

PUBLIC

MINUTES of a meeting of **COUNCIL** held on Wednesday, 27 March 2024 at Council Chamber, County Hall, Matlock.

PRESENT

Councillor T Ainsworth (in the Chair)

Councillors B Lewis, S Spencer, K S Athwal, R Ashton, D Allen, N Atkin, J Barron, B Bingham, J Bryan, 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, N Gourlay, D Greenhalgh, L Grooby, C Hart, A Hayes, G Hickton, S Hobson, N Hoy, R Iliffe, J Innes, T King, G Kinsella, W Major, R Mihaly, P Moss, D Murphy, P Niblock, R Parkinson, J Patten, L Ramsey, C Renwick, P Rose, J Siddle, P Smith, A Sutton, S Swann, D Taylor, J Wharmby, D Wilson, B Woods, J Woolley and M Yates.

Apologies for absence were submitted for Councillor A Gibson, A Haynes, T Kemp, D Muller, G Musson, J Nelson and A Stevenson.

Officers present: Emma Alexander (Managing Director), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Helen Barrington (Director of Legal and Democratic Services), Mark Kenyon (Director of Finance), James Gracey, Chris Henning (Executive Director - Place), Ellie Houlston (Director of Public Health) and Alec Dubberley (Head of Democratic and Registration Services).

15/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gibson, Haynes, Kemp, Muller, Musson, Nelson and Stevenson.

16/24 DECLARATIONS OF INTEREST

None received.

17/24 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that due to an administrative error the Performance Monitoring and Budget Monitoring Forecast Outturn 2023-24 as a Quarter 3 paper due to be heard today would be presented to the May meeting.

The Chairman then referred to the Barkley Marathon in Tennessee that had taken place the previous week. Jasmine Paris who originates from Hadfield in Derbyshire was the first woman to complete the race and

was one of only 20 to finish, a great achievement. The Chairman recorded congratulations and acknowledged the amazing feat of courage displayed by Jasmine on behalf of the Council.

The Chairman reminded members of the great work that our Local Community Rail Partnerships did. He referred to the Hope Valley Line, the Derwent Valley Line and now the Robin Hood Line. These were all active within our Derbyshire boundaries. These lines had great activities for adults and children and he encouraged everyone to take a look at the relevant websites during the Easter break. Also to remind everyone to utilise alternative transport modes available without using cars such as the Wayfarer family ticket or £2.00 bus fares available.

Finally he referred to the sad death of ex County Councillor Joe Murphy who had recently passed away.

Members paid tributes and stood in silence as a mark of remembrance and respect.

18/24 **MINUTES**

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 14 February 2024 subject to the deletion of Councillor K S Athwal from the attendance list.

19/24 **REPORT OF THE LEADER OF THE COUNCIL AND MEMBERS' QUESTIONS**

The Leader reported that the first meeting of the East Midlands' Mayoral County Combined Authority had taken place, an important event for the East Midlands Region. The Combined Authority had brought together the four upper tier Authorities, the two cities and the two counties of Nottinghamshire and Derbyshire. The first meeting had taken place in Derbyshire, in Chesterfield Borough Council's main Council Chamber and Councillor Lewis had been nominated to chair this inaugural meeting on behalf of the Combined Authority.

He referred to the incredible journey that had evolved over a substantial period of time and the different events that had taken place including changes to legislation that had impacted along the way. This was the first County Combined Authority to be established in the country, something that made the East Midlands unique. He was looking forward

to working with and closely cooperating inclusively across the Region and within the Combined Authority to maximise funding potential and opportunities for the combined area. Its work would be very much focused on inclusive growth which would benefit what we do and ensuring that everybody would benefit from that work.

In response to a question from Councillor E Fordham regarding the accountability of the new Combined Authority and the suggestion that an annual item and invite to the Mayor to a suitable Council meeting or other appropriate meeting could be afforded, Councillor Lewis agreed with this suggestion.

In response to a question from Councillor D Allen in relation to the Combined Authority and its functions in respect of health, Councillor Lewis confirmed that it would have certain responsibilities with regard to Public Health but the actual details of how this would work were still in their infancy.

In response to a question from Councillor J Dixon in respect of the Budget update report that had been delayed to the next meeting, Councillor Lewis confirmed that this had been purely down to an administrative error as the Chairman had explained during his announcements but that the report had already been presented to a recent Cabinet meeting where the normal prescribed procedure for questions had been followed.

20/24 PUBLIC QUESTIONS

Question from Ms S Davis to Councillor A Dale, Cabinet Member for Education

“With a large deficit budget and a big disparity between funding and real costs, how, as a Primary School with triple the national average of pupils with an EHCP/funding, do we continue to ensure they receive the support they need to make educational progress and keep safe, whilst also ensuring that other pupils are not detrimentally impacted by the large numbers of redundancies we are having to progress with?”

Councillor Dale responded as follows:

“Thank you very much for inviting me to the school yesterday. Can I start by saying that Brampton is absolutely a school to be celebrated for being so inclusive. Walking round yesterday I really got a sense of that. It was absolutely a school where no one is left behind. It was extremely welcoming and I can absolutely understand why it is so popular among parents, particularly those with children with additional needs, and that is

why it is so concerning to me as well as it is to you and disappointing that the school is in such a difficult financial situation.

