

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 5 February 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, S Brittain, S Bull, Mrs S Burfoot, K Buttery, Mrs D W E Charles, Mrs L M Chilton, 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, P Makin, S Marshall-Clarke, D McGregor, R Mihaly, C R Moesby, P Murray, G Musson, R A Parkinson, Mrs J E Patten, J Perkins, Mrs I Ratcliffe, B Ridgway, C Short, P J Smith, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, M Wall, Ms A Western, G Wharmby, Mrs J Wharmby and B Woods.

12/20 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Ms S L Blank, J Boulton, J A Coyle, Mrs H Elliott and B Wright.

13/20 **DECLARATIONS OF INTEREST** There were no declarations of interest.

14/20 **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:-

- (a) The Chairman congratulated Councillor Paul Smith on his election as Leader of the Labour Group.
- (b) The Chairman informed Council that he proposed to move agenda item 6 - Public Questions to before agenda item 5 - the Report of the Leader.

15/20 **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 8 January 2020 be confirmed as a correct record.

16/20 **PUBLIC QUESTIONS**

(a) Question from Peter Watkins (read by Lynne Thornley) to Councillor J Wharmby, Cabinet Member for Adult Care

On 16th January the Adult Care Department wrote to me about the proposed closure of Beechcroft Care Home - my home for three years and for which I sold my own house to pay towards care costs. The letter told me "We'd like to reassure you that no decisions would be made about the future of the home until we had considered ALL the consultation responses we receive and considered the full implications of closing the home"

I have now received a letter containing "Pledges to residents" all of which are about moving and none of which are about listening to reasons for keeping the home open. Therefore, has the decision to close already been taken, what will happen to the Beechcroft site and has it already been sold or are negotiations for its sale taking place at the moment?

Councillor J Wharmby responded as follows:

I would like to thank Mr Watkins for his letter and his daughter, Mrs Thornley, for attending the Council meeting to represent him and present his question.

I would like to reassure Mr Watkins, his daughter and all the residents and relatives of Beechcroft and other residential care homes that we are consulting on proposals to close; that we fully recognise the anxiety and concerns that the proposal causes and it is our absolute intention to take account of the concerns raised with the consultation process and in our decision making.

I can confirm that no decision has been made at this point and that all the comments, queries and concerns raised during the consultation, which runs until March, will be considered in full.

Our pledge to residents, as sent out, is to provide reassurance to residents and family carers that we are committed to ensuring that the impact of any decisions that are made are managed as sensitively as possible and I can confirm to you that the decision to close has not already been taken, it has not already been sold for building and there is no negotiation for the sale taking place. Thank you.

The following supplementary question was asked:

What consideration will be taken into account to actually keep the homes open for a longer period until the Government's own social care policy is a little more clear?

Councillor Wharmby responded to the supplementary question as follows:

Thank you for your supplementary question. I can assure you that we will do everything with the consultation to look at every aspect that is mentioned and all your concerns are taken into consideration. Until the consultation comes through I cannot make any recommendations to you of what will happen. All I can say is we will be as helpful as we can. We will be there.

17/20 **REPORT OF THE LEADER** Councillor Lewis congratulated Councillor Smith on becoming the new Leader of the Labour Group and wished him well in his new role and he looked forward to working together for the benefit of Derbyshire residents and he hoped that he could meet Councillor Smith to discuss areas where they could work together. Councillor Lewis also congratulated Councillor Wall on being elected Deputy Leader of the Opposition.

There had been further progress on the work to bring together into a collaborative alignment, two tier local government in Derbyshire. The concept rather unimaginatively called 'Non-structural reform' was a piece of work that he had taken to calling 'Vision Derbyshire' for the time being. The work was gathering pace and the Council's case would be presented to MPs soon followed by a submission to Government of the work to ascertain their thoughts and any potential support. This way of working would not be unique and the Council were being watched by others from around the country as an example of how local solutions to devolution could be created and hopefully eventually delivered. Agreement had been reached on the part of all Districts and Boroughs, of all political persuasions, to work together more collaboratively, especially around some key themes such as regeneration, clean economic growth with a focus on the asks that the Councils really wanted to make of Government.

Tackling the big issue of climate change and carbon reduction was another area where the Council were working together very closely to deliver all our organisational aspirations to get to net zero and to help residents, businesses and other organisations to get to net zero by 2050 as well.

The Council had set out its commitment to put £5m into the budget to tackle climate change and £4m of that was around capital to help businesses, communities get to net zero by 2050. There would be £200k a year on-going to help tackle our own emissions and drive the work within Derbyshire.

