

PUBLIC

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 16 September 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, 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, R George, 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, 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, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, M Wall, Ms A Western, G Wharmby, Mrs J Wharmby, B Woods and B Wright.

**61/20** **APOLOGIES FOR ABSENCE** Apologies for absence were received on behalf of Councillors K Buttery, D McGregor and P J Smith.

**62/20** **DECLARATIONS OF INTEREST** In respect of agenda Item 9(a), the Devolution, Vision Derbyshire and Local Government Reform report, email declarations of interest had been received from Councillors T Ainsworth, K S Athwal, J Atkin, N Atkin, E Atkins, S Bambrick, N Barker, B Bingham, S Blank, S Brittain, S Bull, S Burfoot, A Dale, M Ford, A Foster, J Frudd, L Grooby, G Hickton, R Iliffe, J Innes, T Kemp, B Lewis, W Major, C Moesby, R Parkinson, J Patten, J Perkins, C Short, D Taylor, J Wharmby, G Wharmby and B Wright.

**63/20** **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 15 July 2020 be confirmed as a correct record.

**64/20** **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:

Derbyshire County Council's County Hall headquarters had been lit up in green in recognition of Mitochondrial Disease Week. This was an inherited disease which affected 1:4000 people. The disease was in every cell in the human body. It was sometimes called the "power

house” of the cell. It was like the battery. When it was deficient in the cells it caused the cells to die and there was no cure. This was a week where we were supporting this disease.

Derbyshire County Council had some Elected Members who had hospitalised over the summer. The Chairman was pleased to report that they were now home and were on the mend.

The new Interim Director of Economy, Transport and Environment, Mr Tim Gregory was introduced and welcomed to his first Council meeting.

**65/20**      **REPORT OF THE LEADER** Councillor Lewis welcomed everyone back after the summer break and hoped that it had been enjoyable despite the on-going situation due to Covid-19.

Covid-19 had affected the economy enormously over the past few months, however there had been some very encouraging signs in relation to its recovery, specifically in the hospitality and tourism sectors. It was still fragile though and the improvement would rely on the sensible behaviour by people in the coming months as the number of Covid-19 cases increased in our communities. The unemployment rate had increased by just over 4 per cent and a particular impact on young people had been highlighted.

Work had been on-going via the Derbyshire Economic Recovery Board with colleagues from the private sector, Districts and Boroughs and Derby City in relation to the creation of a recovery strategy which would be submitted to the next Board meeting. £15m had been committed to economic recovery in Derbyshire with the aim of accelerating that work and driving clean growth.

In an effort to assist with the containment of the virus, Councillor Lewis wished to make a plea to all here and to all in Derbyshire to heed the hygiene advice on washing hands and sanitising; wearing a mask where advised; heed the social distancing; heed the rule of six and heed the advice around getting tested when displaying those key symptoms or when professionally advised. He also referred to the testing system and associated pressures.

A Local Outbreak Board had been recently established chaired by Councillor Lewis with Councillor Hart as Vice-Chairman. Cabinet Members would be asked to participate as and when required. The Leader of the Opposition had an observer role on that Board and would be invited to contribute when and where relevant. This was a new responsibility placed on local authorities in May and would help with the

development of the public health response to the Covid-19 pandemic locally.

The Board had recently approved its Local Outbreak Plan which it was hoped would evolve and be responsive to need. Councillor Lewis detailed other areas of work and functions the new Board would be involved in over the coming months which included various publicity campaigns and receiving regular updates from the Local Track and Trace team, based at the county council.

Councillor Lewis expressed his thanks on behalf of the Council to Dean Wallace and his team for all the extraordinary work they had done over recent months, along with Liz Partington and her team in the Emergency Response Unit in supporting all that work in the LRF effort.

He also expressed thanks to care workers out in our homes and in our communities and the Transport and Highways Team. They had done extraordinary work out there and their efforts were very much appreciated.

He concluded by thanking Councillor A Dale and Ms Parfremment for all the hard work they had done working with their staff in Children's Services. He also mentioned the transport providers out in Derbyshire and thanked them for stepping up to assist.

**66/20**        **PUBLIC QUESTIONS**    No public questions had been received.

**67/20**        **PETITIONS**    There were none received.

**68/20**        **COUNCILLOR QUESTIONS**

**(a)        Question from Councillor Paul Smith to Councillor Barry Lewis, Leader of the Council**

Will the Leader of the Council join with the Labour Group, Derbyshire Wildlife Trust and many Derbyshire residents in condemning the government's decision to allow the culling of badgers in Derbyshire? Over the last 6 years Derbyshire Wildlife Trust has been running the UK's largest badger vaccination programme that is more effective, more humane and cheaper than culling.

Will the Leader agree to uphold Derbyshire County Council's Cabinet decision of 30 July 2013 which does not permit badger culling on land owned by the County Council. Will he continue to allow vaccination to occur on County Council land and will he contact the

Environment Secretary, George Eustice, as a matter of urgency to remove Derbyshire from the culling area?

Councillor Lewis responded:

As I have said before I am a great supporter and lover of wildlife and nature conservation and I did indeed used to be a member of the Derbyshire Wildlife Trust. However, I cancelled my membership with them because of their stance in encouraging young children to damage their education by striking from schools, which I disagree with wholeheartedly. Of course a better approach would be to enlighten and encourage children to maximise their educational opportunities to become scientists, thinkers and leaders to effect real change not make them political pawns and in this they stand apart from other regional colleagues in a political way which I think damages their independence and reputation on some matters.