I am absolutely very clear that the school is in a rock and a hard place situation. Those support staff who are affected by the restructure proposals absolutely have my sympathy and I appreciate it is a very difficult and uncertain time for them, but as governors yourself and as the school leadership team I also have sympathy for you in having to make these decisions. It is clearly not a position you want to be in and nor do you feel, quite rightly, that it is a situation of your own making, so during our meeting yesterday you clearly articulated the two key challenges affecting the school. The first being the number of SEN children in school and the impact that has on having to draw on what is called the notional SEN budget, so every school has to contribute the first £6,000 to support the needs of any child with SEN and when those numbers are so much higher than the national average that has a much bigger impact on the school budget. I absolutely understand that and to that extent I have said it before and I will say it again, I think the school is almost a victim of its own success in being so inclusive, that that really is having a detrimental impact on the school's finances.

Then there is a section around insufficient funding from the High Needs Block for those children who are on the EHCPs in terms of that banding of funding as well as the impacts on our timescales and our processes for EHCPs which is sort of exacerbating and making the problem even more acute.

I already articulated yesterday some of the progress we are trying to make on those issues and we are actually also working on the banding models at the moment as we speak to try and ensure that the funding better reflects the needs of the child.

I offered yesterday, and I will say it again, that we have a meeting as soon as possible in the new term with yourself and other governors and the head teacher, together with myself and senior SEN officers and finance officers so that we can try and work together and try and work through some of these issues and try to resolve them.

I would also just highlight though that the Council similarly is in a rock and a hard place situation. On mainstream school funding we receive significantly less than when compared to other areas like London. London receives almost double the amount per pupil than we do and that cannot ever be described as fair. It clearly puts additional pressure on school budgets, it puts them under additional strain and actually reduces our ability as a local authority to be able to try and generate contingency pots to be able to support schools who are in exceptional

circumstances like Brampton, so that is the first thing I would say.

Secondly, with the National Funding Formula the Government are quite strict in asking us to follow the National Funding Formula very closely in the way that we distribute that funding and also the decisions are not totally ours, we do have to operate some of those decisions through Schools Forum as well and obviously consult with the School Forum.

Then on High Needs' funding there are quite significant increases in recent years. The demand is clearly massively outstripping that funding and like many other Authorities we are facing a deficit budget. It is this backdrop that makes decisions around spend in High Needs really challenging and pressurised, but just to try and reassure you to the extent that the Council absolutely isn't taking this lying down, we are playing a very active role in the national lobbying efforts around school funding and SENDs to try and fix these issues.

The Council is a member of the Cross-Party F40 group which I am very privileged to chair and we are campaigning for a review of notional SEN budgets in mainstream schools, quite frankly because I think they are ridiculous and they don't make sense to schools. They really do need to be looked at again. We are campaigning for an additional £4.6bn of SEND revenue funding for fairer funding for both mainstream school and High Needs, for improved SEND training and resources for schools and a greater focus on inclusion as part of the accountability schools so that all schools are doing their bit when it comes to children with SENDs.

We have been very active in recent months as well. We have had regular MPs' briefings. We supported a three hour debate in the House of Commons. We have had meetings with the Ministers and Shadow Ministers as well to articulate the issues as we see them and we have had two MPs' letters supported by numerous MPs written to the Chancellor but it is absolutely something that we are going to continue to do, particularly in this crucial general election year because we want all the mainstream parties to be focused on resolving this issue which we see as one of the most challenging across the education landscape at the moment.

I hope that to an extent answers the question. I appreciate it is not a direct answer but hopefully we can meet after half-term and be able to have further discussions on it."

Ms Davis asked the following supplementary question:

"So as a mainstream Primary with a deficit budget we have 317 children on roll. 31% of these children have special educational needs, which is

98 children, and 43% of these children are eligible to receive the pupil premium funding which works out to 133 children. Due to our budget we need to lose 160 teaching hours per week to help balance. How do you suggest that we continue to support all our pupils and safeguard them with reduced staffing levels?"

Councillor Dale responded as follows:

"As I have said, I fully understand the situation. It is extremely difficult and you are in an absolutely rock and a hard place situation and regrettably Brampton I think is quite an extreme example, but we are seeing more and more schools in this budget deficit situation and having to make these really difficult redundancies.

I think what I would say is refer you back to the original answer and let's meet in the early part of the next term, let's try and work through and see if there is anything else that we can do to try and support. I can't make any promises because I am not able to do that but let's talk through it and see if we can find some solutions and find some ways of giving the school some additional support."

Question from Mr A Key to Councillor B Lewis, Leader of the Council

"Can you tell me why the County Council has affiliated itself to an organisation called UK100? This has been done without public consultation or consent and is therefore, in my opinion, unacceptable. The actions you have agreed to undertake in consequence will have a tremendous, detrimental effect upon the lives of Derbyshire people."

Councillor Lewis responded as follows:

"The Council's climate change commitments, ambitions, we set those out as a strategy achieving net zero back in 2021-2025. That was approved by the Cabinet in October of that year. The strategy includes a series of actions that will help us get to tackle the causes and impacts of climate change, very much matched to the Government's ambitions and times, and that sort of mitigates the impacts of climate change right across the county, help us support businesses, residents and to decarbonise the Council as well.

We became a member of UK100 in May of 2022 and the UK100 net zero pledge aligns with the commitments that we made as part of our Climate Change strategy. Now the Council is also a member of the UK100 Countryside Climate Network. This is a subgroup of the UK100 network and focuses on predominantly rural areas. That, I have to say, is

chaired by a County Council Leader from a Conservative Authority as well. UK100 is a cross-Party network, however, of democratically elected local leaders from right across the country working together sharing resource/knowledge within its network. As a consequence of that we get packages of training etc which our staff utilise and so on as well as having conversations and collaborations with Government on some of the work that is done there.