The Council was also hosting “Tackling Climate Change Together” an event in March, for businesses, housing developers, Councils and other public bodies in Derbyshire to discuss what they could do to assist. The Council would be asking key people and organisations to sign up to ambitious targets to help deliver all targets.

The Council had successfully bid for cash to install, encourage the use of 40 electric vehicle charging points around the County and this was increasingly important in the light of the Government’s consultation to potentially bring forward by five years their commitment to ban fossil fuels to 2035.

The Council was also planning to introduce a new grant scheme, a Climate Action Grant to support local communities and encourage green entrepreneurs to take action on climate change within their communities.

Councillor Lewis reminded Council about the consultation on the potential closure of seven homes for older people and the refurbishment of three others opened last Friday and to encourage as much feedback and comment as possible on the issue. The Council had set out quite clearly why it had been necessary to do this and it understood that there was anxiety about this in local communities and the Council felt for the residents and their families at this time. Councillor Lewis wanted to reassure them that this was a consultation and it would ensure that residents were listened to. It was something that the administration did not want or expect to have to do. The administration had intended to provide more of a range of high quality care provision for Derbyshire residents not to be doing this

The Council had worked hard to mitigate the issues of safety in the affected homes by installing new fire alarms, fire doors and other preventative measures and had also put in fire wardens to ensure the safety of our residents. Councillor Lewis reassured people that as soon as these issues had come to light mitigation measures had been put in place as quickly as possible.

Councillor P Smith asked the following question:

I would like to thank the Leader for his warm welcome, completely different to what he put out on social media and the Conservative website. In terms of working constructively together we have tried to work constructively together and the previous Leader also attempted that but we also said we needed to see the Cabinet report prior to the meeting that we wanted to hold with you.

Councillor Western, and you have made reference to it, as my previous role as Cabinet Member for Adult Social Care, Anne thought it would be useful if I engaged and met and discussed the processes and proposals that you were going to start off with. However, on the one hand you say we want to work constructively and I want to engage and have a relationship with you and then on the other hand you trash my reputation and the reputation of our previous Leader. I find that absolutely shocking to hear.

Anne has served this Council in the capacity of Leader of the Council and also as Leader of the Labour Group for over eleven-and-a-half years. Throughout that she has shown determination, strength, character and raised the profile of this Authority not only in the East Midlands but nationally and then you have to come out with a statement like you have done, which I find absolutely disgraceful. They always say a leopard never changes its spots. I knew you and I know your previous incarnation as a Member of Amber Valley Borough Council.

For that to happen Councillor Lewis, there are one or two things that need to alter: that is your direction of travel for this Authority and your attitude towards us as Members. I find it absolutely incredible that you want to work with myself in terms of that offer was made previously to you and you refused to meet with me. As I say warm words mean nothing in this Chamber at this moment in time, evidence it by actions. I do not believe anything I did as a Cabinet Member has contributed to the situation that we are in now. We put investment in as soon as we recognised the problem and you have had seven out of the last eleven years to deal with some of these issues. My question to Councillor Lewis is therefore, when are you going to change and get my way of thinking then we may have a good working relationship?

Councillor Lewis responded as follows:

Thank you, Chairman. Thank you, Councillor Smith. First of all I must pick up on the point of the recognition of a problem. That is going to be recorded in the verbatim minutes. That is interesting because everything we have read thus far recognises that you failed to recognise there was a problem so I would like to find out more about that particular issue.

As for trashing the reputation of yourself and your administration and all your Group how am I meant to know how your direction of travel is going? You don't have a direction of travel other than backwards to the 1970s. I don't want to go there. My attitude towards your Group is covered by exactly this kind of outburst we have just heard from you. I am afraid this will be a two-way street for some time. I just hope outside of this Chamber it is not like this. This Chamber is what it is, it is a

Council Chamber. We are going to do this, I have accepted that years ago. I think it is a shame in some ways, but that is the direction of travel we are on in this Chamber. Thank you.

Councillor K S Athwal asked the following question:

Councillor Lewis, in other words, the impact of these potential closures and refurbishments will be mostly felt coming on the back of the earlier announcement in 2017-18 that Hazelwood had structural and other issues and we are going to replace it with the one at Bennerley. For the benefit of our care home residents in Erewash and their families please explain to the Council how we arrived in this unfortunate position where we are consulting on the closure of more homes?