Anyway, to the question in hand. The issue of bovine TB is a significant one that farmers face in Derbyshire and I appreciate that this is an emotive subject for many people. It is also an emotive subject for many farmers whose livelihoods have been impacted by TB leading to losses so significant that some have given up keeping cattle, even given up farming and in some instances have led distressingly to suicide. Four in the last year have been linked to this issue in Derbyshire. I think we all agree we want to see an evidence based approach to this issue. No one wants to see wildlife needlessly killed so here is some context.

One of the Government's top priorities is the accelerating work to develop a deployable cattle bovine TB vaccination within five years. Evidence from trials in New Zealand suggest efficacy levels of over 80%. This, if deployed with other disease control measures, could see the prevalence and incidence of the disease significantly reduced. A badger cull elsewhere has led to a significant reduction in the disease but no one wants to continue the cull of this protected species indefinitely.

The Government asked Sir Charles Godfrey to conduct a review which concluded in October 2018 and the Government set out its intended next steps earlier this year. The UK's Bovine TB Eradication Strategy is founded on sound science and is evidence based. It incorporates evidence gained from previous attempts to control the disease as well as evidence from around the world. It includes a policy of regular testing and removal of infected cattle from herds as well as tougher restrictions on cattle movements from herds at risk of infection and measures to encourage risk management in areas where the disease is prevalent.

The current BCG vaccine will never provide full protection, but funding will be made available to accelerate the research and trials with the aim of having a vaccine that can be widely deployed in the next five years. Cattle vaccination only works well if the bacterial load in cows and badgers is dealt with and that is the primary focus of the strategy. This will enable there to be a welcome exit from the current culling strategy which at this time is one of the tools available to control this disease and protect livelihoods. Soon a Government funded pilot of badger vaccination will be introduced in at least one area where the four year cull cycle has concluded with simultaneous surveillance of disease with the aim to only allow culling in future where the evidence points to a significant reservoir of bovine TB in badgers.

The Government will invest in the deployment of better, more frequent and more diverse cattle testing so that we are able to detect the presence of the disease earlier and remove it from cattle herds faster. There will be a world leading Bovine TB Cattle Vaccination trial getting underway in England and Wales as a result of a major breakthrough by Government scientists. There is expected to be a deployment of a cattle vaccine by 2025. This will be key to eradicating this highly damaging disease. Ministers hope that any remaining areas who join the current cull programme in the next few years will then wind down by the mid to late 2020s.

Whilst the actual vaccine being deployed by Derbyshire Wildlife Trust is effective and as such is very welcome, it has only vaccinated 221 badgers out of an estimated population of 5,500 in 2019. It will not cure animals already infected and is limited in its efficacy due to these factors, but it is, however, one of the tools we must continue to use to control the disease. Therefore we are happy to continue with these programmes on DCC land for now and have not had any requests from tenants to reconsider it. We recognise, however, that it is just one tool to be deployed in the fight against this terrible disease that can afflict wildlife and cattle and impact on livelihoods.

So the issue is far from straightforward. The Government is taking a science led and science driven evidence based approach to this and in that I, and we, support them. I am therefore happy to write to the Minister to support the approach being taken.

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

I understand that Councillor Spencer has apparently produced plans for an Ashbourne by-pass and bearing this in mind, why have

these proposals not yet been put on the County Council's website, to enable all residents to consider the alternatives?

That could enable them to discover that most routes would have little or no impact on the District Council's already approved but currently mothballed Gypsy and Traveller site, which was earmarked in the District Council's 2017 Local Plan.

I understand that the only by-pass route which would pass through the previously proposed traveller site was not considered viable because it would have too steep a gradient and would bisect a community allotment site, covenanted for that purpose to the local community and therefore unlikely to be adopted by the Council as a viable route.

Why therefore, is this Council unwilling to negotiate with Derbyshire Dales District Council, to enable a vulnerable Gypsy and Traveller family to reside in their preferred location, close to Ashbourne, whether on a temporary or permanent basis?

In conclusion, could Councillor Spencer confirm that the proposed routes will be published as soon as possible on the DCC website?

Could he also confirm that should a route for the Ashbourne by-pass be chosen that does not pass through the traveller site and the allotments, then he will be able to enter into negotiations with DDDC to once again release the land for a traveller site?

Councillor Spencer responded:

Before I go into answering the question, I think I need to correct the litany of incorrect, factually incorrect statements within the question, so I am going to try and work through the question paragraph by paragraph because there are an awful lot of statements here that are factually incorrect.

Let me start with the first statement that was made about "apparently produced plans for an Ashbourne bypass". I would have thought that Councillor Burfoot with her experience on the Council would know what the procedures of the Council were but as she doesn't I will do my best to explain what will happen and what is in the process of happening at this moment in time.

Derbyshire County Council under the leadership of the Conservative Group, this is one of their key priorities delivering a bypass for the residents of Ashbourne and removing the HGVs from the town centre. The process that will be adopted, and has been adopted

to-date, is that before any work begins on progression a paper is brought to Cabinet. Now of course progression has already been approved to draw up an options appraisal, which we are in the process of doing, which will then be brought to Cabinet for discussion and that will start a full public consultation process with all residents who may or may not be affected or have a particular interest in this particular proposal. We will then publish the proposals or the options for discussion. That process will hopefully start - and we are in the process of trying to work out how we can do a consultation under the Covid-19 regulations - but that process will hopefully be started in the autumn of this year. I can't give an exact date, but the officers are preparing the paperwork. I have not seen the detailed proposals as yet but when we do they will be presented to Cabinet in the normal way.

