

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 8 January 2020 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, Ms S L Blank, J Boulton, S Brittain, S Bull, Mrs S Burfoot, K Buttery, Mrs D W E Charles, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, J E Dixon, R Flatley, M Ford, Mrs A Foster, J A Frudd, K Gillott, A Griffiths, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, Mrs J M Innes, T A Kemp, T King, B Lewis, 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, , Ms A Western, G Wharmby, Mrs J Wharmby and B Wright.

01/20 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Mrs H Elliott, P Makin, and Mrs J A Twigg.

02/20 **DECLARATIONS OF INTEREST** There were no declarations of interest.

03/20 **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:-

- (a) The Chairman reported the deaths of Councillor Alison Fox and former Councillors Ian Wiley and John Williams, All Members were invited to pay tribute.

Councillor Fox was the County Councillor for the Whaley Bridge Division from 2017 onwards.

Councillor Wiley was the Member for the Alfreton Division between 1985 and 1993.

Councillor Williams was the Member for the Chesterfield North Division between 1981 and 1985 and the Staveley Division from 1993 to 2017. He was Leader of the Council between 2001 and 2009. In 2018, John was made an Honorary Alderman of the County Council.

The Chairman reported the death of Annie Hall, the former High Sherriff of Derbyshire. Annie was High Sherriff between 2017 and 2018. The Council's condolences will be passed to her family. Elected Members were invited to pay tribute.

All Members were invited to observe a two Minute's silence.

- (b) The Chair congratulated Simon Hobbs on his recent appointment as Director of Legal Services.
- (c) Attendees were informed that on the benches there were laminated instructions on how to use the voting system. After successfully voting, two of the three voting icons at the bottom of the screen would be "greyed out". To further assist, during the voting process, the names of the Members who had voted would appear on the large screens. If any further assistance was required, Members were to attract the attention of a member of the Democratic Services Team.
- (d) It was proposed that public questions be brought forward ahead of Councillor questions to assist with one of the public questioners arrangements.

04/20 **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 09 October 2019 be confirmed as a correct record.

05/20 **REPORT OF THE LEADER** Since the last meeting, the United Kingdom had been informed of the result of the general election which saw a Conservative Government elected for a full five year term of office.

The result of the general election had repercussions for Derbyshire as a local authority. The Direction of Travel had been positive with announcements for new money such as for the Troubled Family Scheme. Additional support for Adult Care. Continuation grants that were due to discontinue would all have a positive impact on our budget for the next year. We would need to ensure that we continued to have a constructive dialogue with Government via our MPs etc to ensure that we had the resources we needed to address these issues.

There was now a withdrawal agreement in place and the United Kingdom would leave the European Union on the 31 January and would get on with negotiating an ambitious trade deal by the 31 December.

Since this was not a 'no deal' scenario that the country was facing we could be reassured that the exit process would be more orderly. However, work and planning must continue as a local authority to address that issue.

Heavy rain in November had resulted in severe flooding across Derbyshire over a number of days. Rivers such as the Derwent and Trent reached record levels. A major incident had been declared and the Multi-Agency Team dealt with a minute by minute immediate threat to life and property. Flooding occurred at over 200 locations across the county and had affected over 100 businesses and 300 homes, and that did not include agricultural businesses.

A financial support package had been re-established and put in place following the Whaley Bridge incident to help residents and businesses. At the beginning of January, the Government had announced a package of support to help farmers deal with uninsured losses.

It was estimated it would cost Derbyshire around £20m to rectify the damage that had been caused by the floods in November, this was more than the annual capital grant from Government to maintain the whole 3,500 miles of the highways' network.

Since publishing the climate change manifesto last year Derbyshire County Council had been extremely proactive in this space. Two work areas were being looked at: firstly, how our own emissions as an organisation were tackled and, secondly, how we helped residents and businesses working with other agencies and authorities to tackle carbon reduction.

The Council was committed to reducing it's own emissions to zero by 2032 and the county economy by 2050. This matter was being taken extremely seriously and as much work as could be was being done to mitigate some of the impacts that Derbyshire could have as a local authority as well as working with businesses and residents throughout Derbyshire.

06/20 COUNCILLOR QUESTIONS

(a) Question from Councillor M Wall to Councillor J Wharmby, Cabinet Member for Adult Care

According to the Alzheimers Society, there are currently 850000 people with dementia in the UK, expected to rise to 1.6 million by 2040. How many dementia sufferers do we have in Derbyshire, what are the forecasted figures for the next 5 years, what are the expected funding

needs for these vulnerable people and how well placed are we as a County to meet our statutory obligations to provide support to them?

Councillor Wharmby responded as follows:

The answer to your question is that by 2021 there are estimated to be 16,105 people living with dementia in Derbyshire and this is expected to increase to 17,889 by 2026. We have an ageing population in Derbyshire which will result in the number of people aged 65 and over by 58.5% by 2039.