Councillor Lewis responded as follows:

Thank you, Councillor Athwal. Yes, your question is particularly relevant and of course I will explain. Let me underline again the fact that we are doing this consultation is unexpected and it is not what we intended to do. Let me talk you through how we got here.

We have an issue of dilapidated care homes in Derbyshire. This came about, as I have said before, because of decades of under-investment and no credible plans to provide decent modern 21st Century high quality care facilities. The situation was exacerbated between 2013-17 and I am afraid, Councillor Smith, we can put this at your door, you were the Cabinet Member then.

To illustrate this, in the former Leader of the Opposition's own Division, East Clune Care Home in Clowne has electrical wiring which is 70 years old. You didn't mishear that, 70 years old. Those decades of under-investment have led to this being an absolutely critical issue. It is well known we spent all those years in opposition regularly highlighting the issue of crumbling care homes, telling Labour that they needed to tackle the poor state of repair and make them fit for the 21st Century and they didn't. We had a plan between 2009 and 2013 when we were in control and this followed 28 years of Labour control and under-investment in care homes. We created a £200m replacement programme to rebuild care home infrastructure and provide 21st Century care for Derbyshire's elderly residents with a pledge that no care home would close without one to replace it. It was obvious to us then that there needed to be this investment but the Labour Group then, as it still is apparently, is so dysfunctional and backward looking it opposed us at every turn. This saw a number of fantastic new facilities like Meadow View down in Darley Dale get built and there has been a kind of small legacy of sorts because we proposed back then between 2009-13 that a new one should be built in Belper and the Ada Belfield Centre will be

opening soon. I am very pleased about that. Labour binned that programme in 2013, our £200m programme.

It is somewhat ironic that Labour's ideological opposition to privately built, managed and run care homes has shown up the very flaws in the local authority led model that led to that model disappearing in every part of the UK. You were a grand exposition of why that model failed.

So Labour binned their programme in 2013 and by 2015 in a move that effectively put the final nails in the coffin of some of these care homes, it published its own woefully inadequate plan to maintain the status quo, a plan so poor it was a bit like sticking a sticking plaster on a sinking Titanic. In a magnificent display of hypocrisy, they also closed four care homes during that time, with no plan for them I might add, and whilst they crowed about the success of the maintenance programme Councillor Smith championed he, in each of those years of that much lauded socialist red flag waving strategic direction document thing that he put out there - which was backwards by the way, that is the direction they were looking - made cuts to the Property Maintenance budget that totalled over £2.8m which effectively condemned care homes that they now claim to care so much about. By the end of their tenure in 2016-17 they were spending just £626,000 on 23 care homes. That is £27,217 on each home. That is woefully inadequate. We have been reversing that trend since we took office, so since taking over control we have increased the spending on maintaining those care homes. You will see another £3m going in the budget today and we have committed to replacing Hazelwood Care Home in Ilkeston at a cost of £15m. We are also committing to finding other solutions to this catastrophe that they have left us with. Let us make no bones about it, this is Councillor Smith's legacy. So what is Labour's response to this? They have made him their Leader.

Let me reassure you, Councillor Athwal, we will move heaven and earth to get a brand new care home built at Bennerley accelerated with a date of construction started as soon as possible. We are going to do our level best to fix the mess that the Labour Group have left us with and I hope that that will provide some reassurance to your residents and those of Erewash more generally. They deserve and expect explanations.

Councillor B Bingham asked the following question:

Councillor Lewis, I wonder if you could tell me please, it is to do with the Grove Care Home at Eckington. Seeing as the Council was fined £550,000, I just wondered if that had been included in the budget

of which we will be presented later today? I wonder if you could give me an answer to that question please. Thank you.

Councillor Lewis responded as follows:

Thank you. We will make sure you get an answer to that at the end of today. That is a very specific question on that particular issue there. I am sure my colleague Councillor Wharmby will be able to furnish you with a full and complete answer but thanks for the question.

Councillor E Atkins asked the following question:

As you can imagine there are a lot of concerns locally about the closure of the homes that local residents, senior citizens are living in. What we want to know is - there are three homes in our area - can the homes not be done in rotation one at a time so that residents aren't thrown out into the street because we want to know what is happening to the residents? Are you hoping that, I had better not say it, but the effect on senior citizens of worrying could be, let's say it, it could be very concerning or even fatal.

I am a little concerned because we have not seen in the budget any indication that replacement homes are being built. Has any land been bought? Are you intending to use existing sites? What use are you intending to make of existing sites? Are you going to use them for housing or are we going to have replacement homes for our senior citizens? We are very worried. Our communities are really, really concerned.