There is no obligation on us as a local authority to continue to be a member of that if we don't want to, it doesn't force us into anything, so I am a bit surprised by the tone of the question you have put to us in regard to how you have phrased that, Mr Key, but I would be quite interested to hear of why you think the consequences would be "tremendous" and "detrimental" on Derbyshire people?

Mr Key asked the following supplementary question:

"There is no science supporting man-made climate change and net zero means literally no life on earth as carbon dioxide is the gas of life so if you don't know that go and look at some science and research it, but the main point is because it is a false agenda people don't understand. They haven't been consulted about it. It is going to have detrimental impacts on the lives of ordinary people and I would put it to you that the real agenda (it is not an East Midlands' Mayor it is a Mayor for Derbyshire and Nottinghamshire because the other local authorities haven't signed up to it) the agenda is to have a global parliament of Mayors managed by the UN to implement Agenda 2030 and the sustainable development goals. So my question is, agreeing to that agenda you are being played like ten stringed instruments because the manipulators and the UN will be using the Mayor and the Cabinet to implement Agenda 2030."

There was no response from Councillor Lewis.

Question from Mr D Snaith to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

"As a borough councillor, I often get questions from the public about potholes and other highways matters. I normally point them to Derbyshire County Council and hear nothing more but I was recently contacted by someone who got no joy after contacting Derbyshire Highways when reporting badly damaged safety barriers. The reply from Derbyshire Highways stated "only works that are determined as being essential to highway safety are being issued at this time." How can safety barriers be not classed as "essential" and what will it take before the Council takes actions."

Councillor Cupit responded as follows:

“I am sorry to hear of the concerns that you have raised. I guess looking at the issue generally when a report is made or an issue such as this occurs a Highways Inspector attends, assesses the prioritisation of the works and any temporary works that may then be needed before the permanent repair is carried out so it is difficult to reply on the specifics of this issue as there aren't any within your question in terms of location etc, but if you would like to send me more information I can assure you I will personally look into it and take it up for you. You can also contact me or the local County Councillor with any concerns at any time outside of full Council meetings so you don't have to wait in between obviously, if you have any issues then we can rectify those.”

Mr Snaith asked the following supplementary question:

“I certainly welcome the advice to contact my local County Councillor. In actual fact, I did that and received no response. That was a little bit useless and Derbyshire Highways also ignored me and did not reply, so I received no reply back.

My response is a safety barrier is safety. This particular barrier, which I will send the details on, has been struck three times. It is near a school. How can this - I will ask again - how can this not be classified as “essential”? It is a safety barrier, it has to be essential for safety?”

Councillor Cupit responded as follows:

“Again, it is a bit difficult to comment on the specifics not knowing the location. I can completely understand your concerns. I am happy to take it away if you can send me through the details. You have never contacted me that I am aware of and I have double checked. If you send me the details I will happily pick it up and I will come back to you in full and obviously take appropriate action.”

21/24 **PETITIONS**

None received.

22/24 **DERBYSHIRE ELECTORAL BOUNDARY REVIEW – RESPONSE TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND (LGBCE) DRAFT PROPOSALS FOR DERBYSHIRE**

The Managing Director introduced a report, which had been circulated in advance of the meeting that provided an update on the Derbyshire

Electoral Division Boundary Review and sought approval to submit the Derbyshire County Council response to the draft Electoral Divisional Arrangements proposed by the Local Government Boundary Commission for England.

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

RESOLVED to:

- 1) Approve the submission of the Council's response to the Local Government Boundary Commission for England's draft proposals for divisional arrangements, attached at Appendix 5 to the report, which sets out revised Electoral Division proposals, for consideration by the Local Government Boundary Commission for England;
- 2) Note the revised indicative timescales for undertaking the key stages of the Electoral Boundary Review 2024 process, as outlined in the report; and
- 3) Note the possibility of further Local Government Boundary Commission for England consultation in Electoral Divisions of interest.

(Councillor A Foster left the meeting at 2.50 pm)

23/24 SERVICE PLANS 2024-25

The Managing Director introduced a report, which had been circulated in advance of the meeting, that sought approval of the authority's Service Plans for 2024-25.

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

RESOLVED:

To approve the authority's Service Plans for 2024-25 as recommended by Cabinet at its 14 March 2024 meeting.

24/24 PAY POLICY STATEMENT 2024

The Managing Director introduced a report, which had been circulated in advance of the meeting, that sought approval of the Pay Policy Statement, (attached to the report at Appendix 2) for publication on the Council's website on 1 April 2024.

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

RESOLVED:

To approve the Pay Policy Statement for the financial year commencing 1 April 2024, attached at Appendix 2 to the report and agree that it be published on the Council's website.

25/24 **REVIEW OF THE CODE OF CONDUCT AND ARRANGEMENTS FOR DEALING WITH COMPLAINTS AGAINST ELECTED MEMBERS**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that informed Council of a review of the current Code of Conduct and arrangements for dealing with complaints against Elected Members.