Councillor Burfoot is obviously far more versed with the geography of Ashbourne than I am because she seems to believe that the routes (that nobody has seen yet) will not have an impact on the site that was selected for the provision of a traveller site back in 2017. I can tell you with regard to that particular issue that the site in question in my opinion if a western route is selected, which of course I cannot predict, will undoubtedly run close to, if not touch the site in question.

Just for information, Councillor Burfoot, not only do we have an allotment down there but the town cemetery is also adjacent and I can assure you that won't be touched in the proposals because that is not something that the residents of Ashbourne would wish and consequently will push it over to the left, so that is a bit of local knowledge that you are not aware of, of course.

When she goes on to state: "I understand that the only bypass route which would pass through the previously proposed traveller site was not considered viable because it would have too steep a gradient..." where on earth you get this information from I do not know. I am not a civil engineer. That information is total hearsay. It is fiction. It is totally incorrect. I am not even going to do it the courtesy of an answer.

Then we move on to "Why therefore is this Council unwilling to negotiate with Derbyshire Dales District Council, to enable a vulnerable gypsy and traveller family to reside in their preferred location..." Well it is interesting, Councillor Burfoot, you have suddenly taken an interest in the Ashbourne bypass. I suspect it has something to do with Derbyshire Dales' decision to provide a traveller location in your Division, in Tansley. I may assume that. You will probably correct me if I am wrong.

Just so that you are aware, when the District Council's Local Plan was in its hearing process Derbyshire County Council, following the County Council election, wrote a solicitor's letter to the officer who was

dealing with that hearing to make them aware that consideration would be given to the provision of a bypass for Ashbourne which may affect Derbyshire Dales' proposed plans for the provision in their Local Plan.

You may also be aware, Councillor Burfoot, this campaign has been going on for 40 years, but just so that everybody is aware it was removed from the Derbyshire Dales' Structure Plan in 1985 by a Liberal administration at Derbyshire Dales' District Council. I don't know if you recollect that. So we know how committed *you* and your colleagues are at providing it for the residents of Ashbourne.

Moving on. Could I "...confirm that the proposed routes will be published as soon as possible..." Well I have explained to you what the process is. We will follow the laid down prescribed processes we always do. We will be carrying out a full public consultation at which time you will be able to express your views, and if it is anything like they were in the past you will be opposing it no doubt.

Also could I confirm that should the route not touch the site we will go into negotiations for the provision of a traveller site. Well I cannot predict what the preferred choice will be, I am not even going to predict what the options will be, so until that has been concluded I cannot answer that question because obviously that is out of my hands. The officers will come forward with proposals. Knowing the geography of the area very well, having lived there all my life and knowing the details and the valleys involved I suspect it is a western design route - there is an eastern choice as well, of course - I suspect it will pass by or at least touch the site in question but that is just my personal opinion on the subject.

Councillor Burfoot asked the following supplementary question:

Obviously I don't think it is appropriate for me to challenge your challenges to me. I was particularly upset about the fact you were challenging or saying rather I did not know what the procedures were.

One thing I would say about your reply is why have I seen maps with five routes clearly marked in different colours, only one of which goes anywhere near the traveller and gypsy site, it just goes into the corner? Why have I seen that, and you are saying that I don't know the area?

If I could go to my supplementary question that I had thought of before. Later in the agenda we are going to be talking about collaboration and collective approaches between Councils. What I would want to say to Councillor Spencer is does he accept that Derbyshire Dales District Council have been put in an impossible

position of trying to find a suitable gypsy and traveller site because of these decisions made by the County Council to withdraw or mothball that gypsy and traveller site which had already got permission, the one on Watery Lane, not Clifton, Watery Lane, Ashbourne? Is he aware that all Conservative councillors on Derbyshire Dales District Council voted at full Council for a totally. I am asking Councillor Spencer does he accept that Derbyshire Dales were put in an impossible position and is he aware that all the Tory councillors on Derbyshire Dales voted for this totally unsuitable site in Tansley, which if given planning permission is likely to cost many thousands of pounds given it is not the travellers' preferred location? I would like an answer to those two questions. Is he aware of those things, those two things?

Councillor Spencer responded:

Yes Chairman, I am aware of all those things. I have seen numerous maps and numerous drawings myself of possible proposed lines and approaches that could be taken for the provision of a bypass round the town but the issue we are talking about now, if Councillor Burfoot wants to discuss the process the Authority will take as a Highway Authority (and I suspect that the drawings I will receive in due course will reflect similar to the drawings that Councillor Burfoot has seen) all sorts of different people have drawn all sorts of drawings, newspapers have drawn lines on maps but there has been no scientific input and no assessment carried out in the detail that the Authority will go about it. I am going to wait for that proposal to come forward and it will be dealt with in the proper pragmatic fashion. I do expect Councillor Burfoot to know what that process is, I don't think it is too much to ask, but that is not my decision to make that is Councillor Burfoot's assumption to make. I do expect her to know what the processes are, and it will come to Cabinet in the normal way.

With regard to Derbyshire Dales' decision I went to the Planning meeting when they made the decision to allow planning consent on Watery Lane and I made the case at the time as the local County Councillor for the area it is in - it is not in the Ashbourne Division it is in the Dovedale Division - I made the case at the time and stated that the route for any possible bypass it was inevitable, if it was on a western trajectory, it would go through that site. I made that clear to the Planning Committee and they chose to ignore it. I made it clear to colleagues, my colleagues as well, but they chose to ignore it, so it went through.

