

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL**  
held on 9 October 2019 at County Hall, Matlock

**PRESENT**

Councillor T Ainsworth (In the Chair)

Councillors D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, Mrs E Atkins, S A Bambrick, N Barker, B Bingham, J Boulton, S Brittain, S Bull, K Buttery, Mrs D W E Charles, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, J E Dixon, Mrs H Elliott, R Flatley, M Ford, Mrs A Foster, J A Frudd, K Gillott, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, T A Kemp, T King, B Lewis, W Major, 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, B Ridgway, C Short, P J Smith, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, Ms A Western, G Wharmby, Mrs J Wharmby and B Wright.

**55/19      APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Ms S L Blank, Mrs S Burfoot, Mrs A Fox, A Griffiths, Mrs J M Innes, P Makin, M Wall and B Woods.

**56/19      DECLARATIONS OF INTEREST**      There      were      no  
declarations of interest.

**57/19      CHAIRMAN'S ANNOUNCEMENTS**      The      following  
announcements were made:-

- (a) At the recent Association of Community Rail Awards, the Derwent Valley Line Community Rail Partnership which ran from Derby to Matlock had some success getting two second places and a Gold Award for work on the Derwent Valley Line.
- (b) Recently volunteers of the Erewash Canal Preservation and Development Association were presented with the Queen's Award for Volunteers.
- (c) A book was to be launched in a few weeks which would tell the story of Matlock Bath. It had been written by two of the trustees and funded by the Derwent Valley Mills World Heritage Site Education Trust. A leaflet had been shared with all Elected Members.

- (d) The Chairman reported that Councillor Alison Fox was currently unwell and may find herself in the position of not having attended any Council meetings during a six month period which would have consequences for her membership of the Council.

On the motion of Councillor T Ainsworth, duly seconded,

**RESOLVED** to approve the non-attendance of Councillor Fox at meetings, up to and including the Council Meeting of 18 March 2020.

- (e) The County Council's Planning Services had won the Royal Town Planning Institutes East Midlands Award for Planning Excellence 2019 – Local Authority Planning Team of the Year. The award recognised the effectiveness of its service plan in driving activity and commended the focus on career development, participation and leadership and maintaining professional standards.

**58/19**      **MINUTES OF THE COUNCIL MEETING**      On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** that the minutes of the meeting of the Council held on 17 July 2019 be confirmed as a correct record.

**59/19**      **REPORT OF THE LEADER**      Councillor B Lewis referred to the 1500 residents that were evacuated from Whaley Bridge over concerns that the Toddbrook Reservoir would collapse.

Thanks were given to all agencies involved in the effort and all of the rescue services which included the Police, Fire, Army, the RAF, whose efforts secured the dam and also to the many companies who worked 24/7 on the ground to ensure the pipes/pontoons and all of the critical equipment was in place and working.

Many members of Derbyshire's Highways staff were also critical in the endeavour, manning the road blocks and performing a range of other supporting tasks. The Emergency Volunteer Team stepped up to the task of supporting the efforts in Whaley Bridge from staffing and stocking the Rest Centres in Chapel-en-le-Frith and their work within Whaley Bridge.

The wider team at Derbyshire County Council including Joe Battye, Angela Glithero and others with Councillor Lewis, worked to ensure a package of help was put together for residents and businesses impacted by the events that took place. Local members, Councillor Fox and Councillor Perkins provided support along with Councillors Jean and George Wharmby. There was great cross-Party working to ensure

that the best results were secured for residents and businesses during that difficult time.

More than 200 payments had been made to residents from the Hardship Fund, of which Derbyshire County Council put in an extra £60,000 in response to the incident. A lot of that was topped up with public support that came from donations nationwide. The County Council set aside £100,000 to support businesses and self-employed people through an Emergency Business Support Grant of £300 which was available to each affected business and further business recovery loan plans of up to £1,500. Both schemes saw significant take-up. The Government and High Peak Borough Council matched the Council's efforts with their own grant funding to businesses as well.