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

RESOLVED to:

- 1) Note the revisions to the Procedure for Considering Complaints that Members have breached the Code of Conduct at Appendix 2 of the report;
- 2) Agree the proposed amendment to the Code of Conduct regarding presentation outlined at paragraph 2.9 in the report and included in the revised Code of Conduct at appendix 3 and agree that the revised Code should be included within the Council's Constitution;
- 3) Note and support that there be a review of the Procedure for Considering complaints against Members and the Code of Conduct for Members once every two years with the next review being scheduled for October 2025; and
- 4) Note the proposals for further training in respect of the requirements for declaring interests.

26/24 **REVISIONS TO CONSTITUTION: BUDGET & POLICY FRAMEWORK POLICIES**

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that sought approval to the list of Budget and Policy Framework policies and strategies in the Constitution.

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

RESOLVED:

To approve the amended Policy Framework list as set out in the body of this report for inclusion in Section D of Appendix 1 to the report – Responsibility for Functions of the Constitution.

27/24 REVISIONS TO THE CONSTITUTION: PETITION SCHEME

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that sought agreement to an amendment to the Petition Scheme in the Constitution to include a procedure for debate.

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

RESOLVED:

To approve changes to the Petitions Scheme at Appendix 2 to the constitution, as set out in paragraph 2.5 of the report.

28/24 REVISIONS TO THE CONSTITUTION: TERMS OF REFERENCE OF THE AUDIT COMMITTEE

The Director of Legal and Democratic Services introduced a report, which had been circulated in advance of the meeting, that sought agreement of an amendment to the terms of reference of the Audit Committee in the Constitution to include two co-opted independent members.

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

RESOLVED:

To approve the amendment to the terms of reference for the Audit Committee at Article 10 of the Constitution to include two co-opted independent members.

29/24 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, that gave details of decisions taken as a matter of urgency and key decisions with special urgency where call-in had been waived.

The Director clarified that the headings on the appendices stated 16 May 2023 to 1 September 2023 and this should read 2 September to 15 March 2024.

On the motion of Councillor B Lewis, duly seconded that

RESOLVED to note:

- 1) The key decisions taken where special urgency provisions were agreed as detailed in 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 in Appendix 3 to the report.

30/24 ELECTED MEMBER QUESTIONS

Question from Councillor K Gillott to Councillor S Spencer, Cabinet Member for Corporate Services and Budget

“Since 2019 the Cabinet has spent approximately £173,000 on improvements to this council chamber including approximately £165,000 on the audio-visual system. Does the Cabinet Member think that sum has been good value for money?”

Councillor Spencer responded as follows:

“The decision to invest in this Council Chamber was taken on the 17 May 2018 to be precise. If you remember, and you were in the Council Chamber in those days, we had 37 units which were fixed units located and fixed to the desks that we sit before; extremely inconvenient if we had a change of representation in the Chamber itself because not only did we have members sharing microphones we had more than two people sharing microphones on occasions which was hardly ideal. It was also incredibly difficult for those with hearing difficulties to use those facilities because they were not wired appropriately into the wiring system within this Chamber and, of course, that system had been in this Chamber for some considerable time, I don’t know how long, but looking at the equipment for some considerable time. We will leave it at that.

Since then we have invested into those 85 moveable units, some of which you see before you today, £169,663.50 to be precise and those 85 units and associated equipment, cameras, speakers, display screens plus associated IT infrastructure (including seven years’ maintenance) has made the facilities in this Chamber and every room of this Council building far more accessible for those with hearing challenges and far

more bookable for organisations who choose to use them for the purposes that they choose to do so.

On average this Chamber alone is used approximately two times a week by various organisations to hold their meetings in and they tend to use the IT equipment as well and that is only in this room so, it is not for me to judge whether that is good value for money but I can say from the usage figures of the Council, which has been provided to me, I would say we are making better use of this building by providing decent IT and communication equipment than we were before.”

Councillor Gillott asked the following supplementary question:

“We need to modernise the system and it works but the system we have today, we have all experienced today, it is a lot of money on an audio visual system. The audio side of it we have had problems with today and I have actually never seen the visual side of it used other than for what we are seeing it for today.

There is certainly no live streaming but my real concern, Councillor Spencer, is when it comes to the voting side of it because the system, how we use it anyway, doesn't display how individual members vote. I think that is wrong because that is our democracy almost taking place in secret. Unless we have a recorded vote or unless you actually ask afterwards as to how people voted nobody in this room knows how I cast my vote for any one of those votes we have had today or even did I vote. We have sat at the back of the Council Chamber today representatives of the press. They can't tell my constituents how the member for Clay Cross South voted and I think that is wrong so, Councillor Spencer, would you agree to take away and see whether that could be rectified because I know some of these systems in particular do allow for individual names to come up when votes are cast and to tell you how those votes are cast, whether they are for, against or abstain?”

Councillor Spencer responded as follows:

“It will come as no great surprise to Councillor Gillott I am fully aware of the way in which his question has been couched. It may have something to do with his role on another Authority as you might say, but, and I am more than happy for you to use my words because I use them carefully, what I would say to you is this: when using my words in the context that he chooses to use them in another place I hope he does an assessment of the usage of the said building he is using them in because that is the critical element. Has it enhanced the facility? Has it improved the use of it for people particularly with challenging disabilities? Has it improved the environment in which they work, and

has it increased? Those are the questions you need to ask to establish value for money.

On the point of webcasting and best use of the IT equipment itself we are currently exploring and enabling greater transparency in our democratic processes by considering live streaming as we speak.

The other issues with regard to the voting system I am not aware whether this system can achieve that. I don't consider myself to be an IT expert, that is something not for me, I believe that is a decision for the Chair of the Council to make, but I will make a note of what you have said and I will ask and try and establish what this system can do and how it can operate, which is what we are doing at the moment with a live streaming process."