I can understand what relevance the budget has but we would like to see where in the budget an effort is being made towards funding the homes or repairing the homes. Where in the budget is that information because we have not been able to find it? Is it assumed that all the proposed care home closures will just take place anyway? Where are people going? No plans are being made. We want to know properly what is really happening.

We could understand if the repairs were being phased across several years, repairs phased and rebuilding across several years and people being moved around appropriately for that but we really must have significant information what is happening to our old people.

The last time this happened, this big scare, I was juggling a mum and a mum-in-law. They had both reached the stage in their life where they couldn't manage in their own homes and they needed care. We all know what demands that makes on you. I was lucky, I was able to utilise the homes in New Mills. They are absolutely brilliant. There is

the small one, Tarry Hill, and the bigger one. Putting money into there could be a cost saving in the long run making sure we have this facility there. We would like to know what have you done towards solving this issue. What plans have you made? Not just "Right, we are closing it, it is going to save us money." We want to know what plans are being made as senior citizens and let's face it there are quite a few in this room who may need to utilise those facilities before long. Not everybody has money to pay for all this care. A lot of people, my parents included, both mum and mum-in-law spent all their savings from years and years of work on being in the local care homes till they died. We want to know every single thing about what is going on with all this not just being told "We are closing the homes" because that has caused real pandemonium within our community so please let's have some info. Thank you.

Councillor Lewis responded as follows:

You are clearly very passionate about this issue and I fully understand that. You no doubt have lots of concerned residents, as have many of my colleagues over on these sides of the benches who may potentially be affected by this.

It is a consultation, I have to highlight that at the moment. No decisions have been made. At this point we are just consulting on the potential closure of seven and the refurbishment of three. Once we have concluded that consultation then we will be able to take the next step which is bring forward and have more sets of detailed plans about whatever direction we might then go in and at that point we will be teasing out quite a lot of the questions that you have just put in this Chamber but until then we can't really say much more than that other than just to highlight... I will just have to say this again. Those care homes on the surface look great. They look fine. You go inside and they are beautifully done. I have visited a few in my time but it hides a multitude of sins that are behind the walls. It is electrics. It is all these sorts of particular issues. It is the structural defects as we found with Hazelwood. These are the particular issues that these care homes have that when you start scratching the surface potentially we are talking about £34m to put all these care homes right if we took that path but I rather suspect that once we open that Pandora's box those costs are going to escalate to something more than this local authority could possibly ever afford and at the end of the day when you look at these care homes in the context of "Are they fit for the 21st Century?" the answer to that question is by and large no, they are not, and are we putting taxpayers' resources to the best use in actually doing that? These are the complex questions we have to answer following that consultation but I thank you for your question.

Councillor P Smith asked the following question:

We have heard a lot from Councillor Lewis about my role in terms of my Cabinet responsibilities for Adult Social Care. You have this master plan that you keep referring to and we have heard it time and time again none of these homes are fit for purpose, but do you not agree that at the time I was the Adult Social Care Cabinet Member, Derbyshire County Council was held up as exemplary in having residential care homes that people in terms of winter pressures hospitals could discharge to and free up beds in hospitals? When you think about that you are accusing professionals of putting families into substandard, not up to 21st Century standards.

The other question for you is that you made great play out of the Bennerley site and the proposal around the residential care home, an Extra Care facility of bungalows that you are going to be building on that site. I was at the Planning Committee on Monday and myself and colleagues were quite alarmed that you had done that, and you are forgetting to tell people, that under your previous proposals for residential care you were working with the same organisation, Housing 21, and to our alarm it became quite clear that your preferred partner had pulled out in December. Nobody was aware of that. I don't even think your Members were aware of that. Certainly I don't think your colleague here from Erewash was totally aware of that. You are talking about risk and providing alternative provision but at the first point your proposal has fallen. You have now got to go out and find another provider and somebody who can step into the shoes of Housing 21. Your £21m savings are predicated on the fact that you are going to work with external bodies and you are going to reduce demand on Derbyshire County Council through the Adult Social Care process. Can you answer how you are going to deliver that and when we are going to see this new development up and operating in that community when you have two residential care homes earmarked for closure in Erewash?

Also you are waxing lyrical about the amount of budget we put in. You have only allocated £6m as a proposal. That to me, as the lady was quite concerned about, is not enough for what we have currently. You have said £4.25m wasn't enough under our stewardship. Does that mean you have pre-empted the consultation in terms of what you have allocated in capital for spend? You are forgetting one other thing: do you not think austerity had a massive impact on this Authority and £90m that was taken out over a period that has still not ended and whose government is that?

