitable products across all those assets which form part of the fund's balanced portfolio.

It has to be said good progress against those targets has been made with the target reduction in the carbon footprint of the list of portfolio already achieved and a proportion of the fund's assets invested in low carbon and sustainable investment, including investments in renewable energy assets standing at around 27% or 29% on a committed basis. The targets within the Pension Fund's Climate Strategy are due to be reviewed in 2023 and therefore on at least a three yearly basis. The fund expects to see a material increase in the targets in the period to 2030 and in each subsequent period on the journey to a net zero portfolio, taking into account a contemporary development of carbon related data metrics and the availability of suitable products across all those asset classes."

Supplementary question:

"Thank you for your response. The Pension Committee has said previously that they have had difficulty in finding suitable green and renewable investments that provide excellent results. How can you assure us that the Pension Committee is seeking advice from climate investment specialists?"

Response:

"I can provide you with a written detailed answer around that. At the moment I am pretty sure the Pension Fund takes its advice from a decent set of advisers

who will have experience in that but the specifics on that I will have to get back to you.”

d) Question from Kris Stone to Councillor S Spencer, Cabinet Member for Corporate Services and Budget (attending)

" With a background of amnesties being mentioned in the news and on social media, over the treatment of people, who chose not to have injections for Covid-19, I wanted to know what the Derbyshire County Council's current position is towards their employees? How many Derbyshire County Council workers at this moment in time, have been suspended or sacked or are in the process, for exercising their own free choice, of what medical treatment they would have injected into their bodies?

This is an important matter to many Derbyshire Residents and staff affected.”

Response:

“Thank you, Mr Stone, for the question. The Council has always supported the National Vaccine Programme and continues to encourage employees who are eligible for the vaccine and boosters to do so in line with NHS guidelines. The Council’s current position is that everybody has the choice whether they take the vaccine offer or not. At this moment in time there are no staff suspended or subject to disciplinary action for choosing not to have the vaccine.”

Supplementary question:

“Will that be something in the future that you will keep to following the G20’s pledge? If I found somebody who was suspended and brought it to your attention would you take that very seriously?”

Response:

“That goes without saying, of course we will take it seriously. It is not my responsibility as the Cabinet Member for Corporate Services to manage the staff. That is the responsibility for the Head of Paid Service.

Of course we have made a commitment with regard to the vaccine programme. I cannot predict what may happen in the future. Nobody could predict the intervention of Covid-19 in our country and the world and nobody knew at that particular time exactly what course of action was going to be taken but as far as it stands at this moment in time, Mr Stone, that is the position.”