Question from Councillor E Fordham to Councillor C Cupit, Cabinet Member for Highways, Assets and Transport

"To ask the County Council if it is satisfied if sufficient measures have been taken regards flood prevention in Chesterfield? And to ask if the County is content that the Environment Agency has not acted (as it has previously promised) on the river clearances needed on the Rother, the Hipper, the Holme brook, and Spital brook, for the flooding to be limited in future and for additional deaths and flooding disasters to be avoided?"

Councillor Cupit responded as follows:

"I know sadly many residents and communities across the county, but also in Chesterfield, continue to be impacted by the damage caused by Storm Babet in particular last year and continue to feel the after-effects of it.

As you note in the question the Environment Agency is the responsible body for managing the flood risk from the main rivers whereas Riparian Landowners are responsible for maintaining some of the smaller brooks and the surrounding river channels. I know the Council's Flood Team have been working really closely with the Environment Agency to look into all the issues of last year and have been on site jointly with them and with residents several times in Chesterfield.

I understand some clearance works were undertaken on the rivers post-Storm Babet by the Environment Agency and in terms of further works this was something that we discussed at the recent Place Scrutiny meeting and review which focused on flooding and Storm Babet, I think about a month ago now, at which many of the local partners and organisations attended and the works point was discussed with the

Environment Agency representatives during that meeting and review. It was quite an extensive, I think it was a three hour Scrutiny meeting.

On a related note I am aware that there have been previous quite large scale flood risk mitigation schemes carried out in Chesterfield in the past, including The Avenue Flood Alleviation Scheme which held 245,000 m³ of water during Babet. I appreciate that wasn't enough for the community last year so we are continuing to work with the Environment Agency on further flood risk mitigation schemes such as this and we are currently doing this. I am happy to keep you updated on that and discuss it further if that is helpful.

Alongside that in terms of other further actions to provide the best resilience we can against future flood or weather events the Property Flood Resilience Grants for individual properties are still live until August and the section 19 Flood Investigation report into the events of last October is due to be completed by the end of May and will report back to Council and to all councillors, so I hope this reassures Councillor Fordham this is something that we continue to work on with all relevant agencies and landowners to take what action we can."

Councillor Fordham asked the following supplementary question:

"I attended the consultation meeting in St Mary's Gate which the Environment Agency sort of led but there were a lot of County Council staff there. The Environment Agency staff were very, very clear they do not proceed without the County Council's agreement and the truth is nine years on there has been no progression, nothing has happened.

The lady died. She was the very woman who got the letter saying the work would take place and it still hasn't happened. The report coming in May, it was promised in December. I really think there is something about the pace at which the Environment Agency is not moving and if we are an equal partner with them, as they say in their defence of why they haven't proceeded, we really need to just check that we are putting all possible pressure on them to act quickly or even just to act."

Councillor Cupit responded as follows:

"I completely understand the point you are making in terms of time taken. I think it is absolutely correct that some of these things do take time and we have to make sure we take the right measures as opposed to trying to take steps that may not have the best impact.

I would also just say that I am scheduling to meet with the Head of the Environment Agency, not specifically to discuss Chesterfield but to

discuss all flood issues, so I am happy to pick up that point when I do as well.”

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

“Understanding that the Council is realising its asset value and disposing of properties in order to bridge the funding gaps it faces there have been a number of crisis for community groups losing their venues. What specific work and contingency planning is the Council undertaking with elected councillors and individual community groups to ensure that the drive to bridge budget gaps is not jeopardising community groups and their very existence?”

Councillor Spencer responded as follows:

“I am more than happy to provide you with the detail of the processes we adopt when re-evaluating the usage of assets of the Council but let me just explain to you the processes in summary.

The asset management portfolio of this Authority is approximately 4,500 assets. Many of those assets are no longer being used to their full potential for various reasons, often changes in working practices, as I have already articulated. As a consequence we need to consider whether we are delivering best value for the taxpayers by retaining those assets on the book.

The Council is only allowed to acquire or hold building assets for the purpose of either directly operating our business or delivering our services to the people of Derbyshire or for generating income. That is significant and it is significant in many ways in the way in which we manage that asset portfolio.

Over the last few years the Property Team have done sterling work by carrying out and evaluating the condition of all our assets across the county, their condition as far as renovation requirements; their condition as far as usage; their condition as far as need; of suitability; location; modern facilities; utilities. You name it we have done the lot.

We are going through a very, very consistent process of listening firstly to what locally elected members have said because following a decision to either re-purpose or dispose of we firstly consult a local member and that is happening as a matter of course so we can document all those emails that are sent to local members (many of which I don't get a response from I might add, Councillor Fordham) but we can document that. We do that so they can engage in a conversation with other user

groups who may use the same buildings out of hours for out of time activity, as many of them are. Each individual case is looked at on its own individual merits.

I encourage members in this Council Chamber to get involved in that, as many members have, and been successful in assisting those groups to find alternative accommodation or come to an arrangement with the Council that fulfils its requirement under best value, but whilst disposing of these assets, if that is the choice, the decision that is made, it has to be done in a transparent way where we obtain best consideration for the taxpayer, in other words the correct price in many ways.