Having said all of that, Chairman, Councillor Burfoot is making statements about Ashbourne being the preferred site. Well let me tell you I have information in from officers of Derbyshire Dales and they are more than happy to move to Tansley and now Tansley is the preferred site, Councillor Burfoot, all it requires now is planning permission and

that is in the hands of the Local Planning Authority. I hope that they will be delivered as soon as possible. As you have stated these families are vulnerable and I am sure you will be offering your support as and when that provision is brought on-stream.

**(c) Question from Councillor Ruth George to Councillor Angelique Foster, Cabinet Member for Corporate Services**

Now that over 900 council staff have been transferred to Joint Venture Companies, how is the Council monitoring the continued wellbeing of those staff, including to ensure their pay will be correct in September, that it will accurately include their back pay from the delayed pay rise, and holiday entitlement has been transferred correctly?

Where payroll information transferred to Vertas and Concertas about employees, their working hours and pay grade has been inaccurate, what is being done to correct these errors and ensure staff are paid accurately this month and in future?

The new systems which must be used by staff who have transferred to Vertas are much more ICT based than they have used previously and are proving problematic for some staff. The systems do not always work, and for some a lack of access to ICT and appropriate support remains a barrier, creating added anxiety. Can the Council ensure that Vertas address these issues and provide adequate training and support for staff experiencing change?

Will the Council undertake to review the transfers, including the impact on staff and their wellbeing, and report their findings to Members for consideration and scrutiny before any other transfers of staff are considered?

Councillor Foster responded:

I can confirm that Council officers are working with Vertas and Concertas to help the transition of services to the new Joint Venture companies which went live on the 1 September. This includes talking to employees seeking feedback on how they are settling into the new organisation. The Executive Director of Commissioning, Communities and Policy is also, with the Directors of Vertas Derbyshire Ltd, reviewing the arrangements during transition.

The Council obviously have calculated the back pay entitlements arising from the pay award for the staff who have transferred. This is planned to be paid over to Vertas and Concertas who will then make the payment to the said employees. The Council has provided information

to the Joint Ventures about annual leave; salary; working hours; pay grades etc and continues to liaise with Joint Ventures to make sure that any potential errors are corrected. We want to ensure obviously that all staff have the correct pay rates and all the entitlements.

It is worth noting, however, that employees have yet to be paid by VDL under the pay cycle which is the 25th of the month. Therefore, as it stands there has been no error reported.

In addition, in preparation for the transition and as a safeguard for employees, in July and August Vertas undertook a shadow of payments to mirror what they were actually being paid by the Council and both of those shadow payment arrangements worked very well. Any errors obviously in pay that might occur for transferring staff will be rectified in next month's pay roll, although we will make sure that any member of staff who experiences financial difficulty because of an error will be dealt with on a case by case basis as it is expected and a special payment will be considered in those cases.

As you said Vertas have introduced a new time and recording system for staff. However, all staff have been offered training in groups or individually. Staff can also get support from their line manager or their new operations manager where necessary. Vertas will continue to offer support to staff to help them use the system correctly and also to minimise any staff anxiety.

The Council's Property Team will also be keen to hear of any specific issues either from individuals or customers to see how Corporate Property or the wider Council teams can support the transition.

As you are probably aware the Council's governance arrangements provide for continuous and ongoing review and monitoring of the Joint Ventures and I can confirm, therefore, that we are actively reviewing the transfer, including both positive and negative feedback from staff, to ensure that future transfers are as smooth as possible for the transfer of staff. The outcome of the review will be reported to Cabinet so that these matters can be considered as part of any decision to undertake further transfers.

Councillor George asked the following supplementary question:

Thank you for the response. It is good to know that Derbyshire are taking up any issues that are raised at the moment but unfortunately, in spite of the many months and the additional months that both the Council, Vertas and Concertas have had to prepare it seems there are still some issues over pay, over holiday and the Vertas

HR systems in particular often seem to be down and not working which is creating problems for staff. The team leaders at Vertas aren't able to access that system and it has to go up to director level to seek to get anything sorted out. That is obviously extremely stressful for members of staff to try to access. The training seems to leave a lot to be desired. I know of one staff member who has left already when she turned up to a new school and there was no one there to either induct her or to give her any basic training.

I was given some information by Councillor Foster. She seems not to have the full picture so I am correcting her on that just by giving some examples which are pertinent, especially as Labour members and the Unions were assured before the transfer that full training and support would be given. Given that this has not happened, certainly in some cases, I welcome the fact that monitoring is taking place and that a report will be done but will Councillor Foster commit to that report going to full Council, not just to Cabinet, before any further transfers are considered please?

Councillor Foster responded:

As I said, I think I have answered the questions about some of the issues that were experienced by members of staff with regard to further training being needed. I believe both Joint Ventures are keen to resolve any issues on a case by case basis as well but further training will be provided, we have been assured of that. Furthermore, we have two directors on the Board of the Joint Ventures who will be continuously providing support and monitoring, will also be reporting to the Cabinet when it comes to any issues that are coming forth. We are keen to make sure that any potential further transfer of staff will be informed by the review ongoing and we will make sure that any issues that are apparent during the last two weeks we will be looking at how they came about, how they were resolved and that will be put forward to the Council in the form of Cabinet papers in terms of any potential further decision to transfer staff.