Councillor Lewis responded as follows:

I am delighted to be able to answer one or two of those questions but first of all have you noticed not a single answer to any of the charges put to him about his failure to look after these care homes to do right by Derbyshire residents? That is outrageous. Anyway, Housing 21. I can tell you we are in talks with other potential providers and I am told those talks are encouraging at the moment so we are still working hard on that but I have made clear that we will accelerate that development.

Now then your winter pressure point. I take that on board but that is just beds that is simple and straightforward. However, just making sure that we as a commissioner, if we have to do that in the future, use our organisational ability to deliver that. We certainly will.

Can I just say on your point about austerity, that it is about choices. You made some very clear ideological choices. The cuts that you made in this organisation, and I have no doubt we will hear more about that today, put us on a very, very bad footing with regard to issues like this and one or two other issues which will come back and bite you on the rear end. That wasn't down to government that was down to ideology. That is how you spend the money that you get here as an organisation and I am afraid, Councillor Smith, you made all the wrong choices.

Councillor S Burfoot asked the following question:

Thank you, Chair. I wasn't actually going to say anything about this but I am afraid I can't resist it. I am not in the blame game, I am really not. I am not in the blame game as to how we have arrived at this position but we are in the position that we are in and I think that is a very sad state of affairs that we have this many homes and remember, these are homes. These are where people make their home. Not many people I would imagine choose to go in a care home. Some people just have to, they can't look after themselves at home. I have just had two friends who have ended up in care homes as their respective partners could not look after them any longer. Let's remember that we are talking about people here and we are talking about their homes. I would imagine everybody in this room, especially those who have these care homes which are down for closure, who have them in their constituencies, they are going to be the most worried.

What I would like to know is who did the reports on the state of these homes? If you live, as we do in our own homes and you own them you don't let your home get into this sort of state, especially things that are life threatening like wiring. You don't do that. I am appalled to think that a Home had not had its wiring changed for 70 years. That is appalling. You would not do that at your own house so I don't know

how we have got into this position. My question really is who did these reports and are they going to be open to scrutiny by what I would imagine to be action groups? The residents and their relatives are not just going to sit back and accept this. They are going to form action groups and will they be able to look at these reports?

What I would finish by saying is to bring it back to where you live in your own house or if you are buying a house you go to a surveyor, you get a full survey. Quite often things that aren't life threatening they say "Oh you need a new roof" when you actually don't really need a new roof, but they cover themselves completely so that if anything happened to that roof you can't go back then and say "Ah well you didn't tell me" but there is a difference between things that are life threatening and things that are cosmetic.

Councillor Lewis responded as follows:

Thank you, Councillor Burfoot. You are absolutely right first of all these are people's homes and that is something we are very mindful of in this process. Like I say we did not expect to be going down this road. It is very clear to us that people care about these buildings. They live in them. They are the homes of their parents/grandparents and so on and we want to make sure that we can do all we can to make their lives as good as possible basically. Like I say we did not expect to be here.

In terms of the questions more specifically, the facet reports which are carried out on each one of those care homes, which is done by an external independent company, examined all the homes, produced these reports which we have now put on line, so all the facet surveys are available, people will be able to delve into some detail, considerable detail in fact into all the factors that are wrong in these particular instances.

Now it is not just taking it on face value. The facet surveys obviously come to us and they were triggered by the Housing strategy work that was done by Councillor Wharmby and her colleagues in Adult Care. The issues we found at Cotmanhay in Hazelwood triggered further investigations and that has led us to the position that we are in today, but those facet surveys, along with examination by our own Property Services, people here brought forward the conclusions that we are now dealing with as a particular set of issues with regard to these homes. It is a process. We haven't just taken it at face value in terms of what these facet surveys say, there has been some examination which has led to this but I thank you for your questions.

18/20 **PETITIONS** There were none received.

19/20

COUNCILLOR QUESTIONS

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

Following my question to Councillor Wharmby at the last Full Council Meeting, how does the potential closure of the 7 care homes being consulted on affect our capability to care for vulnerable adults in close proximity to their families and support networks?

Councillor J Wharmby responded as follows:

Thank you, Councillor Wall, for your question. The capability to care for vulnerable adults, including older people, is a key priority for the Council and we believe the proposal of the future strategy for the Direct Care Homes for Older People, which are subject to consultation, will support the delivery of this objective.