Public auction is the best way of proving best consideration and it clearly identifies to the public it has been done in a fair and transparent fashion. There are other mechanisms that can be used under certain circumstances and they have been which we can clarify but, Councillor Fordham, what I would say to you is please do not mix up the re-purposing of assets that the Council hold and the financial challenges. This makes sense. Any well-run Authority has to use its assets to their full potential and by standing empty and being vulnerable to ingress of water, any other form of vandalism, whatever the case may be, is bad use of resources and it is our duty to make sure we use them properly.”

Councillor Fordham asked the following supplementary question:

“I hear what you say but I would say that there is another layer to it and the frisson of panic that went through the District Association of the Scouts in Chesterfield as buildings were literally sold from under them, to whom they knew not and we have had to find them alternative space, I found myself saying words I am not used to: “Thank goodness for the Church of England having empty halls” because we have been able to relocate them at a price that reflected the previous rent because the new tenant we had sold to refused to countenance having them as an existing tenant.

We are disposing of the Tontine Centre in the centre of Chesterfield. I understand its use may have changed from its purpose but there are community groups seeking to have a dialogue to buy that and are being told to go to auction. Given you have just said public auction is the best way can I just say on this case I am not convinced and ask him to reconsider?”

Councillor Spencer responded as follows:

“There were 12 assets in Chesterfield that were rationalised. Many of those assets were not fit for the purpose that they were being used for. I

think that would be a reasonable statement to make.

Those buildings required a significant investment in renovation work and it was decided that the best way to provide decent office accommodation for our staff, to deliver our services, was in a modern building that allowed those elements of the organisation to come together. The new building they will be operating from will have two changing spaces, toilets downstairs. They will be able to communicate better with one another and have modern 21st Century facilities and they are located very locally to the centre of Chesterfield.

All the buildings in question you have mentioned lie within a one mile square radius of one another approximately, without pacing it out. It made sense to take a rational measured approach to it. All the service user groups included in those buildings were given the opportunity to discuss with the Council their requirements and needs and we have gone a long way to try to facilitate. In fact I had a long conversation with Steve Osbaldeston the other day myself, in fact two hours talking about the services, the fantastic services that OzBox deliver across the county as a whole and trying to come up with a solution to the challenges you are facing of finding a permanent home.

Those conversations will continue, I can assure you of that. Through the asset management process that we are going through at this moment in time there will be many more of them to come. The only assurance I can give today is we will do our best to accommodate all those groups or assist those groups to find alternative accommodation.

Ironically the scouting organisation you raise are now making better use of another building that needed more usage of anyway so there is a positive out of this also. I can give you an assurance today that that will continue to be the case and we will have those conversations. I expect local members, or I would urge local members to respond to the email you receive from Property Services when those processes start because some people do not.”

Question from Councillor E Fordham to Councillor C Hart, Cabinet Member for Health and Communities

“The issues relating to anti-social behaviour in Chesterfield have yet again bounced up the agenda of the Borough Council and the Police, and the Crime Commissioner, with more exclusion orders and actions underway to move people out of the immediate town centre. The ramification for nearby residential areas is increasingly acute and negative. Is the County Council assured that the mental health and adult well-being teams are being included early enough in these decisions and

actions to enable that meaningful life changing and positive interventions are made, rather than just moving problems out of immediate sight and into residential areas of the town?"

Councillor Hart responded as follows:

"This Council is aware that Chesterfield Borough Council has recently reported and action taken to address persistent criminality by a small number of individuals in the town centre by way of Criminal Behaviour Orders. The Council and its partners have shared policies and procedures in respect of antisocial behaviour and these follow an incremental approach. This process includes the designation of Public Space Protection Orders and the issuing of crime prevention warnings and crime prevention notices. That is on completion of a risk assessment with referral to the appropriate support services including, amongst others, Outreach P3 who deliver safe haven and crisis drop-ins. Also Pathways.

I am not sure whether you know much about Pathways but that is a single point of access hub in Chesterfield and North East Derbyshire. It is available to anyone aged over 18 who is homeless or at risk of homelessness. Anyone approaching them is offered an holistic risk assessment to get them through a plan to hopefully achieve their goals. Their services span from initial engagement relationship building to supporting people in new tenancies. Interventions include drop-ins, appointments, outreach and phone support. Pathways also work in partnership with a large number of agencies and faith based groups.

I know you mentioned the Police and Crime Commissioner. I also know that she gave them a grant for a volunteer and activator/co-ordinator to help them to deliver these services. So apart from Pathways and P3 there is work also with Chesterfield Borough Council's Homelessness Team. If this approach fails to address the antisocial behaviour consideration is given to a CBO, which is a Criminal Behaviour Order, but that is working in conjunction with the police.

It is recognised that rough sleeping is a complex and challenging issue and a preventative approach is required before individuals reach this point. As such a Rough Sleepers' Action Group meeting is held in Chesterfield fortnightly to ensure a multi-agency coordinated response. This includes the NHS; Chesterfield Borough Council and North East, Derbyshire County Council and representatives from the community, voluntary sector and also Housing Associations.

In addition the Council has worked strategically with District and Borough partners to support development to the Derbyshire Homelessness and

Rough Sleeping Strategy. Public Health also fund an officer who coordinates discharging the associated action plans. The strategy has four strategic priorities:

1. Making homelessness everyone's responsibility through a system wide approach;
2. Prevent and respond to homelessness to early intervention and personalised solutions;
3. End rough sleeping and repeat homelessness; and
4. Develop sustainable, supported and settled housing solutions.

Hopefully you can see how proactive the work is in the Chesterfield area.