You asked me if we are well placed to meet our responsibilities to people with dementia. Well indeed we are well placed as a county but to meet our statutory obligations to provide support to them, because I think you will be conscious of the report to Cabinet on the 21 November 2019, Cabinet approved the implementation of the Derbyshire Dementia Well Pathway Strategic Vision 2020-25.

The Council and Strategic Partnerships have developed and agreed this Strategic Vision to clarify our share of priorities going forward and the Five Year Joint Implementation Plan outlines key activities and projects which need to take place.

The following supplementary question was asked:

It is interesting that of 16,100 people that is up 800 since the Cabinet report in November. What I would like to know is what levels of residential support are expected to be available within the county over the next five years and how do we ensure that people who need residential care are cared for within easy reach of the relatives that are there to support them?

Councillor Wharmby responded to the supplementary question as follows:

You are quoting there are 800 more since the report. Yes, there are. The needs are going to be there whatever and wherever we need to meet those needs we will do. Again with the residential needs wherever we need to meet the needs we will work with what we have with the officers and I am sure we will provide the best care we possibly can for the people of Derbyshire.

(b) Question from Councillor S Marshall-Clarke to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

An Alfreton rail user has alerted me to a consultation being carried out by East Midlands Rail on the redesign of its franchise. Their intention is to withdraw all of its services on the Erewash Valley Line. Does the Deputy Leader agree with me that the Government lead franchising system puts profit before people and will he, on behalf of this Council, write to the Transport Minister and ask the Minister to intervene to stop this much needed and well used service from being removed.

Councillor Spencer responded as follows:

I am glad you have raised this issue today. I am fully aware that the consultation has started on proposals from East Midlands Trains and as the Cabinet Member of the administration that actually built a new railway station in Ilkeston, *and* got the funding to do so, I think we have demonstrated our commitment to rail provision in our county. I will make a commitment to you today that will continue. Promoting the use of public transport and rail transport is imperative if we are to tackle the issues of climate change. That is why we have to look seriously at the options available to us.

I am aware of the services that are going to be removed. I think it is one going south, which is a direct service into London, and two going north to Liverpool which are also direct services are proposed to be removed from that schedule. I undoubtedly share your concerns. Representations have already been made by officers with regard to those particular services. We will continue to work on preparing a full detailed representation to the consultation moving forward.

Long-term - it is really unfortunate because your question is good but you have gone in there and said it is franchising, the Government has it wrong. We aren't going to change that here. I do believe some of the franchising arrangements in this country are shabby. They are appalling. They are badly delivered and they need to be looked at very closely.

The Williams' report which is now in the process of being developed is looking at how we can improve those services. I think we on all sides of this Chamber have a responsibility to highlight the deficiencies in service and do our best to promote improvement. This Authority will be doing exactly that.

The following supplementary question was asked:

I read our Authority's response to this consultation and I am hoping it is a draft because it fails to mention the amount of houses that have been built along the eastern side. One of the reasons those

houses were built was the fantastic infrastructure we have on the eastern side of the county and now it looks like it is going to be decimated.

Many students use this railway line to get to Chesterfield, Sheffield and Nottingham. How are they going to get there? That is a concern.

Now I will get to my question, don't worry about it. Can the Deputy Leader explain why elected members whose communities will be affected if these services are removed have not been made aware of this consultation by the Authority?

Councillor Spencer responded to the supplementary question as follows:

Well it is news to me the Authority's response because as far as I am aware we have made initial representations on the proposals to remove three services to-date and I give you an assurance today, Steve, that there will be a detailed representation made to the consultation process formally which I will go through personally myself before it is sent back to the Department.

With regard to why members have not been made aware, it is very very recent that this consultation has started and it hasn't even got to the stage where we are actually making representations formally as yet, so I am sure that members in this Council Chamber, as I said earlier on today, I welcome you raising the issue because everybody is very fully aware of it now and I look forward to your views being put forward which I can then add to the full consultation response.

(c) Question from Councillor I Ratcliffe to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

It is becoming clear that "Ash Die Back" is here in Derbyshire and will require increasing resources to manage. What reassurance can you give to the Residents and Business in my Division and across Derbyshire that are already affected by lack of Tree Management along highways?

Councillor Spencer responded as follows:

Ash dieback is a serious serious issue for this county, as it will be for many shire counties across the country. National estimates predict that 90% of ash trees in our country are going to be affected by this dreadful disease. Undoubtedly here in Derbyshire we are going to feel

the impact significantly in our beautiful rural areas let alone the urban areas that we represent also.