Whatever the outcome of the consultation, the Council will remain a significant provider of residential care for older people, but it is also important to note that we are not the only provider of residential care. The majority of older people living in residential care live in private, voluntary and independent sector care homes, the vast majority of which provide a high standard of care.

As you well know from the published Cabinet report we have taken care to ensure that these homes not affected by the proposals to consult on closure are spread geographically across the County.

Councillor Wall asked the following supplementary question:

With the £3m that has been allocated to upgrade the three homes across the County I would like to know is this going to be enough to safeguard their future? Will you be standing by your manifesto pledges not to close any of these homes until there is an alternative provision in place or is this going to be another set of broken Tory promises?

Councillor Wharmby responded as follows:

I don't know if I want to thank you for that one! I can say we are going to do our utmost to spend that money in the right way. Again, we are out to consultation. I can't comment on how that money is going to be spent yet because it is a consultation.

You mentioned the manifesto promise. We have said we are going ahead with Bennerley rapidly. We have been put in a very unusual position at this time through lack of care of what happens to the

care homes so I think it is watch this space. We are going to do the utmost we can possibly do but our manifesto for Bennerley is still moving forward.

20/20 BUDGET MONITORING 2019-20 (AS AT 31 OCTOBER 2019)

The Director of Finance and ICT provided Council with the Revenue Budget position for 2019-20 as at 31 October 2019.

The report summarised the controllable budget position by Cabinet Member Portfolio as at 31 October 2019 and noted that further reports would be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

A Council portfolio overspend of £0.583m was forecast, after the use of £3.382m of Earmarked Reserves to support the Highways, Transport and Infrastructure and Young People portfolios. Any underspends in 2019-20 would be used to manage the budget in 2020-21. Interest and Dividends received on balances was estimated to underspend by £0.597m, assuming that returns on the Council's investments in pooled funds remain robust and that these investments were held for all of the financial year. The interest base rate was currently 0.75%, however, the Council utilised a range of investments to maximise its income.

The Debt Charges budget was projected to underspend by £0.621m based on forecast interest payments, anticipated Capital Financing Requirement (CFR), a Minimum Revenue Provision (MRP) of 2.5% in keeping with the policy reported to Cabinet on 22 November 2016 and a £4.500m one-off reduction in the Council's Capital Adjustment Account Reserve. This reduction was made on the basis that the amounts set aside to repay debt over the last ten years were well in excess of what was required to ensure the Council could repay its debts.

The Risk Management Budget was forecast to underspend by £4.535m. This included a virement of £5.000m of budget from the Adult Care portfolio. In 2019-20 a contingency amount of £1.000m was budgeted for burdens associated with complying with the new General Data Protection Regulations (GDPR). Use of this contingency amount was controlled by the Deputy Director of Legal Services. To date, £0.316m of this funding had been awarded to departments. Further awards in the remainder of the financial year were anticipated and additional costs required to comply with GDPR were anticipated to be incurred in 2020-21, therefore Cabinet had agreed to establish an earmarked reserve for £0.684m to carry forward any residual balance of this funding.

Corporate Adjustments were forecast to overspend by £0.680m based on a prudent allowance for potential credit losses on the Council's non-rated investments. Details of the Council's Earmarked Reserves balances as at 31 October 2019 were set out in Appendix 1 to the report. In addition to these balances, £5.000m of additional Business Rates Relief grant funding received would be transferred to a newly established Business Rates Relief Earmarked Reserve and £1.015m would be released from Earmarked Reserves to the General Reserve as approved by Cabinet on 21 November 2019.

A summary of the expected achievement of budget savings targets was provided at Appendix 3 to the report. The budget savings target for 2019-20 is £13.393m, with a further £3.480m target brought forward from previous years. The savings initiatives identified to meet this target currently fell short by £5.362m, therefore further proposals would need to be brought forward to ensure the Council continued to balance its budget. Of this total target of £16.873m, £11.145m was expected to be achieved by the end of the financial year. Therefore, there was a £5.728m forecast shortfall in achievement of budget savings. The resulting base budget overspend was offset to some extent by one-off underspends or was being met from one-off funding from earmarked reserves.

The age profile of debts owed to the Council and the value of debts written off was disclosed in Appendix 4 to the report with this information was collected on a departmental rather than a portfolio basis.

A forecast of the Council's General Reserve balance for the period 2019-20 to 2023-24 was detailed in Appendix 5 to the report. The forecast showed that the level of General Reserve was expected to be between 3% to 10% of the Council's Net Budget Requirement in the medium-term. The majority of chief financial officers considered 3% to 5% of a council's net spending to be a prudent level of risk based reserves.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to (1) note the 2019-20 budget monitoring position as at 31 October 2019; and

(2) note the establishment of a GDPR Compliance Earmarked Reserve and a contribution of £0.684m from the Contingency budget into this reserve.