Also, on the mental health area that you raised there is some really good work going on to help people, whether in Chesterfield or in other areas of Derbyshire, to raise even more awareness. You possibly know there is a Mental Health Awareness Week coming up as well, the 13-19 May, but meantime you can always check out, there is a map which is called the 'Let's Chat Map', a bit of a mouthful, but that tells you some of the things that are happening on health issues across Derbyshire. We are also working on making that interactive so you will be able to go on there and there will be information on the Let's Chat benches; the Let's Chat indoor locations; free outdoor physical activity groups; free outdoor mental health groups and opportunities to connect with nature.

There is still a lot of work being done on that but you will be able to then not only see what is being delivered locally and what is there for people to use not just in Chesterfield but right across Derbyshire. Thank you."

Councillor Fordham asked the following supplementary question:

"I am a volunteer for Pathways. I raise money for them and collect sleeping bags, coats and toiletries so that those who they deal with don't have that dilemma of funding choices.

You started off by saying it was in relation to criminal behaviour and that is the bit that scares me. I really think our mental health intervention is the one that comes last as an assessment. When you read out the bullet points of 1, 2, 3, 4, things we could do I didn't hear mental health in the steps that should be taken.

If you stand in Chesterfield Market any morning and you see them, the dealer having been, the security guard turns up to move them it is not a

security guard they need it is mental health support and I am really scared that the Borough Council's cleansing of the market centre is not helping these people turn their lives around. I would urge you to get the Mental Health Teams in earlier. Pathways is a proactive approach service it doesn't go out to find you. These people are known by name, by character, they need help. I think our service, the Mental Health Team are the only people who can actually help them rather than move them on and I hope we can push that up the agenda. I hope you will consider doing that."

Councillor Hart responded as follows:

"I'll take on board what you say but there is an awful lot of work going on in mental health. We have a fantastic team. It is difficult to pick up the mental health on the first thing but I can assure you that everyone that is dealt with part of that is mental health. We know it has been a major thing and particularly it has even gone worse since Covid, we know that, so there is a lot of work done in that.

I can assure you that mental health is very seriously taken by us and as I say our teams work very hard. It is very difficult because you realise it is not just Chesterfield it is across Derbyshire we have these problems but I can assure you they do their very best to make sure and the people we deal with and the P3s of this world and the Pathways (it is good to know that you do work with Pathways so you know the good work) you know that there is a lot of good work done on the mental side to help people. Yes, I take on board what you say and we will always keep encouraging our team to do their very best to help."

Question from Councillor K Gillott to Councillor C Cupit, Cabinet Member for Highways, Assets and Transport

"The published Highways Capital Budget for 2024-25 allocates just £354,000 for new road safety schemes in the county. Does the Cabinet Member believe that this sum, sufficient for only 4 new schemes, is the appropriate level of investment to address road safety concerns in the county?"

Councillor Cupit responded as follows:

"I am happy to reassure you that your quoted figure for road safety schemes in the capital programme is not quite correct. The actual total in the capital programme for next year is nearly five times that as there are additional schemes for road safety in the Traffic Management and Signs, Lines and Signals sections. I hope you understand the indicative Capital Programme needs to be looked at as a whole.

In addition to this the Capital Programme investment is also supported by continued work that we are doing following the successful £5.6m grant we received for three Safer Roads projects, the 13 Bends which is now completed and the A5004 and the A5012 which are underway, and that is without getting into the Revenue Budget funded Safety Schemes and Initiatives. I hope that is a reassurance that road safety remains very important to this Council.”

Councillor Gillott asked the following supplementary question:

“Congratulations to the Cabinet Member for trying to deflect the basic principle behind this but the actual spending when you look through the budget there are criteria for the allocation of different sorts of funding and the allocation purely for road safety measures is a figure I have quoted, unless there is something else that has been published since. What brought this to my attention was the fact that in the last few months alone I have had two sets of constituents approach me following incidents in their communities asking if something could be done. Of course I speak to the relevant officers, as you would do in all these circumstances, and the reality is you have to be honest with people there isn't the funding there to do it in the way that there was.

The 2024-25 budget is now published. I am told that the 2025-26 capital programme is close to being finalised as well so if you bring a scheme today if you need to get it in the capital programme you are waiting two years with the sort of funding available.

One other comment that has been raised to me, and this is the one I want the Cabinet Member to comment on, is the funding now is so short and the pressure on the maintenance budget for highways and for footways is so great that we are having to make choices and putting either road safety or highway maintenance that is now the choice. Would you agree with that assessment that was put to me?”

Councillor Cupit responded as follows:

“It is somewhat difficult to answer what was quite a long-winded supplementary question, but I think in terms of the two key points that you raise, Councillor Gillott, we always react to changing circumstances on the roads so I don't think it is quite correct to indicate that unless you get a scheme in now it won't be in two years' time. There are instances where we have reacted to that. I know the A632 that we discussed in detail at District as well we made changes there to support police enforcement or in the process of making them despite them not being on the capital programme but reacting to the sad sort of recent collision

history.

In terms of making choices I think across the Council we always have to make choices. That isn't a new thing that has always been the case, but we try to use the money that we do have to both use it for road safety and road maintenance and sometimes they are not mutually exclusive. We can do both schemes in one in the same way that we have done it with BSIP, making road safety improvements while we are using some of the BSIP projects and we are also, as we made clear to this Chamber and in the open letters that we have recently done, we are pushing Government for additional investment in highways and I will continue to do that, so I hope that reassures you that both highway maintenance and road safety remains important."