The Council has already put together an officer working group. We have been working on our approach to this particular issue and in due course an officer will be appointed to start the work needed to carry out on the areas that we have responsibility for. Those areas will be public rights of way; school yards; highways; other areas of woodland, parks etc. This Authority will be doing a full survey of the condition of those trees and coming forward with a strategy on how we deal with the issues of ash dieback and the consequences of it.

We need to put in place a funding package to deal with this. It is very difficult to accurately estimate the cost at this moment in time but we are estimating expenditure on this particular programme over the next five years of approximately £1m. That officer will obviously be put in place as soon as possible. Mr Ashworth and his team have been working on this already. It will be of major concern particularly to the National Peak Park and the limestone dale area. Those areas in particular will suffer, as we remember many years ago with the dreadful disease that have attacked many of our trees already. We need to have a proactive approach to this. That is exactly what this Authority will do.

Finally, Councillor Ratcliffe, if there are any particular issues that your residents or your businesses are having I would welcome hearing what they are so that I can put in place mitigation.

The following supplementary question was asked:

Councillor Spencer has pre-empted my supplementary question because that is exactly what I want to hear. I do that in the sense that the Via Gellia, the A5012 is one such road. I ask on behalf of businesses, hauliers, residents, visitors, fellow councillors, will you look at the resources and issue in order to reduce the time it takes to address fallen or overhanging trees that are at risk and they are addressed in a timely manner in this location. This is in order to regain the confidence that my Division needs in terms of highway management of the trees on this site. Thank you, Chair. I am happy to meet with Councillor Spencer.

Councillor Spencer responded to the supplementary question as follows:

The road in question (which runs into my Division as well I might add, Councillor Ratcliffe) will be receiving considerable attention over the coming months as we have received a Government grant for road safety measures on that particular stretch of road to the tune of £8m.

Further up the county they are going to get a proportion of that funding also.

I can tell by the tenor of the presentation that you feel it could be improved upon. I think it is going to be an opportunity when we are carrying out these road safety measure improvements on that particular stretch of road to look at the issues of overhanging trees, gullies, water surface fall-off etc because that will all be part of the same road safety measures and it won't be purely about the average speed cameras that have been proposed on that particular area, which were part of the original paper, Councillor Smith, if you had read it and had been at the Cabinet meeting in November. We have been highly successful in getting that funding and I hope in the coming months you will see major improvements in the way in which those trees are managed adjacent to the roads and also the drainage covers etc on that particular stretch of road. We all know it is a major artery for the heavy goods vehicles that travel across our county. If they don't go through Cromford they usually come from Ashbourne so we are both fully aware of the implementation and the improvements required on that particular stretch of road.

(d) Question from Councillor P Smith to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

What response has DCC taken in the light that several Councils following the World Health Organisation findings that Glyphosate carries a higher health risk than previously assumed: and its effect has recently been upgraded to "probably carcinogenic to humans"?

Councillor Spencer responded as follows:

Yes, this has been highlighted. It has been highlighted for many years by the EU, by the World Health Organisation, by a massive raft of scientific bodies who have a slightly different take on the carcinogenic effects to humans. There is no scientific evidence base for the question that you have portrayed today. There is an argument going on and it has been going on for many years what the effects may possibly be or may not possibly be.

The Authority obviously has very stringent processes in which we use Roundup because that is what it is. Roundup has to be used by registered personnel. It has to be documented properly. We have to keep proper accounts and we keep the use to a minimum as we would do with any particular chemicals for managing the highways or countryside parks and that goes without saying, that is a responsible and appropriate way to go forward.

With regard to the question you asked the Council, like I say, has very stringent laid down procedures for the use of Roundup and will continue to apply those procedures. I personally think there are circumstances where we have very little choice but to use Roundup, particularly with Japanese knotweed because the only chemical that is known to have an effect on killing it is Roundup. We are left with very little option but to use it for the purposes of killing off that very progressive and dreadful knotweed effect.

I take note of your question. I am sure the Strategic Director takes note of your question and we will continue to work within our health and safety policies to protect our staff and make sure appropriate and proper records are kept.

The following supplementary question was asked:

There are obviously quite a number of Councils who are concerned about using this product because they have put massive restrictions on its usage. One in particular on the list that is in front of me is a neighbouring Authority, Erewash, so there are Authorities out there who are putting measures in place to use different products. There is an alternative to glyphosate and that is a product called Foamstream. While you are noting this question could you please look into the possibilities of the alternatives that are available out there and see how feasible they are? I do appreciate there are certain weeds that cause continuing problems, and knotweed is one of them, but most of the knotweed I encounter and come across is not necessarily in the highway footprint it is in a landmass footprint, woodlands etc. It is an issue. It needs careful consideration and it needs an assessment of what is out there and available now and as we go forward I think it would be sensible of us to have a conversation with some of these other Authorities to see how the alternative provision in the product they are using is doing the job that this current glyphosate does.