Another recent incident was that of the Yourbus collapse that happened last week. The information was received that Yourbus had entered into liquidation just after 7am last Thursday morning. The company carried thirteen services on the Council's behalf, including some services used by students to get to school. Although the company folded on Thursday morning they did manage to ensure those services, took those students to school that morning.

The Council's Public Transport Team pulled out all the stops and ensured that other operators were found to take over those services virtually used by students on Thursday afternoon so they could get home and for the following day. Other operators were then found for all the other services provided for Derbyshire by Yourbus, these services started this week other than three groups who already had alternative operators in place.

Thanks were given to the Public Transport Team for the work they had done in such a short space of time and also to the bus operators who picked up the routes that Yourbus provided. Some of the key people were Anthony Crompton, who is the Senior Project Officer of Public Transport; Janet Pickersgill, Senior Transport Officer of the Public Transport Unit and Phil Smith, Senior Transport Officer for School Transport.

In regards to Brexit, the Council was actively engaging in a number of strategic and operational networks, including dial in teleconferences with the Government's Ministry of Housing, Communities and Local Government. Significant scenario planning was going on with the Local Resilience Forum; the Local Partnership agencies and they were in regular dialogue with other local authorities, the LEP and Chambers of Commerce across the D2N2 footprint specifically in relation to support for local businesses. The Council's Emergency

Planning Team was leading weekly discussions with internal colleagues to make sure that Derbyshire is prepared.

The Ministry of Housing, Communities and Local Government had provided preparedness funding to all local authorities and Derbyshire received £262,500. In addition to that, the Local Chamber of Commerce had been receiving funding directly from BEIS, some of which had been used to help run briefing events for businesses in the lead-up to the 31 October.

In addition to the face-to-face briefings advice and guidance, businesses were being supported through the provision of links, direct links to [Brexit.gov.uk](https://www.brexit.gov.uk) which was in place on the Councils, other local authorities and D2N2 zone growth hub and the Chamber websites.

The Council had issued advice to local schools and colleges confirming the need to access information on the Department of Education's website. This would be quite different for them.

Whilst much of the efforts at present were focused on Brexit preparedness, considerations were now starting to be made on how best to support Derbyshire's residents and businesses post-31 October. Councillor B Lewis would provide updates of these plans as they emerged. Depending on the outcome of negotiations, or the Prime Minister's or the Government's intention come the 31 October, whatever happens this Authority would be as ready as it could be. Mechanisms would be in place so that local members had the necessary information to respond to public and business enquiries in the lead up to and following the 31 October, if a likely scenario was that we leave, which was seemingly a likely one.

Around 1500 properties in Wirksworth were without gas after water got into the gas main last night. Cadent Gas and Severn Trent Water and people on site were working to rectify the situation. It was understood the local Member was fully aware and fully briefed. Derbyshire's Emergency Planning Team and colleagues from Children's Services and Adult Care were liaising with Cadent and Severn Trent, working with them to identify vulnerable people who may need to be provided with electric fan heaters etc which Cadent would provide. It was understood that Cadent would need to access all of the affected properties to turn the gas off before the gas main could be flushed and the supply returned. Cadent had set up a centre in the Town Hall for residents to find out more information.

This was a fast moving situation and it was advised that residents followed Cadent Gas on social media and visited their website to find out what updates had been posted on the situation. The Council's

Communications Team were in touch with Cadent and had shared any messages they put out on their social media channels. It had also been encouraged that local members were to also keep an eye on every tweet and share those posts which would help spread the information.

**60/19            COUNCILLOR QUESTIONS**    There were no questions.

**61/19            PUBLIC QUESTIONS**

**(a)            Question from Sue Bliss to Councillor Simon Spencer,  
Cabinet Member for Highways, Transport and Infrastructure**

We are facing huge challenges in relation to climate change and the reduction in biodiversity. The council regularly mows down grasslands and verges, which if managed more sensitively could promote and increase biodiversity. When will the council take these issues seriously and change its management of these areas?