21/20 **BUDGET CONSULTATION RESULTS** The Director of Finance and ICT presented a report which enabled Council to consider the outcome of the Council's budget consultation exercises when formulating its budgetary proposals to Council in relation to the Revenue Budget for 2020-21.

The report contained a detailed analysis of the consultation results and themes that had arisen from the comments that participants had contributed during the process.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED that the views of the consultation respondents be taken into account by Council when formulating its proposals to Full Council regarding the Revenue Budget for 2020-21.

22/20 **REVENUE BUDGET REPORT 2020-21** The Director of Finance and ICT reported on the Revenue Budget and Council Tax for 2020-21. The report was considered alongside the Budget Consultation Results Report for 2020-21, the Budget Monitoring 2019-20 (as at 31 October 2019) Report and the Capital Programme Approvals, Treasury Management and Capital Strategies for 2020-21 Report.

The budget had been constructed in the context of currently known information. Details of the Final Local Government Finance Settlement were expected to be published in early February 2020. Information relating to the funding and income streams to the Council are set out in Appendix 1 to the report. The report details 2019-20 budget monitoring, the Spending Round 2019 and the Provisional Local Government Finance Settlement, including Council Tax levels as well as identifying the service pressures facing the Council and consequent budget savings required. The report provided comment on the Council's financial standing and the robustness of the estimates made in preparing the budget.

When setting the budget, the Council must be mindful of the potential impact on service users. The consultation exercises which had been undertaken in the preparation of the 2020-21 budget were relevant in this respect. Section 149 of the Equality Act 2010 imposed an obligation on Members to have due regard to protecting and promoting the welfare and interests of persons who shared a relevant protected characteristic (age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation).

A high level equality analysis had been carried out and was included at Appendix 7 to the report. Even though this was a high level

analysis and, there would be detailed analyses undertaken for specific service reductions, it was still essential that Members had read and considered the analysis to be provided alongside the report. It was noted that the analysis identified a number of potential areas of detriment and Members were asked to pay careful regard to this in considering the recommendations made. Once the budget had been set and as spending decisions were made, service by service, and as policies were developed within the constraints of the budgetary framework, proposals would be further considered by Members and would be subject to an appropriate and proportionate assessment of any equality implications as well as consultation, including consultation on a range of options, where appropriate.

The report was debated.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to (1) note the details of the Spending Round 2019 and Provisional Local Government Finance Settlement as outlined in sections (b) and (c) to the report;

(2) note the Government's expectations about Council Tax levels for 2020-21 in section (d) to the report;

(3) approve the precepts as outlined in section (d) and Appendix 3 to the report;

(4) approve that billing authorities be informed of Council Tax levels arising from the budget proposals as outlined in section (d) and Appendix 3 to the report;

(5) approve the contingency to cover non-standard inflation as outlined in section (f) to the report, the contingency to be allocated by the Director of Finance and ICT once non-standard inflation had been agreed;

(6) approve the service pressure items identified in section (g) and Appendix 4 to the report;

(7) approve the level and allocation of budget savings as outlined in section (h) and Appendix 5 to the report;

(8) note the Director of Finance and ICT's comments about the robustness of the estimates and adequacy of the reserves as outlined in section (i) to the report;

(9) note the details of the Council's consultation activity as outlined in section (k) to the report;

(10) approve the Council Tax requirement of £342.663m which was calculated as follows:

£	
Budget Before Pressures and Budget Reductions	524,509,187
Plus Service Pressures – on-going	25,252,320
Plus Adult Social Care Precept	6,653,986
Plus Service Pressures - one-off	14,816,000
Less Budget Reductions	-18,795,000
Increase in Debt Charges	5,500,000
Increase in Risk Management Budget	2,274,928
Net Budget Requirement	560,211,421
Less Top-Up	-94,891,733
Less Business Rates	-20,067,433
Less Revenue Support Grant	-13,737,515
Less New Homes Bonus	-2,325,987
Less General Grant	-61,205,762
Less PFI Grant	-10,503,833
Less Use of Earmarked Reserves	-14,816,000
Balance to be met from Council Tax	342,663,158

(11) authorise the Director of Finance and ICT to allocate cash limits amongst Cabinet portfolios; Executive Directors would then report to Cabinet on the revised service plans for 2020-21.