I will say any review will be included to any information passed on to the Cabinet and as such will be available to all members.

**(d) Question from Councillor Stuart Brittain to Councillor Simon Spencer, Cabinet Member for Highways, Infrastructure and Transport**

Regarding Crow Lane Brimington Closure to through traffic, the majority of residents of my Division, including some NHS workers, oppose the closure of Crow Lane to through traffic. Can the member announce that this closure will be removed at the earliest opportunity?

Councillor Spencer responded:

I think to be fair we went over this at length at the last full Council meeting. I explained to you, Councillor Brittain, this is part of the Government's Active Travel tranche 1 measures that were put in place and particularly given the scenario we are heading towards at this moment in time with rising numbers I think it would be let's say detrimental to take any knee-jerk reactions in changing any measures that were put in place. The Council has a duty to carry these through and as I said I have no date or timeframe that I can put into it so the answer to the question fundamentally, Councillor Brittain, is the answer is no, we won't.

Councillor Brittain asked the following supplementary question:

Is he aware that at the present time only two members of the hospital staff, which this was launched on, are regularly using Crow Lane to cycle to work?

Secondly, is he also aware that a better route and one which is far less car friendly than Crow Lane, which is currently open, is to use Pettyclose Lane and Dark Lane, which leads directly to the back of the hospital? More cyclists are currently using this route than the road up Crow Lane and there is only one house on this road so that could be accommodated very easily by just closing off one lane and then it would give back the residents of Brimington the opportunity to use Crow Lane. Has he considered Pettyclose Lane and Dark Lane rather than the sledgehammer of the ambush of closing Crow Lane?

Councillor Spencer responded:

Let me give you my perception on this. I, as the Cabinet Member, receive recommendations from my Highways safety officers, as you would expect, and recommendations to do certain things. We either accept them or we do not accept them but those recommendations are usually given in an informed fashion because certain measures have been considered and discussions have taken place outside my earshot, as I am sure you can appreciate. As I have said this is a sub-group of the LRF and those discussions are ongoing.

What I will say to you, Councillor Brittain, I do know that the Highways' team have submitted some bids for tranche 2 of the Active Travel process, the Government's next programme, to develop a safe cycleway from east to west. As I said to you in the last meeting when we reach a point at which we have firm proposals that may be considered as something of a permanent arrangement the input you just

made as the local member and the input of residents adjacent to the site, the same as input of people who have a different view to the one you have expressed, will all be given due consideration and taken into account.

I don't confess to have the detailed local knowledge that you will have as the local member. I don't confess to have that, unlike some members of this Council, but I do make very clear I am not prepared to step backwards at this moment in time for obvious reasons, and I am sure you understood those. I am not going to argue with you about the fact of cyclists using them for the hospital but the hospital were involved in those discussions, we have documented evidence to support that, and as far as I am concerned as we move forward we will wait for this tranche 2 bid to come back. It has not been announced yet. We will have a bit more information at that point and we will have a better understanding of the Covid-19 pandemic situation, but you and I share one thing in common: that is looking after the interests of the residents of Derbyshire and trying to make them as safe as possible. What I will say to you, Councillor Brittain, is what you have just said will be given due consideration in due course.

**(e) Question from Councillor Mick Wall to Councillor Simon Spencer, Cabinet Member for Highways, Infrastructure and Transport**

With Cross Country trains still planning to reduce the number of their services that will stop at Chesterfield Train Station, will the Cabinet Member for Transport join me in condemning that plan and lobby Cross Country Trains to overturn the reduction?

Councillor Spencer responded:

You will know, as your colleagues and many others will know, that prior to the Covid-19 pandemic Chesterfield Station had hourly stops approximately travelling north and travelling south, which is something I would wish to see continued into the future.

During June Cross-country Trains came forward with proposals to remove those services in their entirety. The County Council, along with Chesterfield Borough, East Midlands Council, Sheffield City Regions and many others have made strenuous representations to Cross-country Trains to continue delivering a service to Chesterfield Station.

I want to pay tribute to Chris Hegarty in particular who made an incredible amount of effort, put a lot of time and effort in and his team, to negotiate what we have at this moment in time. It is a reduced service

admittedly, but he put a lot of effort into getting back to where we are at this moment in time.

My personal wish and the Council's wish is to support the arrangements that were in place prior to Covid-19, i.e. hourly services north and south as the travelling public of Chesterfield should rightly have and see.

I welcome Councillor Wall's involvement in this. He can join me in my continual battle to make sure that we get that full service back in place. I am not joining him, he can join me, I am a Cabinet Member. I welcome his support obviously on this particular issue. I welcome everybody's support on this particular issue because I do think that we should have a full service back in place and I will commit to continuing to lobby whoever I need to lobby to make sure that continues. Condemning people doesn't make any difference. Negotiating with them, discussing with them and making representations of a coherent nature does make a difference and I promise that we will continue to do that.

**69/20      DEVOLUTION, VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM** The Executive Director – Commissioning, Communities and Policy reported that the Government had announced its intention to publish a White Paper on Devolution and Local Recovery, as a means to 'level up' all parts of the country and reduce regional inequalities, with a clear ambition to remove the barriers to Covid19 recovery and complexity to devolution. Whilst the exact details of the White Paper were not yet known, it was widely expected that the Government would set out its proposals for local government structural reform in England along with setting out the role which greater devolution would play in national recovery. Exact timeframes were also not yet known but the White Paper was expected by early October.