Councillor Spencer responded to the supplementary question as follows:

I have no problem whatsoever in looking at alternative methods of carrying out processes in this Authority if they are more effective, they are more cost effective, they are more beneficial, they are more environmentally friendly. I am sure the Strategic Director is taking a note of what has been said and I have no problem in making sure we are working in the best and most appropriate fashion.

07/20 PUBLIC QUESTIONS

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

So now we have established the purpose of an EHCP, could I now ask why are DCC SEND team still using vague and woolly wording such as 'would benefit from' 'opportunities for' and access to 'and failing to quantify and specify as per the SEND Code of Practice.'

Councillor A Dale responded as follows:

As you know myself and senior officers met with you and a group of other parents yesterday to discuss various issues of concern, including this one in some detail. You will know from our meeting that as a Council we are very much aware that some parents have raised concerns and questions with regard to the quality of our Education, Health and Care Plans. We have acknowledged on several occasions that we want to continue to improve the processes in place for our production and review of the EHCPs and this, as you know, is a challenge given the severe pressures on the Service and an issue that we have in common with many other local authority areas and it will therefore take some time to make the improvements that we know need to be made, but I want to assure you once again that we are absolutely committed to working diligently to improve the quality of our SEND services and particularly the quality of our Education, Health and Care Plans.

As you know we have in place a new Assistant Director with responsibility for this Service and also a new Service Director with responsibility for Schools and Learning who started on the 1 January. They have a very clear understanding of what needs to change and good ideas about how to achieve this.

As you know also from our meeting yesterday the quality of our EHCPs is already identified as an area for targeted improvement and work has begun to investigate what training will be needed in order to achieve this and the most appropriate framework for ongoing and regular quality assurances moving forward.

I hope the Department's collective commitment to improve its SEND services came across during our meeting yesterday and that we can continue to engage constructively with you and your colleagues to ensure that we move in the right direction.

The following supplementary question was asked:

So if those phrases such as “would benefit from”, “opportunities for” and “access to” would be found in your remuneration package would you be happy?

Councillor A Dale responded to the supplementary question as follows:

As you know we discussed the issue of those phrases and the issue of specificity and quantities yesterday in great detail. A range of commitments that we have made to improve our processes working with you and other parents to try and get the best out of our SEND services and as you know we are continuing to commit to making those improvements and I hope you will work with us moving forward to do that.

08/20 **PETITIONS** There were none received.

09/20 **PROGRESS ON THE REVIEW OF SEND DISCRETIONARY CONTINGENCY FUND FOR MAINSTREAM SCHOOLS AND ACADEMIES**

At the July 2019 meeting of the Council an amended Motion was unanimously agreed which sought to ensure that every Derbyshire SEND (Special Educational Needs & Disability) pupil got the education they were entitled to by:

- Continuing to pressure the government for more funding to be invested in education, especially SEND; and
- Urgently reviewing the discretionary contingency fund, in consultation with the Schools Forum, so that those schools which felt penalised because they had more SEND Children could be given more financial support; and
- To bring a report outlining progress on reviewing the discretionary contingency fund and with the government to a future Full Council meeting within the next six months.

Following the announcement in the Spending Round that the funding for schools and high needs would, compared to 2019-20, rise by £2.6 billion for 2020-21, £4.8 billion for 2021-22, and £7.1 billion for 2022-23, the final settlement for 2020-21 for each local authority was published on 19th December 2019.

The settlement provided an additional £9.8m (14.0%) increase in funding in the High Needs block for Derbyshire in 2020-21, in addition to an increase of £27.95m (6.3%) for the Schools Block. While Derbyshire’s allocations for the years 2021-22 and 2022-23 would not be published until nearer the time, it was anticipated that they would rise in line with the national increases already announced.

The Schools Forum met in October 2019 and was presented with analysis of the percentage incidence of pupils with additional needs within schools where this exceeded 3% of all pupils on roll and options for distribution of a contingency. Schools Forum were invited to comment on the issue to inform further work. At the time this meeting took place, the final allocation to Derbyshire for the High Needs Block for 2020-21 had not been announced and therefore Schools Forum were not in a position to provide firm views as the financial position for 2020-21 was a critical unknown factor.

The next Schools Forum meeting was scheduled for 20 January 2020 and a paper had been prepared to invite Schools Forum to consider this issue again and make a recommendation to Council.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to note the progress made to date and to receive a further report in due course, once consultations with the School Forum have been completed.

10/20 **EXCLUSION OF THE PUBLIC** **RESOLVED** to exclude the public from the meeting during the consideration of the remaining item on the agenda to avoid the disclosure of exempt or confidential information.

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. Corporate Property 2020 – Application for Voluntary Severance