A recorded vote was taken and recorded as follows:

For the recommendation (38) Councillors T Ainsworth, R Ashton, K S Athwal, J Atkin, N Atkin, Mrs E Atkins, B Bingham, S Bull, Mrs S Burfoot, K Buttery, Mrs L Chilton, A Dale, R Flatley, M Ford, Mrs A Foster, A Griffiths, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, T A Kemp, T King, B Lewis, W Major, P Makin, P Murray, G Musson, R A Parkinson, Mrs J E Patten, J Perkins, C Short, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, G Wharmby and Mrs J Wharmby.

Against the recommendation (19) Councillors D Allen, S A Bambrick, N Barker, S Brittain, Mrs D Charles, Mrs C Dale, J E Dixon, J A Frudd, K Gillott, Mrs J M Innes, S Marshall-Clarke, R Mihaly, C R Moesby, Mrs I Ratcliffe, B Ridgway, P J Smith, M Wall, Ms A Western and Ms R Woods.

23/20 **CAPITAL PROGRAMME APPROVALS, TREASURY MANAGEMENT AND CAPITAL STRATEGY** The Director of Finance and ICT presented a report which sought approval for proposals relating to the capital starts programme for 2020-21 and the Treasury Management, Investment and Capital Strategies.

In line with previous years, the proposed new Capital Starts Programme for 2020-21 had been evaluated and it was recommended to proceed with a new borrowing of £35.420m (Excluding invest to save schemes). Detailed proposals were set out in Appendix 1 of the report.

The report also included:

- The Treasury Management Report for 2020-21
- The Investment Strategy Report for 2020-21 and
- The Capital Strategy for 2020-21
-

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) approve the 2020-21 Capital Starts Programme as set out in Appendix 1 of the report;

(2) adopt the Treasury Management Policy 2020-21 as set out in Appendix 2 of the report;

(3) adopt the Investment Strategy 2020-21 set out in Appendix 3 of the report and;

(4) adopt the Capital Strategy 2020-21 set out in Appendix 4 of the report.

24/20 **PAY POLICY STATEMENT 2020** The Executive Director for Commissioning, Communities and Policy presented a report which sought formal approval of the Pay Policy Statement for 2020 and for its publication on the Council's website on 1 April 2020.

Since 2012, the Council had published an annual Pay Policy Statement in accordance with Section 38 of the Localism Act 2011 setting out the Council's policies on pay and conditions for its most senior employees (defined as 'chief officers' in the Act) and employees. Teachers and staff employed in local authority schools are not covered by the Act.

The Pay Policy Statement sets out the methods by which salaries of all employees are determined, the detail and level of remuneration of its most senior employees (chief officers), the definition of the Council's lowest paid employees and the pay multiple (ratio) between the salary

of the highest paid employee and the median full time equivalent salary in the Council. The Council's pay multiple is 6.7:1

The Act defined chief officers as:

- Head of Paid Service
- Monitoring Officer
- Statutory Chief Officer
- Non-Statutory Officer
- Deputy Chief Officer

Any amendments to the policy, other than minor updates to reflect the 2020-21 pay agreement required the approval of Full Council.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve the Pay Policy Statement for the financial year commencing 1 April 2020 and for its publication on the Council's website.

25/20 **CHANGES TO COMMITTEE MEMBERSHIP** The Executive Director for Commissioning, Communities and Policy presented a report detailing changes to Committee membership and representation on outside bodies.

Following the sad death of Councillor Alison Fox, vacancies currently existed on two of the Council's Committees. It was proposed therefore that appointments be made to those Committees as detailed below:

Improvement and Scrutiny Committee - Resources - Councillor C Short
Governance, Ethics and Standards Committee – Councillor N Atkin

Furthermore, following the appointment of Councillor P Smith as Leader of the Labour Group, the following changes were proposed:

Appointments and Conditions of Service Committee – Councillors P Smith and M Wall.

Member Development Working Group – Councillor P Smith

It was also proposed that Councillor Smith replace Councillor Western on the County Council Network, the Local Government Association and MEGZ Ltd.

On the motion of Councillor B Lewis, duly seconded;

RESOLVED to approve the above changes to committee membership and representation on outside bodies.

26/20 **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. Exempt Minutes of the meeting of Council held on 8 January 2020.

27/20 **EXEMPT MINUTES OF THE COUNCIL MEETING** On the motion of Councillor B Lewis, duly seconded,

RESOLVED that the exempt minutes of the meeting of the Council held on 8 January 2020 be confirmed as a correct record.