Councillor Spencer responded as follows:

I can assure you, Ms Bliss, that the Council takes its responsibilities of biodiversity and ecology extremely seriously. You will be interested to know that across Derbyshire there are 37 sites that have been designated as roadside reserves. 34 of those come under the control of Derbyshire County Council and the other 3 are under the control of the Highways Authority, Highways England.

As I am sure you can appreciate managing those sites has to be done in an extremely sensitive way and it is not just a case of not cutting the grass or maintaining it, they have to be cut and the grass has to be removed for the natural ecology to develop and the natural fauna to develop also on these locations. I am sure you will appreciate that is a very time consuming and very labour intensive process. That is not to say it is not the right thing to do because we want to enhance the countryside of Derbyshire in the ways that you articulated earlier, but of course I have a priority of managing road safety first and foremost. Some locations are inappropriate areas for such usages you sort of indicated this afternoon, so I have to maintain those in a level that vision splays at those junctions are safe to use for all road users and pedestrians.

I can give you an assurance today that our District Council colleagues who usually carry out the cutting of those verges on behalf of this Authority will be receiving a specification in due course. We have been working recently and will continue to do so on coming forward with some guidance notes and specifications on how we should manage the

highway in the future and they will hopefully be in the public realm by the end of this year. I hope that answers your question.

The following supplementary question was asked:

I appreciate there are safety issues on roads and you mentioned some areas that are already being looked after more sensitively. Is there any way of finding out where those areas are?

Councillor Spencer responded to the supplementary question as follows:

I certainly can and am more than happy to provide you with that information following the meeting. I have not got a list in front of me today but I will make sure that Mr Ashworth provides you with a full list of the locations we are talking about and if you go and view them for yourself please park carefully.

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

What is the purpose of an Education, Health and Care plan?

Councillor Dale responded as follows:

The Government's SEND code of practice states that the purpose of an Education Health and Care Plan is to:

- “establish and record the views, interests and aspirations of the parents and child or young person
- provide a full description of the child or young person's special educational needs and any health and social care needs
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.”

The following supplementary question was asked in Sharon Davis' absence:

Please clarify, explain why a Chesterfield headteacher and senior officer informed me that an EHCP for children in special school are generic to the school and non-transferable to any other setting?

Councillor Dale responded to the supplementary question as follows:

I think I would require further information from the questioner before responding to that so I will endeavour to communicate with Ms Davis directly to try and find out a bit more before I offer her a response on that, if that is okay.

**62/19        PETITIONS** There were none received.

**63/19        STATEMENT OF ACCOUNTS 2018-19 AND ANNUAL AUDIT LETTERS 2018-19** The Accounts and Audit Regulations 2015 required the Director of Finance and ICT to certify the Council's pre-audit Statement of Accounts for the year ended 31 March by 31 May and the Audit Committee to approve the post-audit version before 31 July.

The certified pre-audit Statement of Accounts were submitted to the Council's external auditors, Mazars, on 31 May 2019.

The Statement of Accounts were approved and the external auditor presented its draft ISA 260 reports for 2018-19 and audit opinions at the Audit Committee meeting on 23 July 2019. The Pension Fund Accounts would be reported to the Pensions and Investments Committee in October. The external auditor acknowledged the Council's positive and constructive approach to their audit and thanked Members and Officers for their support and full co-operation during the audit.

The CIPFA/LASAAC Code (the Code), relevant to the 2018-19 accounts was updated for the adoption of a new accounting standard, IFRS 9 Financial Instruments. A technical requirement of the new standard was that the carrying value of some loans, which had been restructured in previous years, was adjusted.

The Council had engaged Hymans Robertson LLP as its Consulting Actuary (Actuary) to provide expert advice about the assumptions to be applied to the Derbyshire Pension Fund (Fund). The effect of changes in these estimates on the net pension liability of the Council were reviewed on an ongoing basis. A number of updates were required.