Reduced public sector funding and increasing demand for services driven by demographics and long standing social, health and economic pressures meant that the Council, like many other authorities across the country, continued to face significant challenges in providing the services that local people needed and wanted with available resources.

The impact of Covid19 had placed further pressure on the Council's revenue and capital budgets, the long-term implications of which were not yet fully known. The resulting impact of the pandemic on the national economy was likely to be significant and the anticipated financial shock on public finances would place local government under increasing pressures to deliver more efficient or even fewer services in the future.

Given the impact of the Covid19 pandemic and the anticipated publication of the forthcoming Devolution and Recovery White Paper, many councils were actively considering their routes to securing devolution deals and their stance on local government reorganisation in this context. It was the Council's understanding that local government restructuring was likely to be viewed as a prerequisite to future devolution deals. For example, recent devolution discussions in North Yorkshire would potentially result in £2.4bn of investment in the region, on the condition that the current two-tier local government system was replaced.

Based on existing deals, a devolution deal for the East Midlands could incorporate investment in infrastructure, skills, transport and housing. In the light of the current and continuing impact of Covid19, such investment would be of vital importance in enabling the local and regional economy to recover from the pandemic for the benefit of local people.

It was also anticipated that the Government would invite a small number of councils to take part in the 'first tranche' of local government reform. Whilst this was an emergent process, the Council understood that those authorities who were able to submit their case for local government reform by the Government's agreed date would be considered for inclusion in the first or early tranche of areas pursuing devolution deals.

Under current legislation, it was open to the Secretary of State, subject to consultation and Parliamentary approval, to implement if he thinks fit, any unitary proposal submitted by a council in response to an invitation which any council may request. The process for being considered in the first tranche and receiving an invitation from Government, would first involve writing to the Secretary of State for Housing, Communities and Local Government, outlining the Council's intentions.

Significant consideration therefore now needed to be given to the routes that were available for Derbyshire, to enable the Council to move at pace and to secure a devolution deal for the East Midlands in collaboration with regional partners. It was vital that Derbyshire and the wider East Midlands region did not miss the opportunity to address historic funding inequalities and was at the front of the queue for much need investment in the region. It was therefore proposed that Council agrees the pursuit of a devolution deal and the establishment of a mayoral combined authority for the East Midlands. This would be of vital importance in supporting future recovery, resilience and prosperity in the region.

The recommendations contained within the report were moved and seconded and open for debate.

Councillor S Marshall-Clarke moved the following amendment which was duly seconded:

“That this report is withdrawn and that an extraordinary meeting of the Council is convened when details of the White Paper are available”.

The amendment was opened for debate.

On being put to the vote the amendment was declared to be LOST.

A further amendment as follows, was moved by Councillor M Wall and duly seconded;

“That the Labour Group formally requests that the recommendations rather than being voted for as a block of recommendations in section 9 of the report be voted on individually, each of those seven recommendations be voted for individually not as a block”

The amendment was opened for debate.

A formal request was made for a recorded vote.

A recorded vote was taken and recorded as follows:

For the amendment (24) Councillors D Allen, B Atkins, S A Bambrick, N Barker, B Bingham, S Blank, S Brittain, Mrs S Burfoot, Mrs D Charles, J A Coyle, Mrs C Dale, J A Frudd, K Gillott, R George, Mrs J M Innes, S Marshall-Clarke, R Mihaly, C R Moesby, Mrs I Ratcliffe, B Ridgway, M Wall, Ms A Western, Ms R Woods and B Wright.

Against the amendment (27) Councillors T Ainsworth, K S Athwal, J Atkin, N Atkin, J Boulton, S Bull, Mrs L Chilton, A Dale, R Flatley, M Ford, Mrs A Foster, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, T A Kemp, T King, B Lewis, G Musson, Mrs J E Patten, C Short, S A Spencer, S Swann, D H Taylor, Mrs J A Twigg, G Wharmby and Mrs J Wharmby.

On being put to a recorded vote 24 voted for the motion, 27 voted against and 0 abstained therefore the amendment was declared to be LOST.

A vote was then taken on the recommendations contained within the report.

**RESOLVED** to (1) note the Government's intention to publish a Devolution and Recovery White Paper in Autumn 2020;

(2) approve the consideration of the White Paper (once published) to assess the most appropriate response, in light of the details contained therein;

(3) approve in principle, the Council's involvement in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region; Approve Vision Derbyshire as the preferred route for local government reform, provided the conditions for this route as set out in the report were fully met;

(4) approve proposals for the Leader of the Council to write to the Secretary of State to request an invitation to submit a proposal for a single tier of local government for the county in the event that Vision Derbyshire is not able to satisfy the Government's requirements for reform and a subsequent devolution deal;

(5) mandate officers within the Council to prepare an alternative route for devolution and the development of a case for a single unitary for Derbyshire, should the conditions for the preferred route for local government reform outlined in recommendation d) not be fully met; and

(6) oppose any proposals for a new model of local government which disaggregates the county footprint due to service fragmentation and the breaking up of historical boundaries.

**70/20**      **REVISED FINANCIAL REGULATIONS**      Council considered a detailed report in relation to the revised financial regulations.

A detailed revision of the Council's Financial Regulations had taken place in 2014 and 2017 with a further review during the latter part of 2018.

It was good financial management practice to review the Regulations and Standing Orders on a regular basis to ensure that they were fit for purpose and accord with the Council's Constitution.