Question from Councillor J Dixon to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

"Bolsover Library is in an awful state of repair. In the children's reading areas there are buckets with water dripping from the roof. Other parts of the library are no better. In the kitchen area, where the staff make drinks and prepare food, there is a gaping hole in the roof. In the room where we councillors hold our surgeries, there was water running down the walls next to electric sockets, which could risk electrocution. The light on the stairs doesn't work. It's so sad to see it run down so much.

I would like to congratulate Claire and her staff on the superb displays they have put together. They really have put a lot of work in trying to make the Library a welcoming and stimulating space despite the poor conditions.

Can you tell me when the repairs will be done?"

Councillor Lewis responded as follows:

"I have been via officers doing some careful to-ing and fro-ing on this particular topic to get under the skin of the issues that you raise here. On the face of it, it is not good that we have these continuing issues so that is why it was important that I did get on to that issue so thank you for raising it.

The majority of the items that you have raised have been actioned in a timely manner, I am told, in particular those that involved water ingress or egress near the electrics. Some of the work, I have been told, is on hold because it is linked to the significant investment in re-roofing Bolsover Library later this year which should resolve the cause of many

of the issues that we are talking about here and then the ceiling tiling or the tiles etc can be replaced within the library.

The roof at Bolsover Library, and you will probably know this better than I, is considered to be quite steep in the way it is constructed. As a consequence of that it has a disproportionate effect on scaffolding costs when it comes to patching etc so it makes that a very very costly exercise, so a decision was made to resolve the roofing issue as part of a larger scheme which would deliver best value for the Council.

However, what your issue has done has highlighted that communication has not been appropriate regarding the reasons for holding that work. It has not been properly communicated to the staff in the library. This has now been rectified and all staff using sites like this will be made aware when works are being held as part of a large and more cost-effective programme of work. As a consequence of the question the communication improvement is going to be made as part of that.

So a contractor will be attending site tomorrow to review any of the outstanding issues to ensure that there are no health and safety matters that are still outstanding but be reassured, Councillor Dixon, that the work on that roof will commence later this year.

Councillor Dixon responded as follows:

“If I understand what Councillor Lewis has said the library is going to be re-roofed later in the year. I very much welcome that and I very much welcome his points about the communication on this. The only reason I ended up resorting to asking a question in full Council, which I don’t like to do particularly, is because I didn’t get any response from officers on that.”

Councillor Lewis responded as follows:

“Just to reiterate that if that is the case when it comes to libraries or any public buildings belonging to any other portfolio do contact the Cabinet Member if you are not getting anywhere with the officers involved. It is what we are here for. We are here, despite the fact we are on the opposite side of the political spectrum, to help and support members getting issues resolved.”

Question from Councillor J Dixon to Councillor J Patten, Cabinet Member for Childrens and Families

“Can you tell me why the children’s centre at Bolsover is one of those earmarked for closure?”

Councillor Patten responded as follows:

“I do find it quite strange that you have asked this question and especially the comment you have just made about “I don’t like asking questions in full Council” because I know for a fact that yourself, Councillor George and Councillor Gillott you have actually had meetings with two of my senior officers in Children’s Services where you have asked this question and you have been given sufficient information, but for point of clarity I will read it out to you for the third time, so here we go.

Bolsover Children’s Centre is not used to the same extent as other Children’s Centres within the locality. The volume of court ordered family time delivered is very low and the 0-5 specific programmes can be delivered in other Children’s Centres close-by that do provide considerably more family time.

Due to the significant financial challenges that you know are faced by the Council we don’t have the resources to sustain the current network of 22 Children’s Centres and we are having to make difficult decisions about which buildings to retain.

For Bolsover District we are seeking to retain Centres at Shirebrook and Cresswell and also you have nearby North Wingfield and Eckington, so for your area you have four Children’s Centres still proposed to be kept with only one which is down for consideration to close.”

Question from Councillor R George to Councillor N Hoy, Cabinet Member Adult Care

“Why have over 30% of beds in Derbyshire County Council’s care homes been closed and for how long will this closure last?”

Councillor Hoy responded as follows:

“As like all Authorities from time to time due to factors out of our control it means beds sometimes are temporarily unfillable. This is a fluid position that changes daily. We wouldn’t ever temporarily close any bed without good reasoning.”

Councillor George asked the following supplementary question:

“The response to the question asked in our November meeting said, “There is currently a national shortage of care workers and Derbyshire is not unique in this regard and therefore a number of beds have closed across our facilities.” It listed 139 beds of which 22 out of the 40 in my

local care home of Whitestones have been closed. That has been attributed to staff shortages. However, there have been staff who have attempted to be recruited and have just not, after successful interview and DBS they have not heard back from the Council. They have had to go on after several months to find jobs elsewhere. I have provided examples to officers who have said they will look into this but it is not an uncommon practice within the Care Division that people are finding it far too long to be able to take up jobs. I wondered whether the Cabinet member is looking into this and what is being done to streamline the recruitment process?"

Councillor Hoy responded as follows:

"We have a robust workforce strategy and placements in place for reasons of safety to our residents, but it is not just workforce challenges it is due to essential maintenance works and complexity of needs of residents. Another factor is a decrease in demand, but at the end of the day it comes to these temporary measures are to protect the welfare and the safety of our residents."

(Councillor N Atkin left the meeting at 3.55 pm)

(Councillors B Woods and M Yates left the meeting at 4 pm)

The meeting finished at 4.24 pm