Audit work was completed to reach a conclusion that there were no unadjusted material errors in the Statement of Accounts. In the Council Accounts the Council's properties were valued as at 1 April 2018, in accordance with usual practice. Indexation of the Council's properties to values as at 31 March 2019 indicated an increase in value

of £18.402m. The Council did not adjust its 2018-19 Statement of Accounts for this matter because the increase was immaterial. There were no unadjusted immaterial errors in the Pension Fund Accounts.

Recommendations were raised in respect of the Council Accounts and action was being taken. One recommendation was raised in respect of the Pension Fund Accounts and action was being taken.

The external auditor also revisited further recommendations from 2017-18 such as the Council and Pension Fund Accounts and the Pension Fund Accounts.

The Audit Committee would be provided with an update in respect of these control recommendations before the end of the financial year.

On the motion of Councillor K S Athwal, duly seconded,

**RESOLVED** to note the report, the approved Statement of Accounts 2018-19 and the external auditor's ISA 260 reports for 2018-19 and Annual Audit Letters for 2018-19.

**64/19 REVENUE BUDGET MONITORING 2019-20 (AS AT 30 JUNE 2019)** The report summarised the controllable budget position by Cabinet Member Portfolio as at 30 June 2019. Further reports would be considered at Audit Committee and Cabinet in accordance with the Budget Monitoring Policy and Financial Regulations.

The projected outturn compared to controllable budget was summarised below. This included the use of one-off funding to support the Highways, Transport and Infrastructure portfolio.

	<b>Budget</b>	<b>Forecast Actuals</b>	<b>Projected Outturn</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Adult Care	252.712	248.084	(4.628)
Corporate Services	47.354	46.910	(0.444)
Economic Development and Regeneration	0.700	0.600	(0.100)
Health and Communities (exc. Public Health)	3.657	3.420	(0.237)
Highways, Transport and Infrastructure	80.082	80.082	0.000
Strategic Leadership, Culture and Tourism	10.720	10.551	(0.169)
Young People	110.607	113.670	3.063
<b>Total Portfolio Outturn</b>	<b>505.832</b>	<b>503.317</b>	<b>(2.515)</b>
Interest and Dividend Income			0.000
Debt Charges			0.000



Risk Management

(0.047)

**Total**

**(2.562)**

A summary of the individual portfolio positions was detailed.

The Dedicated Schools Grant (DSG) was a ring-fenced grant comprising four individual blocks: Schools Block, High Needs Block (HNB), Early Years Block and Central Block. Allocations of the blocks were governed by the Schools and Early Years Finance Regulations. Any underspend or overspend on the grant was carried forward to future years within the accumulated balance of the DSG Earmarked Reserve.

After utilising available balances from the DSG reserve, it was anticipated that 2019-20 HNB expenditure would exceed the allocated grant income by £0.968m. This deficit would accumulate in the DSG reserve and would be funded by earmarking £0.968m from the General Reserve.

Unless additional Government funding was awarded, it was forecast that HNB overspends would total £9.909m between 2019-20 and 2022-23, after using available balances from the DSG reserve. The £9.909m represented the cumulative pressure on the General Reserve over the four year period.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to note (1) the 2019-20 budget monitoring position as at 30 June 2019; and (2) the virement of £5.000m base budget from Adult Care to the Risk Management budget approved by Cabinet.

**65/19**      **FIVE YEAR FINANCIAL PLAN**      The Five Year Financial Plan (the Plan) was a medium term financial plan which set out the overall shape of the Council's budget, by establishing what resources were available for allocation to reflect Council and community priorities. The Council Plan set out service and organisational priorities. This was reflected in the development of the Plan.

The Plan fully reflected the outcomes from the Local Government Finance Settlement 2019-20 and the Autumn Budget 2018.