Many of the titles and references to policies referred to in the current regulations had changed and these had been updated where appropriate.

These changes would be underpinned by revised schemes of Departmental financial delegations which would set out the requirements required to ensure compliance with the revised Financial Regulations and Standing Orders relating to Contracts.

The revised Financial Regulations had been appended to the report.

The key areas that were being recommended for change were:

- Requirement for all Council staff to furnish information to the Chief Financial Officer with information required for the financial administration of the Council's affairs;
- Addition of the role and responsibilities of the Deputy s.151 Officer in the Statutory Officers section;
- Recognition that financial management standards should be in accordance with the principles of The CIPFA Financial Management Code;
- Clarity on where and whom to submit a Declaration of Interest Running costs of surplus assets to remain the responsibility of the transferee for a period of 18 months or until the asset is either sold or brought into new usage. After such time the running costs become the responsibility of Property Services;
- Authorisation of write offs reflect the latest OJEU thresholds;
- Clarification that requests for payment in advance should be made to the Chief Financial Officer; and
- A requirement to review the Council's Tax Strategy at least annually.

The above changes had been agreed by Audit Committee and Cabinet on 27 May 2020 and 30 July 2020 respectively.

The Standing Orders Relating to Contracts was also being reviewed and any amendments would be reported to Cabinet and Council for approval. Audit Committee would receive a subsequent report with details of the changes.

**RESOLVED** to approve the proposed amendments to the Financial Regulations.

**71/20**      **BUDGET MONITORING 2020-21 (AS AT 31 MAY 2020)**  
Council considered a report which summarised the controllable budget

position by Cabinet Member Portfolio as at 31 May 2020. 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 as below.

	Budget	Use of MHCLG Covid- 19 Grant Funding	Adjusted Budget	Forecast Actuals	Projected Outturn
	£m	£m	£m	£m	£m
Adult Care	261.170	7.081	268.251	267.927	(0.324)
Clean Growth and Regeneration	0.695	0.531	1.226	1.316	0.090
Corporate Services	43.513	1.549	45.062	48.554	3.492
Health and Communities (exc. Public Health)	4.884	1.483	6.367	6.276	(0.091)
Highways, Transport and Infrastructure	74.789	6.933	81.722	80.798	(0.924)
Strategic Leadership, Culture and Tourism	11.666	0.315	11.981	12.016	0.035
Young People	116.912	2.059	118.971	119.490	0.519
<b>Total Portfolio Outturn</b>	<b>513.629</b>	<b>19.951</b>	<b>533.580</b>	<b>536.377</b>	<b>2.797</b>
Risk Management	63.823	(21.728)	42.095	87.369	45.274
Debt Charges	34.351	0.000	34.351	31.676	(2.675)
Interest and Dividend Income	(6.198)	1.378	(4.820)	(4.820)	0.000
Levies and Precepts	0.343	0.000	0.343	0.343	0.000
Corporate Adjustments	2.630	0.399	3.029	3.015	(0.014)
<b>Total</b>	<b>608.578</b>	<b>0.000</b>	<b>608.578</b>	<b>653.960</b>	<b>45.382</b>

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 are governed by the Schools and Early Years Finance Regulations. Any underspend or overspend on the grant is carried forward to future years within the accumulated balance of the DSG Earmarked Reserve.

The Department for Education (DfE) had clarified the ring-fenced status of the DSG by putting provisions into the School and Early Years Finance (England) Regulations 2020 that required that a cumulative DSG deficit must be carried forward to be dealt with from future years' DSG income, unless otherwise authorised by the Secretary of State not to do so. The updated regulations required the Council to engage formally with the DfE on recovery plans if it had a deficit balance on its DSG or if it reported a substantial reduction in its DSG surplus.

There was a surplus of £0.188m in the closing net total DSG reserves at the end of 2019-20. However, after taking account of commitments the underlying balance was a deficit of £3.140m.

In January 2020, the Schools Forum had agreed to leave £1.325m of the Pupil Growth Fund, unallocated within the Schools Block in 2020-21, as a contribution to resolving the deficit. The Council would also seek further opportunities to make reductions to DSG expenditure in 2020-21. The position would be further supported should Derbyshire receive another above inflation increase in its DSG settlement in 2021-22.

The expected DSG and sixth form grant income due to the Council in 2020-21 was £375.222m and the projected year-end expenditure was £373.864m. The expected underspend compared to income was £1.358m, of which £0.373m was ring-fenced to the Schools Block.

The variances on the other three blocks were:

- Central Schools Services Block, £1.534m underspend – mainly due to unallocated growth. Also, support for schools to meet KS1 pupil/teacher ratios is projected to be below the allocated budget.
- High Needs Block, £0.747m overspend – additional places purchased at Derbyshire special schools. This is the cost of the team to support an increased number of children and young people who have been temporarily or permanently excluded, or to provide preventative measures. Additional support paid to primary schools for pupils with high needs is above the allocated budget.
- Early Years Block, £0.020m overspend.

The Covid-19 pandemic was having a significant impact on the Council's 2020-21 forecast outturn. The portfolios' projected outturn reflects the additional costs of the Council's response up to the end of June 2020 for all portfolios except for Adult Care, which was up to the

end of May 2020, including the impact of slippage to the planned programme of savings which could not yet be implemented as a result.

A Council portfolio overspend of £2.797m was forecast, after the use of £19.951m of MHCLG Covid-19 grant funding for immediate Covid-19 related costs.

The Risk Management Budget was forecast to overspend by £45.274m. Any continuation of excess costs beyond December 2020 would see this shortfall rise still further. To mitigate this, overspend, any balance from the £4.000m set aside in the Revenue Budget 2020-21 from the Business Rates Pilot would be utilised to reduce the overspend.

The Debt Charges budget was projected to underspend by £2.675m. This was 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 £3.500m one-off reduction in the Council's Capital Adjustment Account Reserve. This reduction had been made on the basis that the amounts set aside to repay debt over the last ten years were well in excess of what would be required to ensure the Council could repay its debts.

The Council utilised a range of investments, including pooled funds, to maximise its interest and dividend income. Interest and Dividends received on balances was estimated to breakeven after the allocation of £1.378m of MHCLG Covid-19 grant funding, to address a forecast decrease in income from investments in pooled funds of £0.995m and other lost income due to Covid-19. The interest base rate had fallen to 0.10% on 10 March 2020, a historically low rate. Interest also accrued to the loan advances to the Buxton Crescent Hotel and Thermal Spa Company.

Corporate Adjustments were forecast to underspend by £0.014m after the allocation of £0.399m of MHCLG Covid-19 grant funding, which reflected that only £0.601m of the £1.000m savings target allocated was expected to be achieved by the Council paying its Local Government Pension Scheme contributions early. This was due to the decision not to pay in advance all the contributions due for the entire period 2020-21 to 2022-23, but rather to make separate early lump sum payments for each year. This decision was made in light of Covid-19, to preserve the Council's liquidity of cash flow amongst other considerations.

An overall Council overspend of £45.382m was forecast, after the use of £37.107m of MHCLG Covid-19 grant funding received and

additional income of £3.323m estimated to be claimable under a Government scheme, announced on 2 July 2020, to compensate local authorities for lost income due to Covid-19. Additional Covid-19 grant funding, also announced on 2 July 2020, was expected to contribute a further £5m to £7.5m towards the Covid-19 funding gap.

The current position in relation to the General Reserve was summarised as detailed below:

**General Reserve at 1 July 2020**

	<b>£m</b>
<b>Balance</b>	<b>53.745</b>
<b>Less: Allocations to Portfolios</b>	
Adult Care	0.000
Clean Growth and Regeneration	0.000
Corporate Services	(1.588)
Health and Communities	(0.245)
Highways, Transport and Infrastructure	(1.701)
Strategic Leadership, Culture and Tourism	(0.021)
Young People	(0.302)
<hr/> <b>Balance After Outturn Commitments</b>	<hr/> <b>49.888</b>

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to note the 2020-21 budget monitoring position as at 31 May 2020.

**72/20**      **MEMBER DEVELOPMENT STRATEGY ADOPTION** On behalf of the Council, the Member Development Working Group (MDWG) lead the work around enhancing the effectiveness of communication to Members and further development of the range and quality of learning and development opportunities that supported Members in discharging their role as an Elected Member within Derbyshire County Council. Applying best practice principles, such as those contained with the external Member Development Charter, MDWG had developed the proposed Member Development Strategy and Member Development Skills Matrix.

Throughout the development stages MDWG had sought the views of, and input from, their peers within the Council.

On 25 February 2020, 27 elected Members participated in the Member Development Offer Engagement Workshop. This event, which was led by MDWG, involved a series of facilitated table discussions that focused upon the Skills Matrix, pre-election materials for prospective election candidates and the design and content of an effective post-election induction. There was also a short Derbyshire Learning Online presentation. Evaluation feedback from the workshop indicated that it was very well received by participants. An invitation to attend the Engagement Workshop was also extended to CMT and MDWG had sought the perspective of Corporate Management Team (CMT) regarding the Strategy and Skills Matrix developments.

In July MDWG leads consulted with their respective political Groups on the draft Strategy. All feedback from the various consultation approaches had been reflected in the finalised versions of the Member Development Strategy and Member Development Skills Matrix.

Following the incorporation of the consultation feedback the Member Development Strategy was agreed by MDWG on 10 August 2020. It was also agreed that this would progress to a Cabinet Member, Corporate Services meeting for approval that recommended the adoption of the Member Development Strategy by the Council.

A key development to note was that under the Strategy the Cabinet Member for Corporate Services assumed responsibility for Member Development within their portfolio. As such the portfolio holder becomes a Member Development Champion for the Council and a member of the revised Member Development Working Group.

The Member Development Strategy was being considered at the Cabinet Member meeting for Corporate Services on 10 September 2020 and sought approval to recommend adoption of the strategy at the Council meeting on 16 September 2020. Council were therefore asked (subject to Cabinet Member approval) to formally adopt the Member Development Strategy. Adoption of this strategy would constitute a commitment to applying the principles of the external Member Development Charter quality scheme which would act as a foundation and template for progressive improvement.

The full implementation of the Member Development Strategy would require completion of the following steps:

- Member Development Skills Matrix;
- Training Needs Discussion;
- Pre-Induction content and delivery;
- Induction Review and Refresh;
- Derbyshire Learning Online (DLO); and

- Elected Member Well-being Pulse Survey.

**RESOLVED** to (1) approve the formal adoption of the Member Development Strategy; and

(2) note that the Cabinet Member for Corporate Services assumes responsibility for Member Development within their portfolio.

**73/20**      **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. To confirm the exempt minutes of the Council meeting held on 15 July 2020 (contains exempt information)

**74/20**      **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 15 July 2020 be confirmed as a correct record.