The Plan showed that a total of £63m of budget savings were required over the period 2019-20 to 2023-24. In the six months since the Revenue Budget 2019-20 was compiled, departments had been reassessing their identified savings, with a view to bridging the savings shortfall. Cross departmental budget savings proposals had also been made. In headline terms the Council had now identified measures which

should help achieve substantially all of the budget gap over the period of the Plan.

The timescales were important, the majority of any savings needed to be achieved in the period up to 31 March 2022, and this reflected a number of issues.

Significant consultation and planning timeframes were required to achieve many of the savings proposals identified in the Plan. Of the budget savings proposals identified, £6.017m (14%) had been categorised as having a Green RAG status, £33.134m (74%) had been categorised as Amber and £5.341m (12%) had been categorised as Red.

The Plan would next be reviewed and incorporated in the Revenue Budget 2020-21 Cabinet Report in January 2020.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to (1) approve the Five Year Financial Plan; (2) note the uncertainty and risks set out in the report; (3) note the budget savings proposals set out in the report; and (4) note that departments would be asked to make further savings over the Plan period to reduce reliance on the General Reserve and help meet future emerging pressures.

<b>66/19</b>	<b><u>LGPS</u></b>	<b><u>CENTRAL</u></b>	<b><u>POOL</u></b>	<b><u>GOVERNANCE</u></b>
<b><u>ARRANGEMENTS</u></b>	At a meeting of full Council in February 2017, it was agreed that Derbyshire County Council would enter into an Inter-Authority agreement with Cheshire West and Chester Council, Leicestershire County Council, Nottinghamshire County Council, Shropshire County Council, Staffordshire County Council, Wolverhampton City Council and Worcestershire County Council to establish a joint pension fund investment pool, in accordance with the requirements of the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016: to be overseen by a Joint Committee established under s102 of the Local Government Act 1972 and a Shareholders' Forum made up of representatives from all the shareholding councils.			

LGPS Central Limited (LGPSC/the company) had been established to manage the investments on behalf of the pool of the eight LGPS funds across the Midlands, administered by the authorities listed above, together with the investments of the West Midlands Integrated Transport Authority Pension Fund, with combined assets under management of around £45bn at the end of March 2019.

The primary role of the Shareholders' Forum was to oversee the operation and performance of LGPSC and to represent the ownership rights and interests of the shareholding councils within the Pool. The Shareholders' Forum was independent of the company and its meetings were distinct from company meetings, however members of the Shareholders' Forum also represented the councils at company meetings.

It was agreed at the Council meeting in February 2017, that the Chairman of the Pensions and Investments Committee would represent the Council on the Shareholders' Forum. Subsequently, it was agreed, at a meeting of the Pensions and Investments Committee in June 2017, to delegate authority to the Director of Finance and ICT to make decisions, in consultation with the Chairman of the Committee, on any matter which required a decision by the shareholders of LGPSC. All decisions made by the Director of Finance and ICT using his delegated powers would be reported to the following meeting of the Pensions and Investments Committee.

The Joint Committee was a public forum for the Councils within the Pool to provide oversight of the delivery of the objectives of the Pool, the delivery of client service, the delivery against the Pool's business case and to deal with common investor issues. The Joint Committee provided assistance, guidance and recommendations to the individual councils within the Pool and did not have delegated authority to make binding decisions on behalf of the participating councils.

It was agreed at the Council meeting in February 2017, that the Vice-Chairman of the Pensions and Investments Committee would represent the Council on the Joint Committee in order to maintain clarity over the governance arrangements. Further to the proposed change to the Council's Shareholder Forum representative, it was recommended that the Chairman of the Pensions and Investments Committee, or his nominee, should represent the Council on the Pool's Joint Committee.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to appoint (1) the Director of Finance and ICT, or his nominee, to represent Derbyshire County Council on the LGPS Central Shareholders' Forum with delegated authority to make decisions on any matter which requires a decision by the shareholders of LGPS Central Limited; and (2) the Chairman of the Pensions and Investments Committee, or his nominee, to represent Derbyshire County Council on the LGPS Central Joint Committee.